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PENNSYLVANIA BULLETIN

Volume 35

Number 26

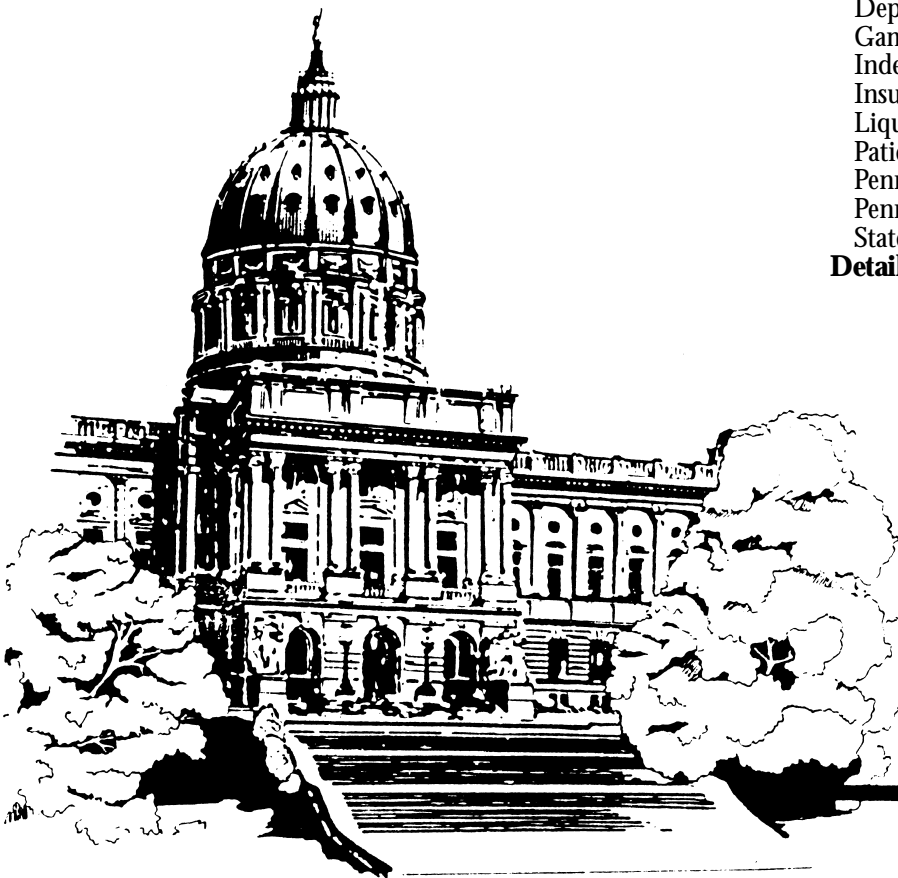
Saturday, June 25, 2005 • Harrisburg, Pa.

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Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Patient Safety Authority
Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
State Board of Nursing

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No. 367, June 2005

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 273 Judicial Adminis- tration No. 1

Order

Per Curiam

And Now, this 14th day of June, 2005, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate financial regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, and any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS).

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

This Order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. FINANCIAL MATTERS

CHAPTER 35. BUDGET AND FINANCE

General Principles

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

These regulations, as amended, are effective immediately.

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

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

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

2. The Crime Victim Compensation Fund and Victim Witness Services Fund shall be paid, but only in cases in which the defendant has been sentenced to incarceration, probation or is admitted into an accelerated rehabilitative disposition program (see 18 P.S. § 11.1101). Otherwise, these costs shall be distributed in accordance with subsection (A)(6) of these regulations.

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

i. the victim;

ii. the Crime Victim's Compensation Board;

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

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

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

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

For example, a defendant owes \$80.00 in electronic monitoring fees, \$10.00 in offender supervision fees, and

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

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

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

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

For example, a defendant owes \$60.00 in judgment fees and \$40.00 in satisfaction fees for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to judgment fee, divide the outstanding balance of the judgment fee (\$60.00) by the combined total outstanding balances of all items (\$60.00 + 40.00 = \$100.00). The result in this example is .6 (60/100). Multiply the resulting figure by the amount of the payment to determine the allocation to judgment fee, which in this example is \$6.00 (.6 × \$10.00 = \$6.00).

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

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

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

[Pa.B. Doc. No. 05-1207. Filed for public inspection June 24, 2005, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 7]

Order Amending Rule 720; No. 321 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the June 8, 2005 amendments to Rule of Criminal Procedure 720. These rule changes address *Commonwealth v. Grant*, 572 Pa. 48, 813 A.2d 726 (2002), in which the Court held, inter alia, that “as a general rule, a petitioner should wait to raise claims of ineffective assistance of trial counsel until collateral review,” and “a claim raising trial counsel ineffectiveness will no longer be considered waived because new counsel on direct appeal did not raise a claim related to prior counsel’s ineffectiveness,” at 738, and *Commonwealth v. Kohan*, 825 A.2d 702 (Pa. Super. Ct. 2003), in which the Superior Court held, inter alia, “claims of after-discovered evidence raised for the first time on direct appeal, like claims of ineffective assistance of counsel, will be dismissed without prejudice to their being raised in a timely filed petition under the PCRA,” at 709. The Final Report follows the Court’s Order.

Order

Per Curiam:

Now, this 8th day of June, 2005, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, 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 720 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 B. Post-Sentence Procedures

Rule 720. Post-Sentence Procedures; Appeal.

(A) TIMING.

(1) Except as provided in [paragraph] paragraphs (C) and (D), a written post-sentence motion shall be filed no later than 10 days after imposition of sentence.

* * * * *

(C) AFTER-DISCOVERED EVIDENCE.

A **post-sentence** motion for a new trial on the ground of after-discovered evidence must be filed in writing

promptly after such discovery. **[If an appeal is pending, the judge may grant the motion only upon remand of the case.]**

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Comment

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TIMING

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When a defendant files a timely post-sentence motion, the 30-day period for the defendant's direct appeal on all matters in that case—including all issues related to any informations and any charges consolidated against the defendant for trial—is triggered by the trial judge's decision on the post-sentence motion, the denial of the motion by operation of law, or the withdrawal of the post-sentence motion. The appeal period runs from the entry of the order. As to the date of entry of orders, see Pa.R.A.P. 108. See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. Ct. 1998), concerning the time for appeal following the withdrawal of a post-sentence motion. No direct appeal may be taken by a defendant while his or her post-sentence motion is pending. See paragraph (A)(2).

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OPTIONAL POST-SENTENCE MOTION

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Under paragraph (B)(1)(c), any issue raised before or during trial is deemed preserved for appeal whether or not the defendant chooses to raise the issue in a post-sentence motion. It follows that the failure to brief or argue an issue in the post-sentence motion would not waive that issue on appeal as long as the issue was properly preserved, in the first instance, before or during trial. Nothing in this rule, however, is intended to address Pa.R.A.P. 1925(b) or the preservation of appellate issues once an appeal is filed. See *Commonwealth v. Lord*, 553 Pa. 415, 719 A.2d 306 ([Pa.] 1998) (any issues not raised in a 1925(b) statement will be deemed waived).

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For procedures governing post-sentence challenges to the sufficiency of the evidence, see Rule 606(A)(6) and (A)(7). For challenges to the weight of the evidence, see Rule [606] 607(A).

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BRIEFS; TRANSCRIPTS; ARGUMENT

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There is no requirement that oral argument be heard on every post-sentence motion. When argument is to be heard, however, the judge should determine whether the post-sentence motion argument must be argued before the judge alone, or before a panel sitting en banc. It is recommended that, except in extraordinary circumstances, the post-sentence motion be heard by the judge alone. The judge may make any rulings that could be made by a court en banc. See *Commonwealth v. Norris*, 256 Pa. Super. 196, 389 A.2d 668 ([Pa. Super.] 1978). On the powers of courts en banc, see *Commonwealth v. Bonser*, 215 Pa. Super. 452, 258 A.2d 675 ([Pa. Super.] 1969). For cases in which there has been a change of venue, see Rule 584.

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DISPOSITION

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Under paragraph (B)(3)(a), on the date when the court disposes of the motion, or the date when the motion is denied by operation of law, the judgment becomes final for the purposes of appeal. See Judicial Code, 42 Pa.C.S. §§ 102, 722, 742, 5105(a) and *Commonwealth v. Bolden*, 472 Pa. 602, 373 A.2d 90 ([Pa.] 1977).

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CONTENTS OF ORDER

Paragraph (B)(4) protects the defendant's right to appeal by requiring that the judge's order denying the motion, the clerk of courts' order denying the motion by operation of law, or the order entered memorializing a defendant's withdrawal of a post-sentence motion, contain written notice of the defendant's appeal rights. This requirement ensures adequate notice to the defendant, which is important given the potential time lapse between the notice provided at sentencing and the resolution of the post-sentence motion. See Rule 704(C)(3). See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. Ct. 1998), concerning the contents of the order memorializing the withdrawal of a post-sentence motion.

* * * * *

MISCELLANEOUS

[When the defendant is represented by new counsel on the post-sentence motion, the defendant must raise any claim that prior counsel was ineffective, and the court must consider and decide the claim. Furthermore, unless the existing record is adequate for a determination of the claim, the judge must hold an evidentiary hearing. See *Commonwealth v. Hubbard*, 372 A.2d 687 (Pa. 1977); *Commonwealth v. Dancer*, 331 A.2d 435 (Pa. 1975). For procedures governing the appearance and withdrawal of counsel, see Rule 120.]

Commonwealth v. Grant, 572 Pa. 48, 813 A.2d 726 (2002), which overrules *Commonwealth v. Hubbard*, 472 Pa. 259, 372 A.2d 687 (1977), provides that a defendant should wait until collateral review to raise ineffective counsel claims.

* * * * *

Issues properly preserved at the sentencing proceeding need not, but may be raised again in a motion to modify sentence in order to preserve them for appeal. In deciding whether to move to modify sentence, counsel must carefully consider whether the record created at the sentencing proceeding is adequate for appellate review of the issues, or the issues may be waived. See *Commonwealth v. Jarvis*, 444 Pa. Super. 296, 663 A.2d 790 ([Pa. Super.] 1995). See also Rule 704(C)(4). As a general rule, the motion to modify sentence under paragraph (B)(1)(a)(v) gives the sentencing judge the earliest opportunity to modify the sentence. This procedure does not affect the court's inherent powers to correct an illegal sentence or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. See, e.g., *Commonwealth v. Jones*, 520 Pa. 385, 554 A.2d 50 ([Pa.] 1989) (sentencing court can, sua sponte, correct an illegal sentence even after the defendant has begun serving the original sentence) and *Commonwealth v. Cole*, 437 Pa. 288, 263 A.2d 339 ([Pa.] 1970) (inherent power of the court to correct obvious and patent mistakes).

* * * * *

Unlike ineffective counsel claims, which are the subject of *Commonwealth v. Grant*, 572 Pa. 48, 813 A.2d 726 (2002), paragraph (C) requires that any claim of after-discovered evidence must be raised promptly after its discovery. Accordingly, after-discovered evidence discovered during the post-sentence stage must be raised promptly with the trial judge at the post-sentence stage; after-discovered evidence discovered during the direct appeal process must be raised promptly during the direct appeal process, and should include a request for a remand to the trial judge; and after-discovered evidence discovered after completion of the direct appeal process should be raised in the context of the PCRA. See 42 Pa.C.S. § 9545(b)(1)(ii) and (b)(2) (PCRA petition raising after-discovered evidence must be filed within 60 days of date claim could have been presented). *Commonwealth v. Kohan*, 825 A.2d 702 (Pa. Super. Ct. 2003), is superseded by the 2005 amendments to paragraphs (A) and (C) of the rule.

Although there are no post-sentence motions in summary appeals following the trial de novo pursuant to paragraph (D), nothing in this rule is intended to preclude the trial judge from acting on a defendant's petition for reconsideration. See the Judicial Code, 42 Pa.C.S. § 5505. See also *Commonwealth v. Dougherty*, 451 Pa. Super. 248, 679 A.2d 779, 784 ([Pa. Super.] 1996).

Official Note: Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; amended August 22, 1997, effective January 1, 1998; Comment revised October 15, 1997, effective January 1, 1998; amended July 9, 1999, effective January 1, 2000; renumbered Rule 720 and amended March 1, 2000, effective April 1, 2001; amended August 21, 2003, effective January 1, 2004; amended March 3, 2004, effective July 1, 2004; Comment revised June 4, 2004, effective November 1, 2004; **amended June 8, 2005, effective August 1, 2005.**

Committee Explanatory Reports:

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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).

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Final Report explaining the June 8, 2005 changes concerning ineffective counsel claims and concerning after-discovered evidence published with the Court's Order at 35 Pa.B. 3545 (June 25, 2005).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 720

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.

Ineffective Assistance of Counsel Claims; After-Discovered Evidence

On June 8, 2005, effective August 1, 2005, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 720 to address *Commonwealth v. Grant*, 572 Pa. 48, 813 A.2d 726 (2002), in which the Court held, inter alia, that "as a general rule, a petitioner should wait to raise claims of ineffective assistance of trial counsel until collateral review," and "a claim raising trial counsel ineffectiveness will no longer be considered waived because new counsel on direct appeal did not raise a claim related to prior counsel's ineffectiveness," at 738, and *Commonwealth v. Kohan*, 825 A.2d 702 (Pa. Super. Ct. 2003), in which the Superior Court held, inter alia, "claims of after-discovered evidence raised for the first time on direct appeal, like claims of ineffective assistance of counsel, will be dismissed without prejudice to their being raised in a timely filed petition under the PCRA," at 709.

I. COMMONWEALTH V. GRANT DISCUSSION

Following the publication of *Commonwealth v. Grant*, supra., the Committee received a number of inquiries concerning the implications of *Grant* on post-sentence procedures. The Committee exhaustively discussed the case, raising a number of issues. First, the members expressed concern about the few scenarios when a defendant might not want to wait until the post-conviction stage to raise ineffectiveness.² In addition, the members considered the interplay between the waiver provision of the Post Conviction Relief Act, 42 Pa.C.S. § 9544(b), which provides "an issue is waived if the petitioner could have raised it but failed to do so before trial, at trial, during unitary review, on appeal or in a prior state postconviction proceeding," and *Grant* and its progeny, notwithstanding the language in *Grant* that the "holding today does not alter the waiver provision of the PCRA, 42 Pa.C.S. § 9544(b); it merely alters the time when a claim will be considered waived," 813 A.2d 726, 738. Lastly, the Committee considered the impact of the 10-day time limit for filing post-sentence motions and new counsel's ability to fully develop an ineffectiveness claim in the post-sentence motion in that time frame.

Sensitive to the concerns about reinventing waiver, the Committee discussed whether there would be ways to permit an ineffective assistance of counsel claim to be raised in a post-sentence motion without having a waiver if new counsel does not raise it. We did not want a return to the situation in which new counsel has to raise ineffectiveness in the post-sentence motion or have the claim waived. Although some members were reluctant to not propose any changes to Rule 720 because of the uncertainty concerning waiver at this stage, others suggested the rule should remain silent to allow the procedural aspects and the waiver issues to be resolved by case law. Ultimately, the Committee developed a proposal that was intended to make it clear in Rule 720 that (1) generally ineffective assistance of counsel claims should be postponed until the post-conviction collateral review process, and (2) no purpose is served by appointing new counsel at the post-verdict stage to litigate ineffective assistance of counsel when a defendant wishes to proceed pursuant to the new "general rule" promulgated in

² For example, the Court in *Commonwealth v. Bomar*, 573 Pa. 426, 826 A.2d 831 (2003), held that cases in which the appellant's ineffectiveness claim has been properly raised and preserved in the trial court are exceptions to *Grant's* general rule of deferral. The Superior Court in *Commonwealth v. Salisbury*, 823 A.2d 914 (Pa. Super. Ct. 2003), has carved out as an exception cases in which the defendant would be precluded from challenging counsel's effectiveness because of the short duration of the imprisonment.

Grant.³ The proposal also explained if the defendant seeks to litigate ineffectiveness of trial counsel as soon as possible, the appointment of new counsel would be appropriate at the post-verdict stage and then new counsel must raise the ineffectiveness claim in the post-sentence motion in order to preserve the issue for appeal.

The Committee received a number of comments in response to this initial proposal, many expressing concerns about reinventing the waiver of ineffective counsel claims at the post-sentence stage when *Grant* seemingly abrogates waiver. Other correspondents urged the Committee to take no action at this time to allow the post-*Grant* evolution in the case law to fill in any procedural gaps. After reviewing the publication responses, the Committee reevaluated the proposal, re-raising all the concerns articulated when the proposal was developed. After a thorough discussion of all these issues, and in view of the continuing post-*Grant* evolution in the case law, the Committee concluded the bench and bar would be best aided at this time if text of Rule 720 was not amended, thereby scraping the initial proposal, and the Rule 720 Comment is revised to include a cross-reference to *Grant*. The new language has been added as the first paragraph immediately following the "Miscellaneous" caption in the Comment. In addition, because of the long history under *Commonwealth v. Hubbard*, 472 Pa. 259, 372 A.2d 687 (1977), the paragraph in the Comment referencing *Hubbard*, which is overruled by *Grant*, and *Commonwealth v. Dancer*, 460 Pa. 95, 331 A.2d 435 (1975), has been deleted.

II. AFTER-DISCOVERED EVIDENCE CLAIMS DISCUSSION

During the Committee's consideration of the Rule 720 *Grant*-related changes, the Superior Court handed down the panel decision in *Commonwealth v. Kohan*, 825 A.2d 702 (Pa. Super. Ct. 2003). As part of our ongoing review of the *Grant* progeny, the Committee reviewed *Kohan*. The members expressed concern that *Kohan* conflicts with the Rule 720(C) requirement that after-discovered evidence must be raised promptly after it is discovered, and if that discovery is during the post-sentence motion proceedings, the after-discovered evidence must be raised in that proceeding. The members discussed whether Rule 720(C) or the panel decision in *Kohan* should prevail, and concluded that after-discovered evidence claims are not the same as ineffective assistance of counsel claims and should not be handled in the same manner, notwithstanding the holding in *Kohan*. In view of these considerations, the Committee reasoned without some clarification in

Rule 720 about the proper procedure for handling after-discovered evidence in view of the conflict between *Kohan* and Rule 720(C), the bench and bar likely would be confused about how to proceed, with some following Rule 720(C) and others following *Kohan*, which would lead to unnecessary litigation about this issue.

The Committee discussed how best to address this conflict, and provide clarification for the bench and bar. Although the Committee thought Paragraph (C) was clear concerning how after-discovered evidence claims should be handled—a motion for a new trial on the ground of after-discovered evidence must be filed in writing promptly after such discovery—we agreed the paragraph should be amended by adding "post-sentence" before "motion" in the first sentence and deleting the last sentence, thus making it absolutely clear in the rule that the after-discovered evidence provision is referring only to such claims raised in the post-sentence motion context. Similarly, a reference to paragraph (C) has been added to the "except" clause in paragraph (A) since after-discovered evidence claims are exceptions to the time requirements in paragraph (A).

In addition, the Committee agreed to add a new Comment provision elaborating on the intent of Rule 720(C) as well as the law concerning after-discovered evidence. The new Comment provision is the tenth paragraph in the Miscellaneous section. This new provision explains the procedures for raising after-discovered evidence claims, and: (1) distinguishes ineffective counsel claims, with a reference to *Commonwealth v. Grant*, 572 Pa. 48, 813 A.2d 726 (2002), from the provisions in Rule 720(C) governing after-discovered evidence; (2) elaborates on the after-discovered evidence procedures by explaining that (a) after-discovered evidence discovered during the post-sentence stage must be raised promptly with the trial judge at the post-sentence stage, (b) after-discovered evidence discovered during the direct appeal process must be raised promptly during the direct appeal process, and should include a request for a remand to the trial judge, and (c) after-discovered evidence discovered after completion of the direct appeal process should be raised in the context of a PCRA, which establishes a 60-day time limit for raising after-discovered evidence, 42 Pa.C.S. § 9545(b)(1)(ii); and (3) includes a provision that explains that *Commonwealth v. Kohan*, 825 A.2d. 702 (Pa. Super. Ct. 2003), is superseded by the 2005 amendments to paragraphs (A) and (C) of Rule 720.

[Pa.B. Doc. No. 05-1208. Filed for public inspection June 24, 2005, 9:00 a.m.]

³ See Committee explanatory Report, 33 Pa.B. 2162 (May 3, 2003).

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 3]

Point System for Certain Licensees

The Liquor Control Board (Board), under the authority of section 207(i) of the Pennsylvania Liquor Code (47 P. S. § 2-207(i)), adds Chapter 3, Subchapter L (relating to point system for certain licensees).

Purpose

The act of December 8, 2004 (P. L. 1810, No. 239) (Act 239) created a point system for violations by licensees in cities of the first class. Upon accumulation of certain numbers of points, licensees will be subject to various consequences including receiving education in responsible alcohol management. If higher point totals are accumulated, ultimately, the license may be revoked. This point system expires on December 31, 2006, unless extended by statute.

Act 239 established a system of points to be assessed for enumerated violations of the Liquor Code (Code) (47 P. S. §§ 1-101—10-1001). Act 239 required that the Liquor Control Board (Board) adopt regulations setting the assessment of points for a category of violations described as “nonenhanced violations.” This final-omitted rulemaking enumerates what these nonenhanced violations are and also provides for a range of points for nonenhanced violations that may be assessed by an administrative law judge upon adjudication of a citation.

The act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), establishes three circumstances under which an agency is permitted to promulgate a final-omitted rulemaking. These are when: (1) comments from the public are not appropriate, necessary or beneficial; (2) persons subject to the regulation are named or given personal notice; or (3) notice is impracticable, unnecessary or contrary to the public interest.

Licensees are already aware that even a single adjudicated citation for a violation of the Liquor Code may result in the revocation of, or decision by the Board not to renew their license. *Slovak-American Citizens Club v. Pennsylvania Liquor Control Board*, 549 A.2d 251 (Pa. Cmwlth. 1988). The point system creates a system for implementing the Board's existing plenary discretion in licensing.

The Board considers that under section 479 of the Code (47 P. S. § 4-479), the regulated community is already on notice that at least one point will be assessed for any violations not enumerated in section 479(b) and (d) of the Code. Additionally, when a licensee in Philadelphia receives a citation, the cover letter from the Office of Administrative Law Judge (OALJ) now explains that points may be assessed if the citation is adjudicated against the licensee. In these ways, the Board believes that persons subject to the regulations are given actual notice of it in accordance with law. See section 204(2) of the CDL (45 P. S. § 1204(2)).

Because the statute became effective on February 6, 2005, and will expire on December 31, 2006, unless extended, the Board believes that expedited adoption of these implementing regulations is in the public interest.

Delaying implementation to follow the notice of proposed rulemaking system is impracticable and contrary to the public interest under these circumstances. See 201 of the CDL (45 P. S. § 1201).

For these reasons, the final-omitted rulemaking process serves both the public interest in prompt effectuation of the purpose of Act 239, and the regulated community's receipt of fair notice of the potential consequences of an adjudicated citation.

Summary of Rulemaking

The following are summaries of the regulatory changes:

- The rulemaking enumerates “nonenhanced violations.”
- It establishes a range of 3 to 5 points for 31 enumerated violations of the Code or 40 Pa. Code (relating to liquor).
- It establishes a range of 1 to 3 points for all other violations of the Code or 40 Pa. Code that have not been enumerated in Act 239 or this section.
- It directs removal of 3 points from the record for each 12 months a licensee operates without assessment of additional points.

Affected Parties

This final-omitted rulemaking will affect licensees in Philadelphia.

Paperwork Requirements

This final-form rulemaking requires the Board and the OALJ to keep records of the points assessed to and removed from license records. Additional correspondence between the Board and licensees will be required when several action levels are reached. Additional legal proceedings may be necessary when licenses are placed in safekeeping or revoked.

Fiscal Impact

Because this final-omitted rulemaking implements a procedure that has not previously existed in this Commonwealth, anticipated fiscal impact cannot be estimated with any confidence. If this final-omitted rulemaking and the statutory provisions it parallels, cause an increase in appeals of the OALJ decisions to the Board, this will increase costs to the Board and licensees. In 2003, there were 19 appeals to the Board filed by licensees in Philadelphia. In 2004, there were seven appeals filed by licensees in Philadelphia. The number of appeals is likely to increase.

Effective Date

This final-omitted rulemaking will become effective upon its publication in the *Pennsylvania Bulletin*.

Contact Person

Further information may be requested from James F. Maher, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 24, 2005, the Board submitted a copy of this final-omitted rulemaking, with revisions, and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), the Chair-

persons of the House and Senate Committees, and the Office of Attorney General. A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on June 8, 2005, this final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 9, 2005, and approved this final-omitted rulemaking.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under section 204 of the CDL because public comment is unnecessary in that the amendments adopted by this order merely implement an amendment to the act.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

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

(a) The regulations of the Board, 40 Pa. Code Chapter 3, are amended by adding §§ 3.121 and 3.122 to read as set forth in Annex A.

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

JONATHAN H. NEWMAN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 35 Pa.B. 3632 (June 25, 2005).)

Fiscal Note: 54-62. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 3. LICENSE APPLICATIONS

Subchapter L. POINT SYSTEM FOR CERTAIN LICENSEES

Sec.	
3.121.	Statutory authority and applicability.
3.122.	Points assessment.

§ 3.121. Statutory authority and applicability.

Section 479 of the Liquor Code (47 P.S. § 4-479) establishes a numerical system for assessment of points against the record of a license for licensees in cities of the first class. Every liquor and malt beverage license that has been cited for a violation under section 471 of the Liquor Code (47 P.S. § 4-471) shall have points assessed to the license record as of the date of final adjudication.

§ 3.122. Points assessment.

(a) The violations described in this section shall be known as "nonenhanced violations." If a licensee or the

licensee's agent is adjudicated to have violated two or more nonenhanced violations arising from the same core of operative facts, points shall be assessed only for the violation for which the greatest number of points may be assessed.

(b) Where a range of points is given, the administrative law judge shall assess any whole number of points for the violation within that range.

(c) The following violations will be assessed three to five points:

(1) Supplied false information on applications or notices (47 P.S. §§ 4-403, 4-436 and 4-471).

(2) Verification of an application by an unauthorized person (47 P.S. § 4-403).

(3) Offered, conferred or agreed to confer upon an enforcement officer of the Bureau of Liquor Control Enforcement or offered to pay or paid a commission, profit or remuneration to a member, or employee of the Board or other employee of the Commonwealth (47 P.S. §§ 4-471 and 4-491(14)).

(4) Cashed, received, handled or negotiated payroll and other checks (47 P.S. § 4-493(15)).

(5) Sales by a club of malt or brewed beverages for consumption off-premises (47 P.S. §§ 4-407 and 4-442(a)).

(6) Failure by a club to properly admit members; failed to conduct business through officers regularly elected; failed to hold regular meetings; failed to operate for the mutual benefit of the entire membership; or club officers and trustees not elected in accordance with the charter and bylaws (47 P.S. § 1-102).

(7) Sales by a club of liquor or malt or brewed beverages to nonmembers or as part of a catered event without providing the required service of food (47 P.S. §§ 4-401(b), 4-406(a)(1) and 4-442(a); 40 Pa. Code § 5.83(a) (relating to catering)).

(8) Held an event, contest or tournament on the licensed premises which involved the consumption of alcoholic beverages (40 Pa. Code § 5.32(e)(3) (relating to restrictions/exceptions)).

(9) Permitted malt or brewed beverages to be consumed on the licensed premises of a distributor or importing distributor, except as part of a lawful tasting (47 P.S. § 4-441(b)).

(10) Distributor or importing distributor licensee acquisition or maintenance of an interest in property used by another licensee (47 P.S. §§ 4-411 and 4-443).

(11) Sales by distributor or importing distributor in quantities of less than a case of 24 containers, each container holding 7 fluid ounces or more, or a case of 12 containers, each holding 24 fluid ounces or more (47 P.S. § 4-441(b)).

(12) Purchase of malt or brewed beverages by a distributor or an importing distributor after license expiration or failure to renew or validate the license (47 P.S. § 1-102).

(13) Failed to be a bona fide restaurant providing sufficient food items, eating utensils, dishes and seating in a location with a total area of 400 square feet available to the public in one or more rooms (47 P.S. §§ 1-102 and 4-491(6)).

(14) Failed to be a bona fide eating place providing sufficient food items, eating utensils, dishes, and seating

in a location with a total area of 300 square feet available to the public in one or more rooms (47 P. S. §§ 1-102, 4-442(b)).

(15) Failed to maintain a permanent partition at least 4 feet high between the licensed eating place and other business (40 Pa. Code § 3.54).

(16) Permitted entertainment outside of lawful service hours or on Sunday before 11:00 a.m. or after 2:00 a.m. on the following Monday (47 P. S. § 4-493(10)).

(17) Permitted entertainment to occur without an amusement permit (47 P. S. § 4-493(10)).

(18) Permitted entertainment while the license or amusement permit was suspended by order of an administrative law judge (47 P. S. § 4-493(10)).

(19) Furnished false information concerning sale of food and beverages when applying for a Sunday sales permit; or concealing the pecuniary interest of others; or concealing the source of funds when applying for a license (47 P. S. §§ 4-403(h), 4-404, 4-406(a)(3), 4-432(a) and (f), 4-436(j), 4-468(a) and 4-471; 40 Pa. Code § 11.172 (relating to application for Sunday sales permit)).

(20) Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling or bookmaking on the licensed premises (47 P. S. § 4-471).

(21) Failed to operate as a bona fide hotel (47 P. S. §§ 1-102 and 4-461(c)).

(22) Interfered with a liquor control enforcement officer, police officer or board employee in the administration of the law or other governmental function (47 P. S. § 4-471).

(23) Altered an expired liquor license to show it as current and valid (47 P. S. § 4-471(a)).

(24) Consumption of liquor or malt or brewed beverages by licensee or its agents while tending bar or otherwise serving liquor or malt or brewed beverages (47 P. S. § 4-493(28)).

(25) Sold alcoholic beverages during a period of license or special permit suspension (47 P. S. §§ 4-406(a)(3), 4-491(1), 4-492(2) and (3) and 4-493(16)).

(26) Permitted another person to operate a business on the licensed premises (40 Pa. Code § 3.52(a) (relating to connection with other business)).

(27) Permitted another person or entity to own or operate, or both, the licensed premises (47 P. S. §§ 4-404 and 4-436(f)).

(28) Sold alcoholic beverages after the license is submitted for safekeeping (47 P. S. §§ 4-467, 4-491(1), 4-492(2), 4-492(3) and 4-493(16); 40 Pa. Code § 7.31 (relating to surrender of licenses in certain cases)).

(29) Sold alcoholic beverages after the license has expired (47 P. S. §§ 4-491(1), 4-492(2) and (3) and 4-493(16)).

(30) Sold beer products for takeout in excess of 192 fluid ounces in a single sale (except for distributor) (47 P. S. §§ 4-401(a), 4-407 and 4-442(a)).

(31) Sold untaxed cigarettes (47 P. S. § 4-471).

(d) For any violation of the Liquor Code or this title that has not been specified in section 479 of the Liquor Code (47 P. S. § 4-479) or this section, the administrative law judge shall assess one to three points.

(e) Points will be assessed to the license record by the Board and the Office of Administrative Law Judge, effective on the date of final adjudication. Final adjudication means when the administrative law judge has rendered a decision on the citation notwithstanding any appeals of that decision. If the decision is reversed or modified on appeal, the assessment of points will be correspondingly adjusted.

(f) Points assigned to any license record shall be removed at the rate of three points for each 12 consecutive months of operation of the licensed premises in which the license has not been assessed points.

[Pa.B. Doc. No. 05-1209. Filed for public inspection June 24, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

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

Amend § 143.84 (relating to application) to replace the language establishing the deadline by which muzzleloader licenses must be purchased with language more consistent with the application process for other various licenses.

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 to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 28, 2005.

1. Purpose and Authority

Currently, § 143.84 requires that all applications for muzzleloader licenses shall be made no later than the second Saturday in November. The Commission has determined that this deadline is no longer necessary. Therefore, the Commission is proposing to amend § 143.84 by replacing the language establishing the deadline with language more consistent with the application process for other various licenses. This change, through its effect, causes the subsequent language allowing collectors to purchase a flintlock (muzzleloader) license after the close of the special flintlock season to be no longer relevant, therefore this language will also be eliminated.

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..." The amendment to § 143.84 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 143.84 to replace the language establishing the deadline by which muzzleloader licenses must be purchased with language more consistent with the application process for other various licenses.

3. Persons Affected

Persons wishing to apply for and purchase muzzleloader licenses 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 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: 48-207. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter E. FLINTLOCK (MUZZLELOADER) DEER LICENSES

§ 143.84. Application.

(a) [Application shall be made no later than the second Saturday in November.] Applications for flintlock (muzzleloader) deer licenses shall be submitted to authorized issuing agents for licenses issued by them under the act and this subchapter.

(b) [A collector may, upon completing an application, purchase a muzzleloading firearm deer season license only after the close of the special flintlock season and is not bound by the procedures in this section.] Applications for flintlock (muzzleloader) deer licenses may be made when purchasing a regular hunting license, or any time thereafter, upon presentation of the regular hunting license.

[Pa.B. Doc. No. 05-1210. Filed for public inspection June 24, 2005, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits

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

Amend § 147.122 (relating to application) to increase the examination fee for the taxidermy permit.

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 to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 28, 2005.

1. *Purpose and Authority*

The cost of providing the taxidermy examination to applicants currently exceeds the revenue generated by the fee charged to take the examination. The Commission is proposing to amend § 147.122 by increasing the taxidermy examination fee from \$50 to \$300 to allow the Commission to recover expenses.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (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 amendment to § 147.122 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.122 by increasing the taxidermy examination fee from \$50 to \$300.

3. *Persons Affected*

Persons wishing to apply for a taxidermy permit from the Commission 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 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: 48-209. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter G. TAXIDERMY

§ 147.122. Application.

(a) An application for examination shall be submitted on a form supplied by the Commission. A nonrefundable fee of [~~\$50~~] **\$300** shall be submitted with the application. **A retake fee for any part of the examination will be \$50.** An additional \$100 shall be submitted for the permit if the examination is passed.

* * * * *

[Pa.B. Doc. No. 05-1211. Filed for public inspection June 24, 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 June 14, 2005.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-8-05	Valley Green Bank Philadelphia Philadelphia County	7226-7234 Germantown Avenue Philadelphia Philadelphia County	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-6-05	Northwest Savings Bank Warren Warren County	3670 South McKinley Parkway Hamburg Erie County, NY (Approved as branch of Jamestown Savings Bank)	Opened
6-9-05	Fulton Bank Lancaster Lancaster County	1201 West Chester Pike West Chester West Goshen Township Chester County	Filed
6-10-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	West Ridge Pike Limerick Montgomery County	Approved
6-10-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Welsh Road North Wales Montgomery County	Approved
6-10-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Cardinal Avenue George Town Grand Cayman Cayman Islands	Filed
6-13-05	Woodlands Bank Williamsport Lycoming County	1146 Allegheny Street Jersey Shore Lycoming County	Opened
6-13-05	Wayne Bank Honesdale Wayne County	Fountain Springs East II Route 611 Tannersville Pocono Township Monroe County	Approved
6-13-05	York Traditions Bank York York County	2450 Eastern Boulevard York Springettsbury Township York County	Approved
6-13-05	Fulton Bank Lancaster Lancaster County	1952 Waddle Road Suite 106 Patton Township State College Centre County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-12-04	First Commonwealth Bank Indiana Indiana County	To: 14303 Clearfield-Shawville Highway Clearfield Clearfield County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 1800 Daisy Street Extension Clearfield Clearfield County	
5-31-05	S & T Bank Indiana Indiana County	<i>To:</i> 220 New Castle Road Butler Butler County	Effective
		<i>From:</i> 181 New Castle Road Butler Butler County	
6-9-05	Wilmington Trust of Pennsylvania Villanova Delaware County	<i>To:</i> 2003 South Easton Road Suite 204 Doylestown Bucks County	Filed
		<i>From:</i> 116 East Court Street Doylestown Bucks County	

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-10-05	First Commonwealth Bank Indiana Indiana County	511 Pine Grove Road State College Centre County	Approved

SAVINGS INSTITUTIONS**Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
6-1-05	William Penn Savings and Loan Association Levittown Bucks County	Levittown	Effective
	<i>To:</i> William Penn Bank, FSB Levittown Bucks County		
	Represents conversion from a State-chartered mutual savings association to a Federally chartered mutual savings bank.		

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1212. Filed for public inspection June 24, 2005, 9:00 a.m.]

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

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of July 2005 is 6 3/4%.

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

the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.35 to which was added 2.50 percentage points for a total of 6.85 that by law is rounded off to the nearest quarter at 6 3/4%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1213. Filed for public inspection June 24, 2005, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Two Engineering Firms; Project Reference No. FDC-500-760

The Department of Conservation and Natural Resources (Department) will retain two engineering firms for open-end contracts for various engineering, inspection and related environmental and geological services on various civil and environmental projects located on State park and State forest land in this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities. One contract will be primarily for various projects at facilities located in the western half of this Commonwealth and one contract will be primarily for projects at facilities located in the eastern half of this Commonwealth.

Letters of Interest for this project will only be accepted from individuals or firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The services may encompass a wide range of civil and structural design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects may include bridge replacement and rehabilitation (single and multispans), roadway reconstruction/rehabilitation, water and sewage systems, dam and control structure modification and rehabilitation, marina/dock/launch replacement and rehabilitation and structural evaluation of various buildings.

Typically the engineering firm shall be required to furnish a complete set of contract documents (plans and specifications) suitable for public bid and in accordance with a prescribed Department format, and in accordance with applicable State and Federal codes and requirements.

Areas of related environmental study associated with these design projects may include, wetlands, soil, geology, 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), Corps of Engineers 404 permits, Act 537 planning and the Department of Environmental Protection's water quality management requirements. The environmental studies shall be conducted in accordance with accepted analysis techniques and methodologies and may include the following to ensure a complete environmental investigation has been performed; provide necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports, and wetland and floodplain findings.

The engineering firm may be required to perform the following duties: attend site visits; prepare minutes;

perform necessary field surveys; plot topography and cross sections; develop erosion control plans; prepare type, size and location reports; prepare construction drawings specifications and estimates; procure core borings; provide soil and foundation engineering reports; investigate utility involvement; evaluate alternatives using benefit/cost analysis; develop other details and narratives; inspect major and unusual structures; develop rehabilitation strategies; and review shop drawings, catalog cuts and occasional attendance at construction job conferences may be required.

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

The services shall include a preliminary meeting for this project in the Bureau of Facility Design and Construction, 8th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. The design work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction, and when acceptable, approved by same staff.

Special Provisions Concerning Disadvantaged Businesses and Enterprise Zone Businesses for Requests for Proposals

"Disadvantaged Business Information"

The Commonwealth encourages participation by Small Disadvantaged Businesses as prime contractors, joint ventures, and subcontractors/suppliers, and by Socially Disadvantaged Businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes: 1) Department of General Services Bureau of Minority & Women Business Opportunities (BMWBO)-certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that qualify as small businesses, and 2) United States Small Business Administration (SBA)-certified Small Disadvantaged Businesses (SDBs) or 8(a) small disadvantaged business concerns.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members or minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. In order for a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin, or gender.

Questions regarding this Program can be directed to:

Department of General Services
Bureau of Minority & Women Business
Opportunities
Room 611, North Office Building
Harrisburg, PA 17125
gs-bmwbo@state.pa.us
Phone: (717) 787-6708
FAX: (717) 772-0021

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgs.state.pa.us, Keyword: BMWBO. The federal vendor database can be accessed at www.ccr.gov by clicking on Dynamic Small Business Search (certified companies are so indicated).

"Information Concerning Small Businesses in Enterprise Zones"

The Commonwealth of Pennsylvania encourages participation by small businesses whose primary headquarters facility is physically located in areas designated by the Commonwealth as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting:

Aldona M. Kartorie
Center for Community Building
PA Department of Community and Economic
Development
4th Floor Keystone Building
400 North Street
Harrisburg, PA 17120-0225
Phone: (717) 720-7409
Fax: (717) 787-4088
Email: akartorie@state.pa.us

"Disadvantaged Businesses Information"

To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business, entering into a joint venture agreement with a Small Disadvantaged Business, or subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), a company must include proof of Disadvantaged Business qualification in the Disadvantaged Business submittal of the proposal:

a) Small Disadvantaged Businesses qualifying as a result of MBE/WBE certification from BMWBO must provide a photocopy of their BMWBO certificate.

b) Disadvantaged Businesses qualifying as a result of certification from the U. S. Small Business Administration as an 8(a) or Small Disadvantaged Business must submit proof of Small Business Administration Certification. The owners of such businesses must also submit proof of United States citizenship.

c) All companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a)

or Small Disadvantaged Business, must attest to the fact that the business has 100 or fewer employees.

d) All companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin, or gender. The submitted evidence of prejudice or bias must:

a) Be rooted in treatment which the business person has experienced in American society, not in other countries.

b) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

c) Indicate that the businessperson's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

In addition to these verifications, this portion of the proposal should include the following information:

- The name and telephone number of your project (contact) person for the Small Disadvantaged Business(es).

- The company name, address, telephone number of the prime contact person for each specific Small Disadvantaged Business or Socially Disadvantaged Business included in the proposal. The contractor must specify the Small Disadvantaged Business(es) to which it is making commitments. The contractor will not receive credit by stating it will find a Small Disadvantaged Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods, or services the Small Disadvantaged Business(es) will perform or provide.

- The location where the Small Disadvantaged Business(es) will perform these services.

- The timeframe for the Small Disadvantaged Business(es) to provide or deliver the goods or services.

- The amount of capital, if any, the Small Disadvantaged Business(es) will be expected to provide.

- The form and amount of compensation each Small Disadvantaged Business will receive. In the Disadvantaged Business submittal of the proposal, provide the estimated dollar value of the contract to each Small Disadvantaged Business.

- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Small Disadvantaged Business(es).

- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business portion of the proposal. If

subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business portion of the proposal.

- Include in the Disadvantaged Business Submittal any and all information concerning the contractor's proposed utilization of small businesses located in *Designated Enterprise Zones* as required by [Enter Section or Part # of the Enterprise Zone Small Business Utilization Response], Enterprise Zone Small Business Utilization Response.

The Disadvantaged Business submittal of the proposal must be clearly identified as Disadvantaged Business information and sealed in an envelope separately from the remainder of the proposal. Only one copy of the Disadvantaged Business section is needed.

The dollar value of the commitment to each Small Disadvantaged Business must be sealed in the same envelope with the Disadvantaged Business submittal of the proposal. The selected contractor's Disadvantaged Business commitment amount, name of the Disadvantaged Business, services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

Offerors may submit, within the same proposal envelope, alternate proposals for differing utilization of Small Disadvantaged Businesses or Socially Disadvantaged Businesses. For example, a proposal may be submitted by prime contractor with a Small Disadvantaged Business as a subcontractor while an alternate proposal may be submitted by the Small Disadvantaged Business as the prime contractor. If an alternate proposal is offered, it must include separately sealed Technical, Price, and Disadvantaged Business submittals for the alternate. The alternate proposal will be scored separately. Only the higher-scored proposal (prime proposal or alternate proposal) will be eligible for participation for Best and Final Offers.

"Enterprise Zone Small Business Utilization Response"

To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, a company must include the following information in the Disadvantaged Business submittal of the proposal:

- Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration).
- Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).
- Proof of United States citizenship of the owners of the business.
- Certification that the business employs 100 or fewer employees.
- Proof that the business's gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, this portion of the Submittal should include the following information:

- The company name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The contractor must specify the Enterprise Zone Small Business to which it is making commitments. The contractor will

not receive credit by stating that it will find a Enterprise Zone Small Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods, or services the Enterprise Zone Small Business will perform or provide.
- The location where the Enterprise Zone Small Business will perform these services.
- The timeframe for the Enterprise Zone Small Business to provide or deliver the goods or services.
- The amount of capital, if any, the Enterprise Zone Small Business will be expected to provide.
- The form and amount of compensation each Enterprise Zone Small Business will receive. In the Disadvantaged Business portion of the proposal, provide the estimated dollar value of the contract to each Enterprise Zone Small Business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Enterprise Zone Small Business.

- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business Submittal of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business Submittal of the proposal.

The dollar value of the commitment to each Enterprise Zone Small Business must be sealed in the same envelope with the Disadvantaged Business Submittal of the proposal. The selected contractor's Enterprise Zone Small Business commitment amount, name of Enterprise Zone Small Business, and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

"Disadvantaged Business Participation"

The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by Small Disadvantaged Businesses.

Priority Rank 2. Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.

Priority Rank 3. Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.

Priority Rank 4. Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the above-listed priority ranking.

To the extent that a proposal is submitted by a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

"Enterprise Zone Small Business Participation"

The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by an Enterprise Zone Small Business will receive the highest score.

Priority Rank 2. Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.

Priority Rank 3. Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.

Priority Rank 4. Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that a proposal is submitted as a prime contractor by an Enterprise Zone Small Business, the Enterprise Zone Small Business cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract.

"Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation,"

All contracts containing Disadvantaged Business participation must also include a provision requiring the contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors, and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50 percent of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business portion of the joint venture.

Commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO which will make a recommendation as to a course of action to the contracting officer.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Businesses participation and/or Enterprise Zone Small Business participation of the original contract.

The contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the agency that awarded the contract and BMWBO within 10 workdays at the end of each quarter the contract is in force. If there was no activity, the form must also be completed, stating "No activity in this quarter." This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Businesses and/or Enterprise Zone Small Businesses involved in Joint Ventures. Also, it is a record of fulfillment of the commitment your firm made and for which it received Disadvantaged Business and Enterprise Zone Small Business points.

NOTE: EQUAL EMPLOYMENT OPPORTUNITY AND CONTRACT COMPLIANCE STATEMENTS REFERRING TO COMPANY EQUAL EMPLOYMENT OPPORTUNITY POLICIES OR PAST CONTRACT COMPLIANCE PRACTICES DO NOT CONSTITUTE PROOF OF DISADVANTAGED BUSINESS STATUS OR ENTITLE A PROPOSER TO RECEIVE CREDIT FOR DISADVANTAGED BUSINESS UTILIZATION.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451 Harrisburg, PA 17105-8451. Contact Al Thomas at (717) 772-0650 for general information concerning the design work.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available at www.dgs.state.pa.us. Form 150-ASP may also be obtained in hard copy. Written request for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by sending an e-mail to pbianchi@state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. The Department will reimburse miscellaneous expenses such as copies, prints, sepia's, postage and film at cost upon approval.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated during Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required.
6. Disadvantaged Businesses participation. (Evaluated by DGS.)
7. Equitable distribution of the contracts.

Proposers shall relate their proposals to the previous criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received by 4 p.m. on July 29, 2005. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to two of the firms responding to this notice. The Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation

requested under this notice or readvertise solicitation for this service, or both.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

MICHAEL DiBERARDINIS,
Secretary

[Pa.B. Doc. No. 05-1214. Filed for public inspection June 24, 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>
PA0030473 (Sewage)	West Shore School District Fairview Elementary School P. O. Box 803 New Cumberland, PA 17070-0803	York County Fairview Township	UNT Yellow Breeches Creek/7-E	Y
PA0070157 (Sewage)	Tulpehocken Area School District—Bethel Elementary School 428 New Schaefferstown Road Bernville, PA 19506-8939	Berks County Bethel Township	UNT Little Swatara Creek/7-D	Y
PA0080764 (Industrial Waste)	Red Lion Municipal Authority Cabin Creek WTP P. O. Box 190 Red Lion, PA 17356-0190	York County Windsor Township	Cabin Creek/7-I	Y
PA0088234 (IW—CAFO)	Franklin Family Farms, Inc. Acorn Farms, Inc. 14627 Lurgan Road Orrstown, PA 17244	Franklin County Lurgan Township	Clippingers Run/7-B	Y
PA0088285 (IW—CAFO)	Kreider Farms 1461 Lancaster Road Manheim, PA 17545	Lancaster County Dauphin County Penn Township Rapho Township East Donegal Township Conoy Township Lower Swatara Township	Chickies Creek Lititz Run Little Conestoga Creek Donegal Creek UNT to Susquehanna River UNT to Swatara Creek Donegal Springs	Y
PA0009016 (Industrial Waste)	Osram Sylvania Products, Inc. 1128 Roosevelt Avenue York, PA 17404-2348	York County West Manchester Township	Willis Run/7H	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>
PA0025356	Mercer Borough WWTP 147 North Pitt Street Mercer, PA 16137	Mercer Borough Mercer County	Neshannock Creek 20-A	Y
PA0222933	Sharon Tube Company 20 Church Street Wheatland, PA 16161	Wheatland Borough Mercer County	Shenango River 20-A	Y

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

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

PA0053783, Sewage, **Avon Grove School District**, 375 South Jennersville Road, West Grove, PA 19390. This existing facility is located in New London Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit for the existing discharge of treated sewage from the Penn London Elementary School sewage treatment plant.

The receiving stream, a swale to a UNT to West Branch White Clay Creek, is in the State Water Plan Watershed 3I and classified for CWF.

The Christina River Basin TMDL for nutrients and dissolved oxygen for low-flow conditions, issued by the Environmental Protection Agency in January 2001 and revised in October 2002 includes the discharge from this treatment plant. The parameters CBOD₅, ammonia, dissolved oxygen, phosphorus and total nitrogen are addressed in the TMDL.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 mgd from the treatment plant.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅					
(5-1 to 10-31)			10		20
(11-1 to 4-30)			20		40
Total Suspended Solids			10		20
Ammonia as N					
(5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			9.0		18.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			5.0 (min.)		
pH (Std. Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.5		1.2
Phosphorus as P					
(Years 1 and 2)			Monitor and Report		
(Years 3—5)			2.0		4.0
Total Nitrogen			Monitor and Report		

The proposed effluent requirements for Outfall 002 are for the groundwater drainage system around the treatment plant and are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor and Report		
Total Suspended Solids			Monitor and Report		
Ammonia as N			Monitor and Report		
Fecal Coliform			Monitor and Report		
Dissolved Oxygen			Monitor and Report		
pH (Std Units)			Monitor and Report		
Total Residual Chlorine			Monitor and Report		
Phosphorus as P			Monitor and Report		
Total Nitrogen			Monitor and Report		

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

1. Notification of Designation of Operator.
2. Abandon STP when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Discharge to Dry Stream.
7. Change of Ownership.
8. Total Residual Chlorine Requirement.
9. Sludge Disposal Requirement.
10. Imax Requirements.
11. 2/Month Monitoring Requirements.

PA0023256, Sewage, SIC 59, **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sanitary sewage from a facility located at Township Line Road, West of Swedesford Road, Upper Gwynedd Township, Montgomery County.

The receiving stream, Wissahickon Creek, is in the State Water Plan watershed 3F (Lower Schuylkill) and is classified for: TSF. The nearest downstream public water supply intake for City of Philadelphia—Queen Lane Intake is located on the Schuylkill River. The final effluent limits listed for this permit are based on the final Wissahickon TMDL dated October 9, 2003, which established waste load allocations for this facility for the parameters CBOD₅, Ammonia as N, Nitrite + Nitrate as N and Dissolved Oxygen.

The proposed effluent limits for Outfall 001, effective from permit issuance through 36 months, are based on a design flow of 4.5 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅					
(5-1 to 10-31)	375	563	10	15	20
(11-1 to 4-30)	750	1,126	20	30	40
Total Suspended Solids	1,126	1,689	30	45	60
Ammonia as N					
(5-1 to 10-31)	68		1.8		3.6
(11-1 to 4-30)	161		4.3		8.6
Phosphorus as P			Monitor and Report		
Orthophosphate-P			Monitor and Report		
Nitrite + Nitrate as N			Monitor and Report		
Fecal Coliform			200#/100 ml as a geometric mean		
Dissolved Oxygen			minimum of 6.0 at all times		
pH			within limits of 6.0 to 9.0 standard units		
Total Residual Chlorine			0.04		0.13
Dichlorobromomethane			Monitor and Report		
Chlorodibromomethane			Monitor and Report		
Copper, Total			Monitor and Report		
Iron Total			Monitor and Report		
Iron Dissolved			Monitor and Report		
Aluminum, Total			Monitor and Report		
Toxicity, Chronic (TUc)					Monitor and Report

The proposed effluent limits for Outfall 001, effective from 37 months through permit expiration, are based on a design flow of 4.5 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅					
(5-1 to 10-31)	188	281	5.0	7.5	10
(11-1 to 4-30)	375	563	10	15	20
Total Suspended Solids	1,126	1,689	30	45	60
Ammonia as N					
(5-1 to 10-31)	28		0.74		1.48
(11-1 to 4-30)	83		2.22		4.44
Phosphorus as P			2.0		
Orthophosphate-P					
(4-1 to 10-31)	68		1.82		3.64
Nitrite + Nitrate as N			Monitor and Report		
Fecal Coliform			200#/100 ml as a geometric mean		
Dissolved Oxygen			minimum of 7.0 at all times		
pH			within limits of 6.0 to 9.0 standard units		
Total Residual Chlorine			0.018		0.059
Dichlorobromomethane			Monitor and Report		

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
Chlorodibromomethane			Monitor and Report		
Copper, Total			Monitor and Report		
Iron Total			Monitor and Report		
Iron Dissolved			Monitor and Report		
Aluminum, Total			Monitor and Report		
Toxicity, Chronic (TUc)					1.06 Daily Maximum

The proposed effluent limits for Outfall 001, is effective upon completion of expansion to a design flow of 5.7 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅					
(5-1 to 10-31)	238	357	5.0	7.5	10
(11-1 to 4-30)	475	713	10	15	20
Total Suspended Solids	1,426	2,139	30	45	60
Ammonia as N					
(5-1 to 10-31)	35		0.74		.48
(11-1 to 4-30)	106		2.22		4.44
Phosphorus as P			Monitor and Report		
Orthophosphate-P					
(4-1 to 10-31)	87		1.82		3.64
Nitrite + Nitrate as N			Monitor and Report		
Fecal Coliform			200#/100 ml as a geometric mean		
Dissolved Oxygen			minimum of 7.0 at all times		
pH			within limits of 6.0 to 9.0 standard units		
Total Residual Chlorine			0.016		0.052
Dichlorobromomethane			Monitor and Report		
Chlorodibromomethane			Monitor and Report		
Copper, Total			Monitor and Report		
Iron Total			Monitor and Report		
Dissolved			Monitor and Report		
Aluminum, Total			Monitor and Report		
Toxicity, Chronic (TUc)					1.05 daily maximum

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Analytical Procedures.
8. Change of Ownership.
9. Chlorine Dosages.

10. Sludge Disposal Requirements.
11. TMDL/WLA Analysis.
12. WET Tests Required for Renewal
13. Chronic Whole Effluent Toxicity Permit Limit.
14. Instantaneous Maximum Limits.
15. Twice Per Month Sampling.
16. Requirements Applicable to Stormwater Outfalls.
17. Pretreatment Program Requirements.
18. Notification of Completion of Expansion to 5.7 mgd.
19. Operations and Maintenance Plan.
20. Laboratory Certification.
21. Copper/Water Effects Ratio.

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

Application No. PA 0070351, Sewage, **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518. This facility is located in Township STP, Amity Township, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on Schuylkill River, approximately 2.0 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.2 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
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.0	XXX	8.0
(1-1 to 4-31)	12	XXX	24
Total Residual Chlorine	0.5	XXX	1.64
Total Dissolved Solids	1,000	XXX	2,000
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)		10,000/100 ml as a geometric average	

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

The EPA waiver is not in effect.

Application No. PA 0081957, Industrial Waste, SIC Code 4959, **Viacom, Inc.**, 11 Stanwix Street, Pittsburgh, PA 15222-1384.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste in Cumberland Township, **Adams County**.

The receiving stream, UNT to Rock Creek, is in Watershed 13-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Frederick Water Authority located on the Monocacy River, approximately 44 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 0.023 mgd are:

<i>Parameter</i>	<i>Average Monthly (µg/l)</i>	<i>Maximum Daily (µg/l)</i>	<i>Instantaneous Maximum (µg/l)</i>
Trichloroethylene	XXX	2.7	XXX
1,2-dichloroethane	XXX	0.38	XXX
Tetrachloroethylene	XXX	0.8	XXX
1,1,1-trichloroethene	XXX	200	XXX
1,1-dichloroethylene	XXX	0.06	XXX
Cis—1,2-dichloroethylenes	XXX	70	XXX
Trans—1,2-dichloroethylenes	XXX	100	XXX
1,1,2-trichloroethane	XXX	0.6	XXX

The proposed effluent limits for Outfall 002 based on a design flow of 0.082 mgd are:

<i>Parameter</i>	<i>Average Monthly (µg/l)</i>	<i>Maximum Daily (µg/l)</i>	<i>Instantaneous Maximum (µg/l)</i>
Trichloroethylene	XXX	2.7	XXX
1,2-dichloroethane	XXX	0.38	XXX
Tetrachloroethylene	XXX	0.8	XXX
1,1,1-trichloroethene	XXX	200	XXX
1,1-dichloroethylene	XXX	0.06	XXX
Cis—1,2-dichloroethylenes	XXX	70	XXX
Trans—1,2-dichloroethylenes	XXX	100	XXX
1,1,2-trichloroethane	XXX	0.6	XXX

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

The EPA waiver is in effect.

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

PA0027146, Sewage, **Borough of Ambridge Municipal Authority**, 600 Eleventh Street, Ambridge, PA 15003. This application is for renewal of an NPDES permit to discharge treated sewage from Ambridge Borough Sewage Treatment Plant in Ambridge Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio 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 Nova Chemicals—Beaver Valley Plant on the Ohio River.

Outfall 001: existing discharge, design flow of 2.56 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0090051, Sewage, **Municipal Authority of Washington Township**, 283 Pine Run Church Road, Apollo, PA 15613. This application is for renewal of an NPDES permit to discharge treated sewage from Ridgewood Village Sewage Treatment Plant in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Beaver 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 Freeport Water Company on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.05 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			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
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	0.3			0.7
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.

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

PA0026832, Sewage, **Ellwood City WWTF**, 1621 Wampum Avenue, Ellwood City, PA 16117. This proposed facility is located in Ellwood City Borough, **Lawrence County**.

Description of Proposed Activity: Renewal/expansion of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale Plant is located on the Beaver River and is approximately 8.5 miles below the point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 2.1 mgd.

Interim Limits

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD ₅	525	788	30	45	60
Total Suspended Sol- ids	613	876	35	50	70
NH ₃ -N (5/1 to 10/31)	280		16		32
Fecal Coliform (5/1 to 9/30)			200/100 ml		
(10/1 to 4/30)			4,300/100 ml		
Total Residual Chlo- rine			0.5		1.6
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001 are based on a design flow of 3.3 mgd.

Final Limits

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD ₅	688	1,101	25	40	50
Total Suspended Sol- ids	826	1,238	30	45	60
NH ₃ -N (5/1 to 10/31)	440		16		32
Fecal Coliform (5/1 to 9/30)			200/100 ml		1,000/100 ml
(10/1 to 4/30)			2,000/100 ml		10,000/100 ml
Total Residual Chlo- rine			0.5		1.6
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and Report.

Outfall No. 002 (Combined Sewer Overflow)

This Outfall will be eliminated when the new treatment plant is built.

Outfall Nos. 005—008

The discharges shall consist of uncontaminated stormwater runoff from the treatment plant site. Outfalls 005-008 are only related to the present treatment plant site.

Special Conditions:

Superseding Previous Permit Conditions.

TRC Minimization.

CSO condition.

Federal Pretreatment Program.

Whole Effluent Toxicity Testing

Stormwater BMPs for the Treatment Plant Site.

Sanitary Sewer Overflows.

The EPA waiver is not in effect.

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

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

WQM Permit No. 4805403, Sewerage, **East Allen Township Municipal Authority**, 5340 Nor-Bath Boulevard, Northampton, PA 18067. This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Action/Activity: This project is for construction of gravity sanitary sewer, force main and sewage pump station to service Arcadia East Industrial Park, which consists of 15 lots.

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

WQM Permit No. 0605406, Sewerage, **Township of Amity**, P. O. Box 215, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: The relocation of the force main from Pump Station No. 3 to a new discharge point at the main interceptor to the Amity Wastewater Treatment Facility.

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

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505014	Joseph L. Mackey 1667 Robin Hood Rd. Mt. Bethel, PA 18343	Monroe	Chestnuthill Township	McMichaels Creek EV/HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026405005	CBR Enterprises 236 Routes 6 and 209 Milford, PA 18337-1499	Wayne	Lehigh Township	UNT to Lehigh River HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905019	Gordon Heflich MAB 1 Assoc. 49 Glendale Ave. Edison, NJ 08817	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805001	All Land Services, Inc. 1402 Lincoln Way East Chambersburg, PA 17201	Franklin	Guilford	Falling Spring Branch/HQ-CWF

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

Clearfield Conservation District: 650 Leonard St., Clearfield, PA 16830, (814) 765-2629.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041705002	Pike Township Municipal Authority P. O. Box 27 Curwensville, PA 16833	Clearfield	Pike Township	Bear Run HQ-CWF

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

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

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

SAFE DRINKING WATER**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

Permit No.1505506, Public Water Supply	
Applicant	Chester Water Authority
Township	New London
County	Chester
Responsible Official	Russell C. Williams
Type of Facility	PWS
Consulting Engineer	
Application Received Date	June 3, 2005

Description of Action	Installation of two 600 gpm pumps and one 100 gpm pump at the Kelton-Pennock Pumping Station.
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Permit No.0905508, Public Water Supply	
Applicant	Buckingham Township
Township	Buckingham
County	Bucks
Responsible Official	Graham Orton
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultant, Inc.
Application Received Date	June 6, 2005
Description of Action	Use of drilled well No CS-5 as an additional source. Also the project includes proposed well pump, approximately 5,700 linear feet of a proposed 4" DIP transmission main and the replacement of an existing disinfection system.

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

Permit No. 6705505, Public Water Supply.	
Applicant	Shrewsbury Borough
Municipality	Shrewsbury Borough
County	York
Responsible Official	Peter W. Schnabel, Council President 35 W. Railroad Avenue Shrewsbury, PA 17361
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew, II, P. E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received Date	5/17/2005
Description of Action	Addition of corrosion inhibitor at Blouse and Meadow Wells

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

Application No. 2590505-MA3, Minor Amendment, Public Water Supply	
Applicant	Millcreek Township Water Authority
Township or Borough	Millcreek Township
Responsible Official	Erie County George W. Riedesel, Manager
Type of Facility	PWS

Application Received 06/09/2005
Date

Description of Action Construction of a ground or elevated Water Storage Tank in SW Millcreek Township intended to provide for normal use and emergency storage for the Echo Hills Pressure District and emergency storage to the Asbury Tank Booster Pressure District. Future Grubb Rd. Booster Station and Pressure District will also be served by this tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Judy Spaeth Residence, Royalton Borough, **Dauphin County**. Marshall Miller & Associates, Inc., 3919 Hartzdale Drive, Camp Hill, PA 17011, on behalf of Judy Spaeth, 35 Juniata Street, Middletown, PA 17057 and Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The applicant seeks to remediate the site to a Statewide health standard. Future use of the property will be residential.

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

Jeffrey Madinger Property, Huston Township, **Clearfield County**, Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil No. 2. This site is being remediated to meet a Statewide Health Standard.

RESIDUAL WASTE GENERAL PERMITS

Application Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application Number WMGR107. General Electric International, Inc., 184 South Ave, Tallmadge, OH 44278. The application proposes processing of non-PCB transformer oil in mobile units. The processing is limited to filtration, heating, application of vacuum, and addition of antioxidant. The application was accepted by Central Office on June 8, 2005.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

35-318-089: Flexible Foam Products, Inc. (P. O. Box 126, 220 South Elizabeth Street, Spencerville, OH 45887)

to construct an adhesive spray booth and associated air cleaning device at their facility at 103 Power Boulevard, Archbald Borough, **Lackawanna County**.

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

06-05104B: HB Mellott Estate, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) for construction of two diesel generators to provide power to a new nonmetallic mineral crushing plant in Maidencreek Township, **Berks County**.

36-03155: L and S Sweeteners, Inc. (388 East Main Street, Leola, PA 17540) for use of treated landfill gas in their facility's existing boilers in Upper Leacock Township, **Lancaster 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.

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

05-03003A: Chestnut Ridge School District (3281 Valley Road, Fishertown, PA 15539-9846) for installation of two bituminous coal fired boilers at their Chestnut Ridge Middle School in East Saint Clair Township, **Bedford County**. Regenerative centrifugal collectors will control particulate emissions. The facility has a potential to emit 150 tons per year of SO_x without limits. The Chestnut Ridge School District will limit the sulfur content of the coal to less than 2.4% by weight and the coal through put to no more than 600 tons per year. Actual SO_x emissions are expected to be 9.3 tons per year. These units will replace two similarly sized coal fired boilers. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

38-03003C: Bayer Healthcare LLC (400 West Stoeve Avenue, Myerstown, PA 17067) for installation of one 20.9 mmBtu/hr boiler in Myerstown Borough, **Lebanon County**. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

AMS 04303: Purolite Co. (3620 G Street, Philadelphia, PA 19134) for installing a carbon unit to collect displaced vapors from the polymer reactor and the monomer premix tank, an inductor induced-draft system to prevent fugitive emissions from escaping from the reactor while the lid is open and a passive vent line on the wash tank in the City of Philadelphia, **Philadelphia County**. The VOC emissions are limited to less than 1.0 ton and the HAP emissions are limited to 700 pounds per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

07-05008: Team Ten, LLC (1600 Pennsylvania Avenue, P.O. Box 99, Tyrone, PA 16686) for operation of the bituminous coal fired power boiler at their paper production facility in Tyrone Borough, **Blair County**. The facility is a major source which primarily emits NO_x, SO_x, CO and HAPs as a result of the operation. The Title V operating permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the Title V operating permit.

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

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

15-00111: Safety-Kleen Corp. (1140-42 Greenhill Rd. West Chester, PA 19380) for operation of a drum washing and solvent recovery facility in West Goshen Township, **Chester County**. The permit is for a non-Title V, State-only facility. The major sources of air emissions are two return/fill stations and four organic liquid storage tanks. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00139: Safety-Kleen Corp. (77 Towpath Rd., Fairless Hills PA, 19030) for operation of a drum washing and solvent recovery facility in Falls Township, **Bucks County**. The permit is for a non-Title V State-only facility. The major sources of air emissions are two return/fill stations and six organic liquid storage tanks. 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.

06-03071: Wolfe Dye and Bleach Works, Inc. (25 Ridge Road, Reading, PA 19555) for their dyeing and bleaching facility in Perry Township, **Berks County**. The facility is not subject to Title V State-only operating permit. The facility's potential to emit emissions are below the Title V thresholds. The permit will include restrictions, testing, monitoring, work practices and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-03104: Bean Funeral Home and Crematory Services, Inc. (129 East Lancaster Avenue, Shillington, PA 19607) for operation of a human crematory controlled by a secondary afterburner chamber in the Borough of Sinking Spring, **Berks County**. This action is a renewal of the Natural Minor Operating Permit issued in 2000.

22-05048: Amerigas Propane, LP (5400 Paxton Street, Harrisburg, PA 17111) for operation of their propane cylinder filling line in Swatara Township, **Dauphin County**. This line has a potential to emit 47

tons per year of VOCs and 17 tons per year of a hazardous air pollutant (2-Butoxyethanol). Amerigas Propane is limiting their paint use to keep their potential to emit a single HAP below 10 tons per year. Actual emissions are expected to be 5 tons per year of VOCs and 2 tons per year of a HAP. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05092: Greiner Industries, Inc. (1650 Steel Way, Mount Joy, PA 17552-9515) for operation of three spray-paint bays at their steel fabrication facility in Mount Joy Township, **Lancaster County**. This action is a renewal of the original Synthetic Minor State-only Operating Permit issued in 2000. The renewal permit includes the requirements contained in the original operating permit 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.

16-00003: State System of Higher Education—Clarion State University (840 Wood Street, Clarion, PA 16214-1240) for issuance of a Natural Minor Operating Permit to operate their boiler plant at the university, in Clarion Borough, **Clarion County**. The facility's primary emission sources include three boilers and various emergency power generators. The emissions of criteria pollutants from this facility are below major source levels.

20-00293: Meadville Sandblasting, Inc. (15921 S. Mosiertown Road, Meadville, PA 16335) for a Natural Minor Permit for shot blast and surface coating operations in Hayfield Township, **Crawford County**.

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

S04-021: Cenveo, Inc. (7625 Suffolk Avenue, Philadelphia, PA 19153) for operation of a commercial lithographic printing company in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight printing presses, two space heaters and many smaller space heaters that are each smaller than 250,000 Btu/hr.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons who wish to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

S04-009: Saint Joseph's University (5930 City Avenue, Philadelphia, PA 19131) for operation of a university in the City of Philadelphia, **Philadelphia County**.

The facility's major air emission source is three boilers, two rated at 13.4 mmBtu/hr and one rated at 20.7 mmBtu/hr.

The operating permit will be issued under 25 Pa.Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons who wish to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

Coal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

California District Office: 25 Technology Drive, Coal Center, PA 15423.

56733702 and NPDES Permit No. PA0110035, Robindale Energy Services, Inc., (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to renew the permit for the Marmon Refuse Site in Jenner Township, **Somerset County** and related NPDES permit. No additional discharges. Application received May 24, 2005.

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

Permit No. 56000103 and NPDES No. PA0235245. Hoffman Mining, Inc., 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 111.4 acres. Receiving streams: UNTs to Oven Run to Stony Creek River, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 1, 2005.

Permit No. 56900104 and NPDES No. PA0598780. Windber High Standard Coal Company, 1210 Graham Ave., Windber, PA 15963 permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 37.7 acres. Receiving streams: Beaverdam Creek and UNTs to Beaverdam Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 31, 2005.

32990108 and NPDES No. PA0235130. KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618-1241, permit renewal for the continued operation and restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 54.0 acres. Receiving streams: UNTs to Whisky Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2005.

Permit No. 56900105 and NPDES No. PA0598852. Cooney Brothers Coal Company, P. O. Box 246, Creson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Paint Township, **Somerset County**, affecting 295 acres. Receiving streams: UNTs to and Shade Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 4, 2005.

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

26050104 and NPDES Permit No. PA0250724. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 228.7 acres. Receiving streams: UNTs to Jacobs Creek and Georges Creek, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: Masontown Water Works and Carmichaels Municipal Authority. Application received: June 2, 2005.

03050102 and NPDES Permit No. PA0250732. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine located in Rayburn Township, **Armstrong County**, affecting 84 acres. Receiving streams: UNTs to Stony Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 3, 2005.

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

17050103 and NPDES Permit No. PA 0256196. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA 15856). Commencement, operation and restoration of a bituminous surface mine permit in Brady Township, **Clearfield County** affecting 49.2 acres. Receiving streams: UNT to Little Anderson Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received: May 18, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

58040865. Shawn Aukema, (R. R. 1 Box 1366, Friendsville, PA 18818), Stage I and II bond release for a quarry operation in Silver Lake Township, **Susquehanna County** affecting 1.0 acre on land owned by Shawn Aukeman. Application received June 6, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-738. Uwchlan Township, 715 N. Ship Road, Exton, PA 19341-1945, Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction associated with the restoration of a UNT of the East Branch of Brandywine Creek (HQ-TSF-MF) and the management of an existing pond to remediate algal blooms:

- 1) Place fill in 0.26 acre body of water and remove outlet works from existing nonjurisdictional dam (Pond B).
- 2) Relocate and restore about 125 linear feet of watercourse.
- 3) To construct and maintain wetlands adjacent to restored stream channel.
- 4) Modify an existing nonjurisdictional dam (Pond A) by constructing and maintaining an intake structure and lift pump along the existing stone dam breast.
- 5) Construct and maintain 3-inch SCH. 40 PVC outfall structure to wetland area noted in item 3.

The site is located about 500 feet west of intersection of Shelmire Road and Welsh Ayres Way (Downingtown, PA USGS Quadrangle N: 8.50 inches W: 11.75 inches).

E46-977. Providence Ridge Associates, LP, 1030 W. Germantown Pike, P.O. Box 287, East Norriton, PA 19403, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions associated with the proposed court at Upper Providence Retail Center:

- 1) To place fill within a 743 linear feet segment of intermittent headwater stream within Mingo Creek (WWF) Watershed, associated with the construction of a parking lot.
- 2) To place fill within 0.08 acre of adjacent wetland (PEM) associated with the construction of a parking lot.
- 3) To modify an existing 30" by 48" RCP culvert pipe which conveys Mingo Creek under Township Line Road.

The pipe will be extended 25' upstream to the edge of the right-of-way and connected via a junction box to a proposed commercial center stormwater collection system outfall.

The applicant proposes to construct 0.08 acre of replacement wetlands onsite within a stormwater collection system. The site is located on southeast corner of the intersection of Ridge Pike and Township line Road (Collegeville, PA USGS Quadrangle N: 15.7 inches; W: 0.4 inch).

E09-885. Highglen-Pineville Quakertown Associates, LP, 8120 Old York Road, Elkins Park, PA 19027, Richland Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the Trainers Corner Shopping Center:

- (1) To place and maintain fill in 0.11 acre of wetlands (PEM) associated with the construction of the proposed SR 0309 multidirectional access drive. The construction of this access drive may also temporarily impact wetlands.
- (2) To extend an existing 48-inch stormwater outfall structure (EW 1) into wetlands associated with the construction of the proposed access drive.
- (3) To construct and maintain a 15-inch stormwater outfall structure (EW 2) into wetlands associated with the construction of the proposed access drive.
- (4) To modify an existing stream enclosure consisting of two pipes, a 48-inch RCP and a 29-inch by 45-inch RCP. This enclosure which carries a UNT of Tohicken Creek (TSF) across SR 0309 was previously authorized by an encroachment permit No. E09-738. The existing 29-inch by 45-inch RCP structure will be extended upstream by construction of 75 linear feet of a twin 19-inch by 30-inch RCP and associated endwall. The existing 48-inch RCP structure will be modified by replacing the upstream 15 linear feet of pipe and endwall and placing a junction box and stormwater outfall associated with the proposed inlet 6.
- (5) The applicant has proposed to compensate wetland fill by constructing an on site wetland replacement area.

The site is located just northwest of the intersection of Bethlehem Pike (SR 0309) and Old Bethlehem Pike, (Quakertown, PA USGS Quadrangle N: 13.1 inches; W: 15.3 inches)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E35-373. City of Carbondale, One North Main Street, Carbondale, PA 18407, in City of Carbondale, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To remove a four-story building, streambank retaining wall and the existing bridge; to construct and maintain a prestressed adjacent box beam bridge having a 50-foot 3-inch span and an 8-foot 4-inch underclearance across the Lackawanna River (HQ-CWF); and to remove accumulated sediment in and along 320 feet of the Lackawanna River. The project is located at the Sixth Street Bridge over the Lackawanna River (Carbondale, PA Quadrangle N: 13.05 inches; W: 0.55 inch).

E39-451. Iron Mine Recreation, Inc., Anne Street and Neola Road, Stroudsburg, PA 18353-0033, in North Whitehall Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a pedestrian bridge, having a 44-foot span and a 6.7-foot underclearance across Coplay Creek (HQ-CWF). The project is located on the north side of Shankweiler Road approximately 1.7 mile east of SR 0309. (Cementon, PA Quadrangle N: 4.1 inches; W: 8.3 inches).

E40-650. Włodzimierz Jaskiewicz, 12 Jaskiewicz Way, White Haven, PA 18661, in Rice Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: a road crossing of PFO wetlands, within the drainage basin of the Big Wapwallopen Creek (CWF), along Aleksander Boulevard; several sanitary sewer line crossings of wetlands; and a stormwater outfall within wetlands, for the construction of the Polonia Estates Subdivision. These activities were previously authorized under permit E40-501 but were not completed prior to expiration of the permit. The project is located on the north side of SR 2042 (Nuangola Road), immediately west of the Rice Township/Wright Township boundary. (Wilkes-Barre West, PA Quadrangle N: 3.8 inches; W: 5.8 inches).

E40-651. George J. Venesky, 1327 Heslop Road, Mountaintop, PA 18707, in Rice and Wright Townships, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove accumulated sand, gravel, silt and debris, to a depth of approximately 2 feet, from the channel of the Big Wapwallopen Creek (CWF). The project is approximately 30 feet long (upstream to downstream) by 18 feet wide. The project is located immediately upstream of SR 2042 (Nuangola Road) bridge. (Wilkes-Barre West, PA Quadrangle N: 3.75 inches; W: 5.75 inches).

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

E31-203. Henderson Township, P. O. Box 356, Huntingdon, PA 16652 in Henderson Township, **Huntingdon County**, ACOE Baltimore District.

To remove two 30-inch diameter 45-foot long reinforced concrete pipes and to install and maintain a 95-inch by 67-inch elliptical corrugated metal pipe measuring 60 feet in length skewed from the original crossing location to allow for better hydraulic capacity, and to install and maintain 66 feet of riprap protection on left bank below the crossing, and 58 feet of riprap protection on both left and right banks above the crossing at a point where Numers Hollow Road crosses Numers Hollow Run (WWF) (Mount Union, PA Quadrangle Latitude: 40° 29' 53"; Longitude: 77° 57' 57") in Henderson Township, Huntingdon County.

E07-394. Ken Wachter, R. D. 4, Box 203C, Tyrone, PA 16686 in Snyder Township, **Blair County**, ACOE Baltimore District.

To maintain 0.05 acre of fill in PEM wetlands for the purpose of maintaining an existing single family home located at a site (Latitude: 40° 40' 08", Longitude: 78° 16' 01") along Hoover's Lane in Snyder Township, **Blair County**. The acreage of wetland impact is considered de minimis and wetland replacement is not required.

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

E14-473. David Greenaway, 2105 Runville Road, Bellefonte, PA 16823. Bank Protection, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain a total of 43 linear feet of stream bank protection located within a 235 feet reach downstream of a culvert pipe that is next to David Greenaway's parking area and in the left bank of a UNT to Wallace Run located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144). This project proposes to permanently impact 43 linear feet of the UNT to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

E18-392. Porter Township Municipal Authority, 216 Spring Run Road, Mill Hall, PA 17751, Culvert Replacement, in Porter Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 5.91 inches; W: 14.2 inches).

To construct and maintain a 6 foot by 8 foot arch pipe culvert in Sink Run on Sink Run Road about 0.75 mile south of the intersection of Sink Run Road with SR 2004. The project will not impact wetlands while impacting about 40 feet of waterways. Young Womans Creek is a HQ-CWF stream.

E53-408. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 263012. Dominion Northeast Storage Project, Sharon Township and Shinglehouse Borough, **Clearfield County**, ACOE Pittsburgh District (Oswayo, PA Quadrangle N: 19.67 inches; W: 13.77 inches).

To construct, operate and maintain 6-miles of new TL-527 pipeline within a 75-foot right-of-way for the transmission of natural gas; to construct, operate and maintain 0.94-mile of new LN-2471S pipeline to gather and convey natural gas to LN-257S. Pipeline TL-527 shall be constructed as a 20-inch diameter pipeline and LN2471S shall be constructed as an 8-inch diameter pipeline. Construction of the new pipelines require 26 wetland and 21 stream crossings that are as follows:

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Butter Creek	HQ-CWF	41° 59' 00.29"	78° 05' 20.64"
UNT-Butter Creek	HQ-CWF	41° 58' 59.21"	78° 05' 22.30"
UNT-Butter Creek	HQ-CWF	41° 58' 56.00"	78° 05' 33.88"
UNT-Plank Creek	CWF	41° 58' 23.10"	78° 08' 44.10"
UNT-Plank Creek	CWF	41° 58' 18.94"	78° 08' 44.44"
UNT-Plank Creek	CWF	41° 58' 13.20"	78° 08' 09.02"
UNT-Plank Creek	CWF	41° 58' 13.26"	78° 08' 16.34"
UNT-Plank Creek	CWF	41° 58' 14.73"	78° 08' 24.20"
UNT-Plank Creek	CWF	41° 58' 23.10"	78° 08' 30.51"
UNT-Plank Creek	CWF	41° 58' 18.36"	78° 08' 35.82"
UNT-Honeoye Creek	CWF	41° 58' 20.25"	78° 08' 52.25"

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
UNT-Honeoye Creek	CWF	41° 58' 19.65"	78° 09' 02.18"
UNT-Honeoye Creek	CWF	41° 58' 18.18"	78° 09' 42.37"
Honeoye	CWF	41° 58' 19.59"	78° 09' 53.77"
Seely Hollow	CWF	41° 58' 25.93"	78° 10' 28.51"
Karr Hollow	CWF	41° 58' 13.73"	78° 11' 29.74"
UNT-Honeoye Creek	CWF	41° 58' 12.51"	78° 11' 23.15"
UNT-Honeoye Creek	CWF	41° 58' 12.23"	78° 11' 23.77"
Karr Hollow	CWF	41° 58' 11.39"	78° 11' 25.71"
UNT-Oswayo Creek	CWF	41° 58' 13.10"	78° 11' 47.98"
Wetland WJW050	HQ-CWF	41° 59' 00.26"	78° 05' 20.62"
Wetland WJW061	HQ-CWF	41° 59' 03.20"	78° 05' 57.34"
Wetland WCLN008	CWF	41° 58' 18.99"	78° 08' 29.81"
Wetland MTD001	CWF	41° 58' 19.39"	78° 07' 41.27"
Wetland MTD 002	CWF	41° 58' 17.22"	78° 07' 50.12"
Wetland WDL002	CWF	41° 58' 18.26"	78° 08' 35.95"
Wetland WDL003	CWF	41° 58' 20.04"	78° 08' 49.30"
Wetland WDL004	CWF	41° 58' 20.25"	78° 08' 52.69"
Wetland WDL005	CWF	41° 58' 19.09"	78° 09' 04.18"
Wetland WDL006	CWF	41° 58' 17.68"	78° 09' 46.36"
Wetland WDL007	CWF	41° 58' 17.98"	78° 09' 49.98"
Wetland WDL008	CWF	41° 58' 18.66"	78° 09' 52.20"
Wetland WDL009	CWF	41° 58' 21.18"	78° 09' 56.40"
Wetland WDL010	CWF	41° 58' 25.09"	78° 10' 20.46"
Wetland WDL011	CWF	41° 58' 25.77"	78° 10' 28.40"
Wetland WDL012	CWF	41° 58' 26.31"	78° 10' 31.67"
Wetland WDL013	CWF	41° 58' 26.78"	78° 10' 35.10"
Wetland WDL014	CWF	41° 58' 13.48"	78° 11' 20.91"
Wetland WJW059	CWF	41° 58' 11.75"	78° 11' 24.90"
Wetland WJW062	CWF	41° 58' 15.30"	78° 11' 26.74"
Wetland WJW060	CWF	41° 58' 11.55"	78° 11' 39.61"
Wetland WJW066	CWF	41° 58' 12.56"	78° 11' 43.34"
Wetland WJW067	CWF	41° 58' 13.07"	78° 11' 45.31"
Wetland WJW068	CWF	41° 58' 13.10"	78° 11' 47.82"
Wetland WJW069	CWF	41° 58' 18.98"	78° 12' 12.06"
Wetland WJW049	CWF	41° 58' 18.67"	78° 12' 15.36"

Gas transmission lines shall be replaced beneath streambeds so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project temporarily impacts 5.47 acres of wetland while permanently impacting 0.96 acre of wetland and 175 linear feet of waterways. The project is located along the northern right-of-way of SR 4014 approximately 2.4 miles east of SR 4021 and SR 4014 intersection.

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

E02-1501. Payless Express Car Wash, 5905 Brownsville Road, Pittsburgh, PA 15236-3507. To place fill in floodway in South Park Township, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 13.9 inches; W: 15.5 inches and Latitude: 40° 19' 10"—Longitude: 79° 59' 13"). The applicant proposes to construct and maintain two stormwater outfalls to Lick Run (TSF) and to construct and maintain a building, parking lot and its associated fill within the right bank floodway of Lick Run for approximately 271'. The project is located along the east side of Brownsville Road approximately 1,200 lineal feet south of its intersection with Curry Hollow and Broughton Roads.

E04-312. Township of Darlington, 3590 Darlington Road, Darlington, PA 16115. To place fill in wetlands in Darlington Township, **Beaver County**, Pittsburgh ACOE District. (New Galilee, PA Quadrangle N: 10.7 inches;

W: 8.5 inches and Latitude: 40° 48' 32"—Longitude: 80° 26' 11"). The applicant proposes to place and maintain fill in 0.13 acre of wetlands (PFO) adjacent to a UNT to North Fork Little Beaver Creek (HQ-CWF) for the purpose of constructing a nature trail at the Darlington Township Community Park. The project is located on the north side of Darlington Road, approximately 2,000 feet northeast from the intersection of Darlington Road and Cannelton Road and will impact 0.13 acre of PFO wetlands.

E11-311. Allegheny Township, 107 Storm Road, Loretto, PA 15940. To construct a bridge in Allegheny Township, **Cambria County**, Pittsburgh ACOE District. (Cresson, PA Quadrangle N: 21.1 inches; W: 13.9 inches and Latitude: 40° 29' 28"—Longitude: 78° 36' 00"). The applicant proposes to remove the existing bridge and concrete weir, to construct and maintain a channel located under the bridge and to allow the upper pool to match the existing lower pool of Cresson Lake, to construct and maintain a new bridge having a span of approximately 40' and underclearance of approximately 9' 11" located in and across Clearfield Creek/Cresson Lake (WWF). The applicant also proposes to place fill in 0.003 acre of wetlands. The project is located on Shapiro Road (T-456) just west of its intersection with Ice Plant Road (T-452).

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

E25-695. Western New York & Pennsylvania Railroad, LLC, P. O. Box 190-B, 5769 Sweeteners Boulevard,

Lakeville, NY 14480. Hungry Run Bridge and Stream Stabilization, in Union Township, **Erie County**, ACOE Pittsburgh District (Union City, PA-NY Quadrangle N: 1.4 inches; W: 4.3 inches).

The applicant proposes to maintain an existing railroad bridge having a clear span of approximately 33 feet and an underclearance of approximately 9.5 feet and to conduct the following activities in Hungry Run on Mile Post SA 68.77 approximately 1.3 miles southeast of the intersection of Mitchell Road and O'Neil Road: 1) channel realignment for a length of approximately 150 feet upstream of the structure; 2) riprap stabilization of the streambank for a length of approximately 150 feet upstream of the structure; and 3) riprap protection of the bridge wingwalls. An existing 2-foot by 2-foot by 6-foot concrete block wall has collapsed into Hungry Run resulting in erosion near the abutments/wing walls and threatening the structure. Hungry Run is a perennial stream classified as a CWF. The proposed project would impact approximately 190 feet of stream.

ENVIRONMENTAL ASSESSMENTS

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

EA-67-11: Martha Miller, 8916 Hickory Rd., Felton, PA 17322 in East Hopewell Township, **York County**, ACOE Baltimore District.

To remove an existing damaged 16-foot wide concrete bridge having a span of 18-feet 4-inches then construct and maintain a 26-foot wide Con/Span precast arch bridge having a span of 24 feet over a UNT to the south branch of Rambo Run (EV) in East Hopewell Township, York County (Stewartstown, PA Quadrangle N: 12.56 inches; W: 5.03 inches). The project also includes installation of a 36-inch pipe outfall structure conveying roadside runoff through three concrete drop-box inlets and associated piping, which will discharge over a rip-rap rock apron before entering the same UNT. There will be no wetland impacts associated with this project.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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>
PA0086142 (Sewage)	Washington Township Municipal Authority P. O. Box 156 Barto, PA 19504	Berks County Washington Township	West Branch Perkiomen Creek/3E	Y
PA0080586 (Sewage)	Morton Buildings, Inc. 3370 York Road Gettysburg, PA 17325-8258	Adams County Straban Township	UNT Swift Run/7F	Y
PA0087734 (Industrial Waste)	The Marietta Gravity Water Company 1195 River Road P. O. Box 302 Marietta, PA 17547	York County Hellam Township	Dugan Run/7I	Y
PA0018388 (Sewage)	Windy Brae Manor Mobile Home Park 14871 Mount Olivet Road Stewartstown, PA 17363	York County North Hopewell Township	UNT East Branch Codorus Creek//7H	Y
PA0083399 (Sewage)	Outdoor World Corporation P. O. Box 447 Bushkill, PA 18324-0447	York County Dover Township	Conewago Creek/7F	Y
PA0082643 (Sewage)	Flatbush Golf Course, Inc. 940 Littlestown Road Littlestown, PA 17340	Adams County Union Township	UNT South Branch Conewago Creek/7F	Y
PA0033774 (Sewage)	Regent Acres MHP Craig Dallmeyer 4775 N. Sherman Street Ext. Box 1 Mt. Wolf, PA 17347	York County Newberry Township	UNT Fishing Creek/7E	Y
PA0022543 (Sewage)	Borough of Bally 425 Chestnut Street P. O. Box 217 Bally, PA 19503-0217	Berks County Washington Township	West Branch Perkiomen Creek/3E	Y
PA0081248 (Sewage)	PPL Services Otter Creek Campground 9 New Village Road Holtwood, PA 17532-9722	York County Chanceford Township	Susquehanna River/7I	Y
PA0083551 (Sewage)	North Carolina Associates Partnership—Walnut Grove MHP 585 Martin Road Gettysburg, PA 17325	Adams County Tyrone Township	UNT Conewago Creek/7F	Y
PAR10C333R	John Smith Forino Co., LP 555 Mountain Home Road Sinking Spring, PA 19608	Berks County Exeter Township	Antietam Creek/CWF	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>
PA0090379 Industrial Waste	Indiana County Municipal Services Auth. 827 Water Street Indiana, PA 15701	Indiana County Black Lick Township	UNT to Aultman's Run	Y
PA0022276 Sewage	Southmoreland School District 609 Parker Avenue Scottdale, PA 15683	Westmoreland County East Huntingdon Township	UNT of Stauffer Run	Y
PA0204714 Sewage	New Horizons Foundation, Inc. 145 New Horizons Drive Clymer, PA 15728	Indiana County Cherryhill Township	UNT of Penn Run	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>
PA0103632	Piney Creek Limited Partnership 428 Power Lane Clarion, PA 16214	Piney Township Clarion County	UNT to Piney Creek 17-B	Y
PA0101940	Country Estates Mobile Home Park 210 Summit Road Kennerdell, PA 16374-2220	Clinton Township Venango County	Trout Run 16-G	Y
PA0100536	Department of Conservation and Natural Resources Chapman State Park Bureau of State Parks R. R. 2, Box 1610 Clarendon, PA 16313	Pleasant Township Warren County	UNT to West Branch Tionesta Creek 16-F	Y
PA0038814 Amendment No. 1	Ellport Borough STP 313 Burns Avenue Ellwood City, PA 16117	Ellport Borough Lawrence County	Connoquenessing Creek 20-C	Y
PA0032751	Department of Transportation Rest Area 18 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Deer Creek Township Mercer County	UNT to Black Run 16-G	Y
PA0032760	Department of Transportation Rest Area 17 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Deer Creek Township Mercer County	UNT to Lake Wilhelm (Sandy Creek) 16-G	Y
PA0103608	Country Acres Mobile Home Park 17258 Silvering Road Saegertown, PA 16433	East Mead Township Crawford County	UNT to Little Sugar Creek 16-B	Y

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

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

NPDES Permit No. PAS602203, Industrial Waste, **Einfalt Recycling & Salvage, Inc.**, 221 Bushkill Street, Box 100, Stockertown, PA 18083. This proposed facility is located in Stockertown Borough, **Northampton County**.

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

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

NPDES Permit No. PA0247634, Sewage, **There's Room in the Inn, Charles McClanahan**, 444 Plessinger Road, Warfordsburg, PA 17627. This proposed facility is located in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Little Tonoloway Creek/13-B.

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

NPDES Permit No. PA0218219, Industrial Waste, **C & C Marine Maintenance Company**, P. O. Box 520, Point Pleasant, WV 25550. This proposed facility is located in Georgetown Borough, **Beaver County**.

Description of Proposed Action/Activity: Barge cleaning operation.

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. 1305401, Sewerage, **Department of Conservation and Natural Resources, Hickory Run State Park**, 400 Market Street, RCSOB, Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Kidder Township, **Carbon County**.

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

WQM Permit No. 3505401, Sewerage, **Scott Township Sewer & Water Authority**, R. R. 1, Box 432D, Olyphant, PA 18447. This proposed facility is located in Scott Township, Carbondale Township, Jermyn Borough, Mayfield Borough, **Lackawanna County**.

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

Construction of a sanitary sewer collection and conveyance system consisting of gravity sewer, force main, low pressure sewer and eight sewage pump stations.

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

WQM Permit No. 0105401, Sewerage, **Straban Township**, 1745 Granite Station Road, Gettysburg, PA 17325-8232. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Installation of three submersible grinder pump stations to serve the Adams Rescue Mission, Agricultural Commodities and the Dwyer residence.

WQM Permit No. 0604401, Amendment 05-1, Sewerage, **Reading Regional Airport Authority**, 2501 Bernville Road, Reading, PA 19605-9611. This proposed facility is located in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of Airport Wastewater Treatment Plant Expansion.

WQM Permit No. 0605402, Sewerage, **Muhlenberg Township Authority**, 2840 Kutztown Road, Reading, PA 19605. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of the Laurel Creek Run Subdivision Pump Station.

WQM Permit No. 3805401, Sewerage, **South Annville Township Authority**, 829 South Spruce Street, Annville, PA 17003. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/operation of the new Phase 1 North Area Collection System, including two suction/lift pump stations (Reigerts Lane Pump Station and Locust Road Pump Station), about 23,000 feet of 10-inch force main and 3,230 feet of 12-inch gravity interceptor.

WQM Permit No. 2905401, Sewerage, **There's Room in the Inn, Charles McClanahan**, 444 Plessinger Road, Warfordsburg, PA 17627. This proposed facility is located in Brusch Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Construction/Operation of a 4,500 gpd sewage treatment plant to serve the Inn.

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

WQG Permit No. 2604401, Sewerage, **Perry Township Municipal Authority**, P. O. Box 183, Star Junction, PA 15483. This proposed facility is located in Perry Township, **Fayette County**.

Description of Proposed Action/Activity: Issuance of WQM Permit for construction and operation of sewage treatment plant and sewer and pumping system to serve the Wickhaven and Banning areas.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

Description of Proposed Action/Activity: to replace Brookside interceptor to address structural problems.

WQM Permit No. 5604405, Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, 2209 North Center Avenue, Somerset, PA 15501. This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: proposing a sanitary sewer system and treatment plant.

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

WQM Permit No. WQG018382, Sewerage, **David G. Kouger**, 31 Quarry Hill Road, Greenville, PA 16125. This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018317, Sewerage, **Stephanie Wolak**, 255 Creek Road, Slippery Rock, PA 16057. This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018356, Sewerage, **Nadeana L. Bielobocky**, 6899 Kinsman-Orangeville Road, Kinsman, OH 44428. This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

*NPDES Permit
No.*

<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904011 Salvaggio Enterprises, Inc. 623 Salvaggio Drive, Suite 200 Nazareth, PA 18064-8982	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF
PAI023905010 Parkland School District 1210 Springhouse Rd. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023905002 Carl E. Zettlemoyer 951 Seigfriedale Rd. Kutztown, PA 19530-9786	Lehigh and Berks	Weisenberg and Maxatawny Townships	Little Lehigh Creek HQ-CWF

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

NPDES Permit

<i>No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI034405002	Lowe's Home Center	Mifflin	Granville Township	UNT to Juniata River HQ-CWF
PAI030604007	Vincent Fantozzi 5050 Route 309 Center Valley, PA 18034	Berks	Richmond Township	Moselem Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017-1	Rob Cooper Penn State University 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough	Thompson Run HQ-CWF Big Hollow CWF
PAI041404010	Mensch Estates Mr. and Mrs. Fred Mensch 107 Long Lane Millheim, PA 16854 Charles Stover 778 Green Grove Rd. Spring Mills, PA 16875 Roger Day R. R. 2, Box 521D Lewisburg, PA 16875	Centre	Millheim Borough	Elk Creek EV

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

Erie County Conservation District: 1927 Wager Road, Erie, PA 16509.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062504001	Grace Baptist Church 3902 West 38th Street Erie, PA 16506	Erie	McKean Township	Thomas Run HQ, CWF, MF

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**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Whitehall Township Lehigh County	PAG2003904042	Kenneth Synder Spectrum Homes 3312 Seventh St. Allentown, PA 18052	Indian Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Maidencreek Township Berks County	PAG20006040361	Peter Giorgi F & P Holding Co., Inc. P. O. Box 96 Blandon Road Temple, PA 19650	Willow Creek/CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Ontelaunee Township Berks County	PAG2000605037	Bill Sailer 6210 Penn Avenue Wernersville, PA 19565	Willow Creek/CSF Maiden Creek/WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Penn Township Berks County	PAG2000605042	Richard Burke Gambone Brothers Development Co. 1030 West Germantown Pike P. O. Box 287 Fairview Village, PA 19409	Plum Creek/WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
City of Reading Berks County	PAG2000605040	Barry Suski Reading School District 800 Washington Street Reading, PA 19601	Schuylkill River/ WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Lower Heidelberg Township Berks County	PAG2000605036	Alfonso Rossi Pennsylvania American Water 4 Wellington Boulevard Wyomissing, PA 19610	UNT to Tulpehocken/ WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Muhlenberg
Township
Berks County

PAG2000605047

Pamela Houck
Dor-Mae Tool and Engineering
Co.
4001 Reading Crest Blvd.
Reading, PA 19605

Laurel Run/WWF,
MF

Berks County
Conservation District
1238 County Welfare
Road
P. O. Box 520
Leesport, PA
19533-0520
(610) 372-4657,
Ext. 201

Albany Township
Berks County

PAG2000605045

David Kurtz
317 Laurel Avenue
Cheltenham, PA 19012

Maiden Creek/CWF

Berks County
Conservation District
1238 County Welfare
Road
P. O. Box 520
Leesport, PA
19533-0520
(610) 372-4657,
Ext. 201

Amity Township
Berks County

PAG2000605044

Edward Shenk
Weavers Hardware Company
732 Fleetwood Lyons Road
Fleetwood, PA 19522

Leaf Creek/WWF

Berks County
Conservation District
1238 County Welfare
Road
P. O. Box 520
Leesport, PA
19533-0520
(610) 372-4657,
Ext. 201

City of Reading
Berks County

PAG2000605032

Gordon Hoodack
Reading School District
241 North Second Street
Reading, PA 19601

Schuylkill River/
WWF

Berks County
Conservation District
1238 County Welfare
Road
P. O. Box 520
Leesport, PA
19533-0520
(610) 372-4657,
Ext. 201

Amity Township
Berks County

PAG2000605039

Jon Tresslar
Heritage Building Group
2500 York Road
Jamison, PA 18929

Tributary Monocacy
Creek/WWF

Berks County
Conservation District
1238 County Welfare
Road
P. O. Box 520
Leesport, PA
19533-0520
(610) 372-4657,
Ext. 201

Juniata Township
Huntingdon County

PAG2003105004

John D. Gillen
R. D. 1 Box 426
Huntingdon, PA 16652

Juniata River
WWF

Huntingdon County
Conservation District
R. D. 1, Box 7C, Rt.
26 S.
Huntingdon, PA
16652

East Donegal
Township
Lancaster County

PAG2003605069

Columbia Gas Transmission
216 Firetower Rd.
Milford, PA 18337

UNT Susquehanna
River/WWF

Lancaster County
Conservation District
1383 Arcadia Rd.
Room 6
Lancaster PA 17601
(717) 299-5361,
Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Manor Township Lancaster County	PAG2003605072	Penn Manor School District 2950 Charlestown Rd. P. O. Box 1001 Millersville, PA 17551	Little Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605073	Granite Properties 205 Granite Run Dr. Suite 280 Lancaster, PA 17601	Little Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Earl Township Lancaster County	PAG2003605075	Lynn Good 136 Spring Grove Rd. East Earl, PA 17519	UNT Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605076	David Costello 626 Willow Green Dr. Lititz, PA 17543	Bachman Run Little Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605077	Horst Realty 205 Granite Run Dr. Lancaster, PA	Little Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Pequea Township Lancaster County	PAG2003605078	Stuart W Herr 2300 Rice Rd. Lancaster, PA 17603	UNT Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605079	Daniel King 230 Bushong Rd. Leola, PA 17540	Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Rd. Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Keller Farms Straban Township	PAG2000104026	Vincent Cimino 319 Forest Dr. Gettysburg, PA 17325	Rock Creek WWF	Adams County Conservation District (717) 334-5171
Liverpool Borough Perry County	03500506	Stephen Drew 100 Aucker Street Liverpool, PA 17045	Susquehanna River	Evan Ticehurst Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA, 17068 (717) 582-5119

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cedar Ridge, Phase II Hamilton Township Adams County	PAG2000104016	Paul Burkentine 330 Dubbs Church Rd. Hanover, PA 17331	UNT to Conewago Creek/WWF	Adams County Conservation District (717) 334-5171
Irish Meadows Oxford Township Adams County	PAG2000104023	John and Todd Grimm 200 Frederick St. Hanover, PA 17331	UNT to S. Branch Conewago Creek/WWF	Adams County Conservation District (717) 334-5171
South Londonderry Township Lebanon County	PAG2003805004	Springbrook Farms Inc. 1840 Fishburn Road Hershey, PA 17033	Spring Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Jackson Township and Myerstown Borough Lebanon County	PAG2003805012	Eleftherios G. Lagonis 305 Millardsville Road Richland, PA 17087	OwlCreek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Union Township Lebanon County	PAG2003805007	Arlene F. Haag Twin Grove Campground 987 Valley View Road New Holland, PA 17557	Swatara Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
SR 453, Section 002 Waterstreet Truck Climbing Lane Intersection of SR 453 and SR 22	PAG2003104011	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Frankstown Branch of the Juniata River WWF	Huntingdon County Conservation District R. D. 1, Box 7C, Rt. 26 S. Huntingdon, PA 16652
Morris Township, Huntingdon County				
West Hanover Township Dauphin County	PAG2002204037(1)	Joan Bretz 4081 Greystone Dr. Harrisburg, PA 17112	Manada Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
West Hanover Township Dauphin County	PAG2002204022	TKC LXII, LLC 5935 Carnegie Blvd. Suite 200 Charlotte, NC 28209	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002204048	The McNaughton Co. 4400 Deer Path Rd. Suite 201 Harrisburg, PA 17110	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002205021	Lower Paxton Township Authority 425 Prince St. Suite 139 Harrisburg, PA 17109	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Montgomery Township Franklin County	PAG2002805043	WACCO Properties, Inc. Attn: Robert Correll 11870 Mutual Drive Waynesboro, PA 17268	Licking Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Montgomery Township Franklin County	PAG2002805029	Montgomery Township Park Attn: Supervisors 11364 Ft. Loudon Road Mercersburg, PA 17236	UNT to West Branch Conococheague TS, MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Montgomery Township Franklin County	PAG2002805041	Allen Subdivision Attn: Robert Allen 21708 Mt. Aetna Road Hagerstown, MD 21742	Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Shippensburg Borough Franklin County	PAG2002805021	Big Dog Investments, LP Lane Thrush P. O. Box 267 Scotland, PA 17254	Rowe Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Guilford Township Franklin County	PAG2002805034	Wharton's View William W. Smith 1010 Potomac Avenue Hagerstown, MD 21742	UNT to Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Washington Township Franklin County	PAG2002805035	Antietam Commons William Aiello 119 South 5th Street Suite A Lemoyne, PA 17043	East Branch Antietam Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Quincy Township Franklin County	PAG2002805032	CHR Corp. Tim Rutter 2295 Susquehanna Trail Suite C York, PA 17404	UNT West Branch Antietam Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Guilford Township Franklin County	PAG2002805025	NPJ Properties, LP Dennis Perry 900 Kriner Road Chambersburg, PA 17201	UNT Conococheague WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Peters Township Franklin County	PAG2002805036	Loudon Meadows RLK Family L. P. Rodney Krebs 290 Seaks Run Rd. Glen Rock, PA 17327	West Branch Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Guilford and Greene Township Franklin	PAG2002805043	PPL Gas Utilities Attn: Scott Kinter 555 Camargo Rd. Quarryville, PA 17566	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Mercersburg Borough Franklin County	PAG2002805039	D. L. Martin Machine Company Donald Kaiser 25 Harbaugh Drive Mercersburg, PA 17236	Johnston Run WWF-MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Greene Township Franklin County	PAG2002805037	Upland Estates Summit Partnership, LLC Steve Lauriello 100 Colonial Way West Chester, PA 19382	UNT to Conococheague WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Potter County Coudersport Borough	PAG2005304001-1	Potter County Redevelopment Authority	UNT Allegheny River CWF	Potter County Conservation District 107 Market St. Coudersport, PA 16015 (814) 274-8411, Ext. 4
Union County Kelly Township	PAG2006005005	Don Gula Tristan Associates 4520 Union Deposit Rd. Harrisburg, PA 17111	W. Br. Susquehanna River	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Allegheny County South Fayette Township	PAR10A541-1	Wadell Group 122 Cedar Lane McMurray, PA 15317	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000205024	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Monongahela River (WWF)	Allegheny County CD (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Oakmont Borough	PAG2000205036	The Paradise Group Win-Oakmont LTD 2901 Rigsby Lane Safety Harbor, FL 34695	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAG2000205037	Claire-Boyce Assn. The Rubinoff Company Alcoa Business Service Center 30 Isabell Street 2nd Floor Pittsburgh, PA 15212	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000205038	West Allegheny School District P. O. Box 55 600 Donaldson Road Oakdale, PA 15071	Robinson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County West Mifflin Borough	PAG2000205041	William G. Tomko, Inc. 2559 Route 88 Finleyville, PA 15332	Streets Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Whitehall Borough	PAG2000205043	Baldwin-Whitehall School District 4900 Curry Hollow Rd. Pittsburgh, PA 15236	Streets Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County South Park Township	PAG2000205051	Mark Raymond 559 Trumbull Drive Pittsburgh, PA 15205	Lick Run (TSF)	Allegheny County CD (412) 241-7645
Armstrong County Pine Township	PAG2000305001	Pine Township P. O. Box 311 Templeton, PA 16259	Allegheny River (WWF)	Armstrong County CD (724) 548-3425
Cambria County Cresson Township	PAG2001105009	Department of General Services Room 207 18th and Herr Streets Harrisburg, PA 17120	Blair Gap Run (CWF)	Cambria County CD (814) 472-2120
Greene County Jefferson Township	PAG2050305006	Dry Tavern Sewer Auth. P. O. Box 194 Rices Landing, PA 15357	Pumpkin Run (WWF)	Greene County CD (724) 852-5278
Indiana County Center Township	PAG2003205009	Joseph Canton Joseph Land Dev. LLC 533 Lusciousboro Rd. Blairsville, PA 15717	Coral Creek (CWF)	Indiana County CD (724) 463-8547
Washington County Peters Township	PAG2006305015	Mark and Kimberly Miller 142 Justa Bout Road McMurray, PA 15317	UNT of Peters Creek (WWF)	Washington County CD (724) 228-6774
Westmoreland County Rostraver Township	PAG2006505015	Brian Homes, Inc. 3027 South Park Road Bethel Park, PA 15102	UNT to Pollock Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Murrysville	PAG2006505017	David Ruggiero 3141 Crab Hollow Road Pittsburgh, PA 15235	UNT to Allegheny River and Turtle Creek (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Mt. Pleasant and Bullskin Townships	PAG2006505030	Department of Transportation P. O. Box 459 Uniontown, PA 15401	Jacobs Creek (CWF)	Westmoreland County CD (724) 837-5271
Mercer County City of Hermitage	PAG2004304014(1)	Joy Cone Company 3435 Lamor Road Hermitage, PA 16148	Pine Hollow Run WWF	Mercer Conservation District (724) 662-2242
Venango County City of Franklin Sugarcreek Borough	PAG2006105006	Venango Regional Airport Airport Road Franklin, PA 16323	French Creek and UNT to Sandy Creek WWF	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Rose Township
Jefferson County

PAR118335

Miller Welding and Machine
Company
P. O. Box G
Brookville, PA 15825

UNT to Coder Run

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942Sugarcreek Borough
Venango County

PAR148304

Greif Paper Packaging &
Services LLC
P. O. Box 395
Reno, PA 16343

Allegheny River

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Lehigh Township
Northampton CountyPAG042214
and WQG012214Albert R. George, III
Carol L. George
400 Blue Mountain Drive
Treichlers, PA 18086UNT Lehigh River,
CWFDEP—NERO
Water Mgmt.
Program
2 Public Square
Wilkes-Barre, PA
18711-0790
(570) 826-2511York County
North Hopewell
Township

PAG043728

Albert Kuentzler
6296 Church Road
Felton, PA 17322UNT North Branch
Muddy Run/CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110
(717) 705-4707Berks County
Bethel Township

PAG043729

Stephen Gass
159 Forth Henry Road
Bethel, PA 19507UNT Crosskill
Creek/CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110
(717) 705-4707Dauphin County
East Hanover
Township

PAG043560

Steven and Karen Parinisi
9165 Mountain Road
Grantville, PA 17028UNT Manada
Creek/CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110
(717) 705-4707Bedford County
Liberty Township

PAG043526

Fred E. Weimert, Jr.
575 Carbeery Road
Saxton, PA 16678-9708UNT to Ravers
Run/TSFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110
(717) 705-4707Cumberland County
Upper Frankford
Township

PAG043592

Carrie and Richard Roush
635 Mohawk Road
Newville, PA 17241

7B

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110
(717) 705-4707Hempfield Township
Mercer County

PAG049174

David G. Kougher
31 Quarry Hill Road
Greenville, PA 16125UNT to the
Shenango RiverDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Slippery Rock Township Butler County	PAG049009	Stephanie Wolak 255 Creek Road Slippery Rock, PA 16057	Slippery Rock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wayne Township Crawford County	PAG048681	Frank E. Pashel 234 Guenevere Drive Pittsburgh, PA 15237	Sugar Lake	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAG049148	Nadeana L. Bielobocky 6899 Kinsman-Orangeville Road Kinsman, OH 44428	UNT to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

Berks County Perry Township	PAG080002 PAG080005 PAG080011 PAG080013 PAG080017 PAG083522 PAG083551	Jesse Baro, Inc. 4 Quarry Road Douglassville, PA 19518	Zweizlg Farm Berks County Perry Township	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
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General Permit Type—PAG-9

*Facility Location &
County/Municipality Permit No.*

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

Franklin County Southampton Township	PAG093532	Rosenberry's Septic Service 8885 Pineville Road Shippensburg, PA 17257	Franklin County Southampton Township	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
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PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

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

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

Permit No. 1504508, Public Water Supply.

Applicant

**Pennsylvania American
Water Company—Royersford**
800 West Hersheypark Drive
Hershey, PA 17033

Township East Coventry
 County **Chester**
 Type of Facility PWS
 Consulting Engineer Gerald A. DeBalko P. E.
 PA-American Water Company
 4 Wellington Boulevard
 Wyomissing, PA 19610

Permit to Construct June 8, 2005
 Issued

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010 (PWSID #1150137) Caln and East Brandywine Townships, **Chester County** on June 8, 2005, for the operation of facilities approved under construction permit #1504501.

Permit No. 1505504, Minor Amendment. Public Water Supply.

Applicant **Honey Brook Borough Authority**
 71 Pequea Avenue
 Honey Brook, PA 19344
 Township Honey Brook
 County **Chester**
 Type of Facility PWS
 Consulting Engineer Spotts, Stevens & McCoy, Inc.
 1047 N. Park Road
 Reading, PA 19610

Permit to Construct June 8, 2005
 Issued

Permit No. 4605503, Minor Amendment. Public Water Supply.

Applicant **Superior Water Company**
 2960 Skippack Pike
 Worcester, PA 19490
 Township New Hanover
 County **Montgomery**
 Type of Facility PWS
 Consulting Engineer N/A
 Permit to Construct June 8, 2005
 Issued

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

Permit No. 0603512, Public Water Supply.

Applicant **Heritage Building Group Land Division**
 Municipality Union Township
 County **Berks**
 Type of Facility This PWS permit approves the construction of a new community water system. The proposed facilities include two wells, a pump house/treatment building, 185,000-gallon finished water storage tank and distribution system.

Consulting Engineer Mark S Geosits, P. E.
 Schoor DePalma Inc.
 1555 Bustard Road
 Suite 5DT
 Suite 4100
 Kulpville, PA 19443-0304

Permit to Construct 5/27/2005
 Issued:

Operations Permit issued to: **The York Water Company**, 7670100, York Township, **York County** on 5/23/2005 for the operation of facilities approved under Construction Permit No. 6704504 MA.

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Catawissa Municipal Water Authority**
 Township or Borough Catawissa Borough
 County **Columbia**
 Responsible Official Cindy Bachman, Manager
 Catawissa Municipal Water Authority
 19 Schoolhouse Road
 P. O. Box 54
 Catawissa, PA 17820

Type of Facility Public Water Supply—Construction

Consulting Engineer Douglas Berg, P. E.
 Entech Engineering, Inc.
 4 South Fourth Street
 P. O. Box 32
 Reading, PA 19603

Permit Issued Date 6/7/05

Description of Action Replacement of the transmission line from Well Nos. 7 and 8 and the replacement of the reservoir outlet pipes.

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Penn State University**
 Township or Borough College Township
 County **Centre**
 Responsible Official Robert E. Cooper, P. E.
 Penn State University
 101 Physical Plant Building
 University Park, PA 16802-1118

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date 6/13/05

Description of Action Operation of the 3,500 feet of 16 inch transmission line from the Houserville wells to the air stripping towers.

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

Operations Permit issued to: **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242, PWSID #6160010, Redbank Township, **Clarion**

County, on June 10, 2005, for the operation of the Authority's Cottage Hill Water System expansion project, as approved under Construction Permit No. 1602503.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Mt. Carmel Borough	121 South Oak Street Mt. Carmel, PA 17851	Northumberland
Mt. Carmel Township	300 Laurel Street Atlas, PA 17851	Northumberland

Plan Description: The plan provides for separating storm and sanitary sewers in a large portion of the borough, installing new interceptors and replacing the existing sewage treatment plant with a new 2.25 mgd ICEAS SBR STP. This work is to be completed in three phases during the next 5 years. The work will result in the elimination of all combined sewer overflows within the sewage system.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

Borough or Township	Borough or Township Address	County
South Londonderry Township	P. O. Box 3 Campbelltown, PA 17010	Lebanon

Plan Description: The approved plan provides for a sewer extension and pump station to serve approximately 81 existing dwellings in the Mount Wilson Road area tributary to the existing Colebrook sewage treatment plant. This project expands the scope of previously approved planning in South Londonderry Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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 (Depart-

ment) 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.

Scottsville Site, Meshoppen Township and Windham Township, **Wyoming County.** Thomas Maher, P. G., RETTEW Associates, 3020 Columbia Avenue, Lancaster, PA 17603 has submitted a Final Report (on behalf of the property owner, Ken Skuba, Wyoming Land Conservancy, Inc., 66 Allen Lane, Drums, PA 18222) concerning the remediation of soils found or suspected to have been impacted by inorganics and PAHs. The report was submitted to document attainment of the residential Statewide health soil standard.

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 Final Report (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 report was submitted to document attainment of the residential Statewide health soil standard.

Former Penn Fuel Gas Manufactured Gas Plant—Pen Argyl site, Plainfield Township and Pen Argyl Borough, **Northampton County.** The RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238-1359, has submitted a Risk Assessment Report (on behalf of its client, PPL Gas Utilities, Inc., Two North Ninth St.,

Allentown, PA 18101) concerning the risk assessment of soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons, and other organic compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide health and the site-specific standards.

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

Judy Spaeth Residence, Royalton Borough, **Dauphin County**. Marshall Miller & Associates, Inc., 3919 Hartzdale Drive, Camp Hill, PA 17011, on behalf of Judy Spaeth, 35 Juniata Street, Middletown, PA 17057 and Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, submitted a Final Report concerning remediation of site soils contaminated with No. 2 Fuel Oil. The report is intended to document remediation of the site to a Statewide Health Standard.

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 Final Report concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil, leaded and unleaded gasoline from historic pipeline releases. The report is intended to document remediation of the site to a Statewide Health Standard.

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

Jeffrey Madinger Property, Huston Township, **Clearfield County**. Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803 has submitted a Final Report concerning soil contaminated with Fuel Oil No. 2. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a

site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Former Lincoln Textile Product Company Property (Belvidere and Whitfield Streets), Nazareth Borough, **Northampton County**. Vincent M. Carbone, P. G., Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a Final Report (on behalf of his client, Michael Mitch, Lincoln Textile Product Company, Inc., 900 Conroy Place, Easton, PA) concerning the remediation of site soil found or suspected to have been contaminated with no. 4 or 5 fuel oil. The report documented attainment of the residential Statewide health standard for soils and was approved on June 9, 2005.

Former Olin Microelectronics Materials, Inc., Plainfield Township, **Northampton County**. Nils Thompson, P. G., Project Manager, MACTEC Engineering and Consulting, Inc., 3200 Town Point Drive, Kennesaw, GA 30144 submitted both a Remedial Investigation Report and a Risk Assessment Report (on behalf of his client, Olin Corporation, P. O. Box 248, 1186 Lower River Road, NW, Charleston, TN 37310-0248) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with inorganics as the result of historic site operations. The reports were submitted in partial fulfillment of the site-specific standard and were approved on June 1, 2005.

UGI Utilities, Inc.—Hazelton Service Center, City of Hazelton, **Luzerne County**. J. C. Rondeau, Division Engineer—Environmental Compliance, UGI Utilities, Inc., 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677 submitted a Remedial Investiga-

tion Report concerning the characterization of soils and groundwater found or suspected to have been contaminated by petroleum products, polycyclic aromatic hydrocarbons and other potential constituents related to the site's historic use as a manufactured gas plant. The report was submitted in partial fulfillment of the Site-specific standard and was approved on May 12, 2005.

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

Fort Indiantown Gap, East Water Tower Area 16, East Hanover Township, **Lebanon County.** Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, An-nville, PA 17003-5002, submitted a Final Report concern-ing remediation of site soils contaminated by lead. The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on June 6, 2005.

Fort Indiantown Gap, West Water Tower Area 12, East Hanover Township, **Lebanon County.** Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, An-nville, PA 17003-5002, submitted a Final Report concern-ing remediation of site soils contaminated by lead. The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on June 6, 2005.

Fort Indiantown Gap, South Water Tower Area 8, East Hanover Township, **Lebanon County.** Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, An-nville, PA 17003-5002, submitted a Final Report concern-ing remediation of site soils contaminated by lead. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on June 6, 2005.

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

Municipal Authority of the Borough of Catawissa Building, Catawissa Township, **Columbia County.** GeoServices Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 has submitted a Final Report concerning soil contaminated with fuel oil. The Final report demon-strated attainment of the Statewide Health Standard and was approved by the Department on June 9, 2005.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration approved under the Solid Waste Man-agement Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general per-mit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

Registration Under General Permit No. WMGR090R043. Hammonds Hauling, 20575 Ham-mond Road, Spring Run, PA 17262-9718.

General Permit No. WMGR090 authorizes the process-ing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central

Office approved this registration for coverage under the general permit on June 9, 2005.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and Benefi-cial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit renewal under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Munici-pal Waste Planning, Recycling and Waste Reduc-tion Act (53 P. S. §§ 4000.101—4000.1904) and regu-lations to operate solid waste processing or disposal area or site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301626. White Pines Corporation, 320 Godshall Drive, Harleysville, PA 19438. Renewal of per-mit for a residual waste landfill located in Pine Township, **Columbia County,** issued by the Williamsport Regional Office on June 6, 2005.

Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Re-gional Office, 208 West Third Street, Suite 101, Williams-port, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Munici-pal Waste Planning, Recycling and Waste Reduc-tion Act (53 P. S. §§ 4000.101—4000.1904) and regu-lations to operate solid waste processing or disposal area or site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 301097. Horsehead Corporation (formerly Zinc Corporation of America), 300 Frank-fort Road, Monaca, PA 15061-2295. Operation of a captive residual waste landfill in Potter Township, **Beaver County.** Permit reissuance approved in the Regional Office on June 13, 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 clean-ing devices.

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

48-310-054GP3: Muschlitz Excavating, Inc. (615 Moorestown Drive, Bath, PA 18014) on June 7, 2005, to construct a portable stone crushing plant and associated air cleaning device at their facility on Tatamy Road, Upper Nazareth Township, **Northampton County.**

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

GP3-06-03069D: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on June 7, 2005, for Portable Nonmetallic Mineral Processing Plants under GP-3 in Alsace Township, **Berks County**.

GP4-21-03068: Carlisle Metal Prep, Inc. (17 Nicholas Drive, Carlisle, PA 17013) on June 10, 2005, for Burn Off Ovens under GP-4 in Carlisle Borough, **Cumberland County**.

GP4-31-03007: Huntingdon Electric Motor Services, Inc. (7th and Penn Streets, Huntingdon, PA 16652) on June 8, 2005, for Burn Off Ovens under GP-4 in Huntingdon Borough, **Huntingdon County**.

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

GP-42-210: Seneca Resources—Halsey Pipe Yard (State Route 219, Kane, PA 16735) on June 30, 2005, to operate a natural gas fired compressor engine in Segeant Township, **McKean County**.

GP-10-027: Penreco (138 Petrolia Street, Karns City, PA 16041) on May 31, 2005, to construct and operate an internal combustion engine in Karns City, **Butler County**.

GP-27-032: PA General Energy—Salmon Creek Station (Forest Route 145, Marionville, PA 16239) on May 31, 2005, to construct and operate two natural gas fired compressor engines in Jenks Township, **Forest 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.

23-0001Y: Sunoco, Inc.—R and M (100 Green Street, Marcus Hook, PA 19061) on June 8, 2005, to operate a convert 426.59 VOC ERCs to NO_x FCC in Marcus Hook Borough, **Delaware County**.

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

40-302-151: SVC Manufacturing, Inc. (750 Oak Hill Road, Mountaintop, PA 18707) on June 2, 2005, to construct a natural gas/No. 2 oil fired boiler at their facility in Wright Township, **Luzerne County**.

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

06-03071B: Wolfe Dye and Bleach Works, Inc. (25 Ridge Road, Shoemakersville, PA 19555) on June 7, 2005, for a plan approval to install a dryer at their facility in Perry Township, **Berks County**.

36-03152: Wengers Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) on June 7, 2005, to construct a soybean processing facility in West Donegal Township, **Lancaster County**.

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

24-131I: SGL Carbon LLC (900 Theresia Street, St. Marys, PA 15857) on June 6, 2005, to modify Title V OP conditions with regards to scrubber monitoring for Sources 7000, 7001 and 7002 and with regards to modifying condition requiring replacement cartridges to be on hand for Source 110 in City of St. Marys, **Elk County**. This is a Title V facility.

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.

09-0133: Webcraft, LLC (250 W. Pratt Street, 18th Floor, Baltimore, MD 21201) on June 8, 2005, to operate two lithographic printing presses in Bristol Township, **Bucks County**.

09-0152: Gelest, Inc. (612 William Leigh Drive, Tullytown, PA 19007) on June 8, 2005, to operate equipment for speciality chemicals in Falls Township, **Bucks County**.

46-0242: BAE Systems Aerospace Electronics, Inc. (305 Richardson Road, Lansdale, PA 19446-1485) on June 8, 2005, to operate a stoichiometric combustion system in Montgomery Township, **Montgomery County**.

15-0078C: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on June 7, 2005, to operate a two emergency generators in East Whiteland Township, **Chester County**.

23-0098: SAP America, Inc. (3999 West Chester Pike, Newtown Square, PA 19073) on June 10, 2005, to operate four electric generators and three boilers in Newtown Township, **Delaware County**.

23-0014C: Kimberly-Clark Corp. (Front Street and Avenue of the States, Chester, PA 19103) on June 8, 2005, to modify a wet scrubber dust control system in City Of Chester, **Delaware County**.

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

39-313-042: Filmtech Corp. (2121 31st Street, SW, Allentown, PA 18103) on May 31, 2005, to modify five polyethylene extrusion lines and associated air cleaning devices at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

48-302-103: Newstech PA LP (6 Horwith Drive, Northampton, PA 18067) on May 31, 2005, to reactivate a boiler at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

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

22-05047A: Dura-Bond Pipe, LLC (2716 S. Front Street, Steelton, PA 17113) on June 10, 2005, to install coating equipment for a new structural shapes fabrication operation at their existing facility in Steelton Borough, **Dauphin County**. This plan approval was extended.

28-03042: Advanced Recycling Technology, Inc. (1080 Opportunity Avenue No. 33, Chambersburg, PA 17201) on May 27, 2005, to construct an industrial dryer in Greene Township, **Franklin County**. This plan approval was extended.

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

17-305-050: Penfield Collieries, LLC (301 Market Street, Kittanning, PA 16201) on June 8, 2005, to operate a coal preparation plant on a temporary basis until October 6, 2005, in Huston Township, **Clearfield County**. The plan approval has been extended.

49-311-003: The Quikrete Companies, Inc. (RR 1 Box 312, Paxinos, PA 17860) on June 9, 2005, to operate a dry redi-mix concrete batching and packaging operation on a temporary basis, until October 7, 2005, in Shamokin Township, **Northumberland County**. The plan approval has been extended.

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

42-206A: Holm Industries (700 1/2 Elk Avenue, Kane, PA 16735) on May 31 2005, to modify two, existing calcining furnaces and associated control equipment at their Kane facility in the Borough of Kane, **McKean County**.

62-017J: United Refining (Bradley and Dobson Streets, Warren PA 16365) on June 6, 2005, to modify plan approval 62-302-010A to reflect the CO emission limits based on stack tests rather than AP-42 emission factor estimates at the Warren Refinery in Warren, **Warren County**. The refinery is a Title V Facility.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

67-05041: Defense Logistics Agency—Defense Distribution Depot Susquehanna Pennsylvania (DDSP, Building 1-1, FL2, New Cumberland, PA 17070-5501) on June 6, 2005, to operate four boilers and an emergency generator. This is a renewal of the Title V operating permit.

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

62-00017: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) on June 3, 2005, to issue a Title V Amendment Operating Permit to operate their petroleum refinery in City of Warren, **Warren County**. As a result of potential emissions of NO_x, VOC, the facility is a major source for NO_x but minor source for VOC, and is therefore subject to Reasonable Available Control Technology. The issued amended Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

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

46-00076: Greene Tweed and Co., Inc. (2075 Detwiler Road, P. O. Box 305, Kulpsville, PA 19443) on June 8, 2005, to operate a Synthetic Minor Operating Permit in Towamencin Township, **Montgomery County**.

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

56-00230: Somerset Area School District (645 S. Columbia Avenue, Somerset, PA 15501-2513) on June 7, 2005, for their coal-fired boilers at Friedens Elementary School in Friedens, **Somerset County**. The permit is a synthetic minor.

56-00149: Somerset Area School District (645 South Columbia Avenue, Somerset, PA 15501-2513) on June 7, 2005, for their natural gas/coal-fired boilers at Maple Ridge and Eagle View Elementary Schools in Somerset Borough, **Somerset County**. Permit is synthetic minor.

56-00155: Somerset Area School District (645 South Columbia Avenue, Somerset, PA 15501-2513) on June 7, 2005, for their natural gas/coal-fired boilers at the Junior/Senior High School in Somerset Borough, **Somerset County**. Permit is a synthetic minor.

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

20-00232: Meadville Plating Co., Inc. (10775 Franklin Pike, Meadville, PA 16335) on June 8, 2005, for a Natural Minor operating permit for hard chromium electroplating and TCE use in West Mead Township, **Crawford County**.

25-00052: Ames True Temper Inc.—Union City Borough (55 Pleasant Street, Union City, PA 16438) on June 10, 2005, for a Natural Minor Operating Permit to operate their Sawmills and Planning Mills in Union City Borough, **Erie County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

09-00021: MRI Flexible Packaging, Inc. (122 Penns Trail, P. O. Box 128, Newtown, PA 18940) on June 10, 2005, to amend the Natural Minor Operating Permit in Newtown Township, **Bucks County**.

09-00150: Rotoflex Technology, Inc. (180 Penn Am Drive, Quakertown, PA 18951) on June 8, 2005, to amend the Title V Operating Permit in Richland Township, **Bucks County**.

46-00079: Naval Air Station Joint Reserve Base (Code 89, Env. Division, Building 78, Willow Grove, PA

19090) on June 10, 2005, to modify the Facility Title V Operating Permit in Horsham Township, **Montgomery County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

11990101 and NPDES No. PA0235041. Twin Brook Coal, Inc., P. O. Box 225, Clymer, PA 15728, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Barr Township, **Cambria County**, affecting 80.0 acres. Receiving streams: UNTs to and Hoppel Run (CWF) and West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received February 9, 2005. Permit issued: June 3, 2005.

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

33950105 and NPDES Permit No. PA0227021. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830). Renewal of an existing bituminous strip and auger operation in Snyder Township, **Jefferson County** affecting 105.0 acres. This renewal is for reclamation only. Receiving streams: three UNTs to Walburn Run and Walburn Run. Application received: April 4, 2005. Permit issued: June 9, 2005.

33020107 and NPDES Permit No. PA0242233. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to a post-mining land use of pastureland on the Robert H. Beatty, Jr. property in Oliver Township, **Jefferson County** affecting 138.7 acres. Receiving streams: Hadden Run. Application received April 11, 2005. Permit issued June 10, 2005.

Coal NPDES Permit Renewal Applications Received

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

40A77SM12, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, renewal of NPDES Permit No. PA0249815, Brothersvalley Township, **Somerset County**, receiving stream Piney Run. NPDES Renewal Application Received May 20, 2005.

Noncoal Permits Actions

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

16050802. Lopa Mining, Inc. (309 South 4th Avenue, Clarion, PA 16214). Commencement, operation and restoration of a small noncoal sandstone operation in Paint Township, **Clarion County** affecting 3.0 acres. Receiving streams: one UNT to Deer Creek. Application received: February 4, 2005. Permit issued: June 10, 2005.

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

44030301C. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16804), correction to an existing quarry operation to include wet processing in Armagh Township, **Mifflin County** affecting 47.5 acres, receiving stream: none. Application received February 16, 2005. Correction issued June 6, 2005.

6276SM2A1C7. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), depth correction for an existing quarry operation in East Earl Township, **Lancaster County** affecting 232.0 acres, receiving stream: Conestoga Creek. Application received February 7, 2005. Correction issued June 6, 2005.

ABANDONED MINE RECLAMATION

Wilkes-Barre Office: Two Public Square, 5th Floor, Wilkes-Barre 18711-0790, (570) 826-2371.

Bond Forfeiture	DMF 010-102.1
Contract Awarded	
Location	Porter Township Schuylkill County
Description	Abandoned Mine Land Reclamation Project
Contractor	Earthmovers Unlimited, Inc. Kylertown, PA 16847
Amount	\$53,423.00
Date of Award	June 7, 2005

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

31054002. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16861. Wal-Mart Project, Smithfield Township, **Huntingdon County**. Site preparation. Duration through September 1, 2005. Permit issued June 6, 2005.

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

02054002. Chambers Development (600 Thomas Street, Monroeville, PA 15146). Blasting activity permit for construction at Monroeville Landfill cells, located in Monroeville Township, **Allegheny County**, with an expected duration of 180 days. Permit issued: June 6, 2005.

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

67054022. Stewart & Tate, Inc. (950 Smile Way, York, PA 17405) and **D. C. Guelich Explosives Co., Inc.**, (P. O. Box 245, Thomasville, PA 17364), construction blasting at the Home Depot Site in Hopewell Township, **York County** with an expiration date of June 30, 2006. Permit issued June 6, 2005.

67054023. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting at The Orchards Development in Hellam Township, **York County** with an expiration date of June 30, 2006. Permit issued June 6, 2005.

28054129. Geological Technologies, Inc. (P. O. Box 70, Falls Water, WV 25419), construction blasting for a water treatment plant in Waynesboro Borough, **Franklin County** with an expiration date of August 30, 2005. Permit issued June 6, 2005.

45054117. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Skytop Lodge in Barrett Township, **Monroe County** with an expiration date of May 30, 2006. Permit issued June 6, 2005.

48054107. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Quarry Hill Estates in Northampton Borough, **Northampton County** with an expiration date of May 30, 2006. Permit issued June 6, 2005.

36054128. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Mt. Joy Rotary Fields in Mt. Joy Borough and Mt. Joy Township, **Lancaster County** with an expiration date of June 10, 2006. Permit issued June 7, 2005.

40054106. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Bear Creek Wind Tower in Bear Creek Township, **Luzerne County** with an expiration date of June 1, 2006. Permit issued June 7, 2005.

36054013. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554) and **J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting at Southern Village in Lancaster Township, **Lancaster County** with an expiration date of March 6, 2006. Permit issued June 9, 2005.

15054115. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Oakcrest Development in Valley Township, **Chester County** with an expiration date of December 31, 2006. Permit issued June 9, 2005.

21054137. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Excel Logistics in Carlisle Borough, **Cumberland County** with an expiration date of December 30, 2005. Permit issued June 9, 2005.

35054109. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), blasting for a yard improvement in South Abington Township, **Lackawanna County** with an expiration date of June 30, 2006. Permit issued June 9, 2005.

39054106. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Farmington Development in Lower Macungie Township, **Lehigh County** with an expiration date of June 10, 2006. Permit issued June 9, 2005.

39054107. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for

Pidcock Project in Salisbury Township, **Lehigh County** with an expiration date of June 10, 2006. Permit issued June 9, 2005.

48054108. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Penn's Ridge in Forks Township, **Northampton County** with an expiration date of July 1, 2006. Permit issued June 9, 2005.

64054106. ER Linde Construction Corp. (9 Collan Park, Honesdale, PA 18431), construction blasting for Goodwin Rough on Grouse Road, Paupack Township, **Wayne County** with an expiration date of August 30, 2005. Permit issued June 9, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-967. The Cutler Group, Inc., P.O. Box 629, Horsham, PA 19044, Lower Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

For the construction and maintenance of the following water obstructions and encroachments activities associated with the proposed residential subdivision on the Goodman Tract:

1) A 50 linear feet, 8.42 feet high by 34.5 feet span concrete arch crossing of a tributary Trewellyn Creek for "Sloan Way" ("Encroachment No. 2"). Miscellaneous utilities and a water line will be installed in the fill over the culvert. Additional encroachments at the crossing include an 8-inch sanitary sewer line under the structure and a 30-inch stormwater outfall shown as "Encroachment No. 16" or "Swale X" that will impact 806 SF of floodway. Temporary disturbance for dewatering is 110 linear feet of stream.

2) A temporary road crossing consisting of two pipes and rock fill ("Encroachment No. 2a") will be constructed and temporarily disturb 83 linear feet of stream.

3) A 60 linear foot concrete arch culvert crossing of an unnamed tributary of Trewellyn Creek for "Sloan Way" ("Encroachment No. 3") The arch culvert is 20 feet span by 6.33 feet high. Miscellaneous utilities and a water line will be installed in the fill over the culvert. A 730 SF of wetland associated with the stream will be filled. Prior to construction of the culvert, a temporary road crossing consisting of two pipes and rock fill ("Encroachment No. 2a") will be installed downstream of the proposed culvert. Temporary disturbance for dewatering and the temporary crossing is 178 linear feet of stream and 1,928 SF wetlands

4) A 30 linear feet concrete arch for emergency access and a trail crossing over Trewellyn Creek ("Encroachment No. 4"). The arch culvert is 34.5 feet span by 8.42 feet high. The construction of the crossing will fill 525 SF of wetlands and will temporarily impact 70 feet of watercourse and 1,953 SF of wetland.

5) Kellogg Drive Road crossing of an unnamed tributary of Trewellyn Creek consisting of 50 linear feet of 10 foot span by 4.79 foot high concrete arch culvert ("Encroachment No. 6"). Miscellaneous utilities and a water line will be installed in the fill over the culvert. An 8-inch sanitary sewer line will be installed under the structure. Construction of the culvert will temporarily impact 75 feet of watercourse.

6) Twenty linear feet of temporary impact to an unnamed tributary to Trewellyn Creek to construct a retaining wall for Lot No. 79.

7) Utility line stream crossing of Trewellyn Creek ("Encroachment No. 8"), 20 linear feet of stream and 440 SF wetlands will be impacted by clearing and excavation for an 8-inch sanitary sewer line.

8) Relocation of an enclosed unnamed tributary of Trewellyn Creek to facilitate the construction of Kellogg Drive and lots ("Encroachment No. 9"). A 270 linear foot segment of an existing 24-inch stream enclosure will be removed and replaced with 504 linear feet of 36-inch stream enclosure starting at Inlet J1 and ending at

Endwall J5. The enclosure will be connected to the existing watercourse via "Swale F."

9) Stormwater outfalls will be constructed in the floodway:

a. Riprap outfall at Endwall M6 will impact 315 SF of floodway ("Encroachment No. 11").

b. Swale Z riprap outfall at Endwall N4 will impact 560 SF of floodway ("Encroachment No. 12").

c. Swale U riprap outfall at Endwalls O2 and L2 will impact 3,400 SF of floodway ("Encroachment No. 13").

d. Swale W riprap outfall at Endwall Q2 will impact 1,275 SF of floodway ("Encroachment 14").

10) The permittee has agreed to provide 0.2 acre of wetland mitigation.

This site is located on a 74.03-acre area immediately southwest of the intersection of Bethlehem Pike (SR 0309) and Welsh Road (SR 0063) (Ambler, PA, USGS, N: 14.1 inches; W: 14.3 inches) in Lower Gwynedd Township, Montgomery County.

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)).

E51-212. U. S. Army Corps of Engineers—Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107, City and **County of Philadelphia**, ACOE Philadelphia District.

To construct and maintain a railroad crossing of 0.15 acre of wetlands (PEM) at the proposed Transloading Facility and Rail Spur at the existing Fort Mifflin Confined Dredge Material Disposal Facility. The crossing includes fill to support the rail and three 24-inch HDPE cross drain pipes to maintain hydrologic connectivity of the wetlands.

The proposed work is located 300 feet northeast of the Enterprise Avenue exit of Interstate 95, (Philadelphia, PA Quadrangle, N: 3.7 inches, W: 3.7 inches). The permittee proposes to construct approximately 0.15 acre of replacement wetlands.

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

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

E21-367: North Middleton Authority, 240 Clearwater Drive, Carlisle, PA 17013 in North Middleton Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain an 8-inch waterline and a 4-inch force sewer main crossing resulting in temporary impacts to 0.09 acre of exceptional value PEM wetlands and 20 linear feet of Parker Spring (CWF), and to place fill material within the floodplain to construct a pump station resulting in 0.03 acre of impacts to the floodplain at a point approximately 670 feet north of the intersection of Claremont Road (SR 2002) and Post Road (T-710) (Carlisle, PA Quadrangle N: 15.7 inches; W: 5.95 inches) in North Middleton Township, Cumberland County.

E38-143: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA

17103-1699 in East Hanover Township, **Dauphin County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge of 58.5 feet with an underclearance of 7.8 feet across the channel of Elizabeth Run (WWF) on SR 1014, Section 005, to fill in 0.008 acre of de minimus wetland and associated improvements to improve the traffic safety condition of the road located about 0.5 mile from its confluence with the Little Swatara Creek (Fredericksburg, PA Quadrangle N: 7.9 inches; W: 8.4 inches) in Bethel Township, Lebanon County.

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

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

E36-782: Cedar Acres East Inc., 1271 Lititz Pike, Lancaster, PA 17601 in the City of Lancaster, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) a restoration of the floodplain corridor; (2) a minor stream relocation to protect an existing sewer system; and (3) a minor stream crossing of an UNT to Conestoga River (WWF), located on the Lancaster, PA Quadrangle (Latitude: 40° 02' 42", Longitude: 76° 16' 20") in Lancaster City, Lancaster County.

E36-787: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Earl Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain two cells of 11-foot by 3.5-foot box culverts on a 67 degree skew at the channel of an UNT to Mill Creek (WWF) on SR 1011, Section 002, to improve traffic safety located about a mile south of New Holland Borough (New Holland, PA Quadrangle N: 15.0 inches; W: 10.3 inches) in Earl Township, Lancaster County.

E67-759: Rick's Marina and Campground, Inc., 2600 Doehne Rd., 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.

E36-795: Paradise Township, P. O. Box 40, Paradise, PA 17562 in Paradise Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain an 8-foot by 24-foot wooden covered bridge over the mill race of Eshleman Run (CWF) (New Holland, PA Quadrangle N: 0.9 inch; W: 16.4 inches) in Paradise Township, Lancaster County.

E28-312: Lohman E. Glass, 9713 Rowe Run Rd., Shippensburg, PA 17257 in Southhampton Township, **Franklin County**, ACOE Baltimore District.

To maintain two wooden footbridges and 635 feet of rip-rap stream bank protection, then to construct and maintain 410 feet of rip-rap stream bank protection and a 3-foot high rock dam with a water wheel to generate electricity all in or along Rowe Run (CWF) located along Route 433 (Shippensburg, PA Quadrangle N: 8.8 inches; W: 13.3 inches) in Southhampton Township, Franklin County.

E31-199: Department of Transportation Engineering District 9-0, 1620 N. Juniata St., Hollidaysburg, PA 16648 in Morris Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a 15-foot by 5-foot concrete box culvert; a 15-foot by 5-foot concrete channel; an 84-inch by 260-foot long stream enclosure at the channel of; and to relocate: 1) a 1,400-foot long stream channel; and 2) a 850-foot long stream channel of an UNT to Franktown Branch Juniata River (WWF) and associated improvements to upgrade the condition of SR 0453, Section 002 located in the Village of Water Street (Spruce Creek, PA Quadrangle N: 13.2 inches; W: 2.0; N: 13.85 inches; W: 2.3 inches; N: 14.45 inches; W: 2.55 inches and N: 13.55 inches; W: 2.2 inches in Morris Township, Huntingdon County.

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

E18-387. Zera A. Cox, III, 33 South Cox Lane, Lock Haven, PA 17745. Cox Bridge in Wayne Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 4.69 inches; W: 16.59 inches).

To maintain a 12-foot wide by 24-foot long wood plank and telephone pole bank-to-bank bridge with a 46-inch underclearance and a clear span of 12 feet plus the associated 16-foot clean rock approach ramps to provide private access to a single residence over McElhattan Run located on Cox Lane 150 feet west of McKinney Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-282-Milton Area Industrial Development Association, 1 South Arch St., Milton, PA 17837, Industrial Park Expansion, ACOE Baltimore District, Northumberland Quadrangle N: 18.5 inches; W: 13.5 inches) in Milton Borough, **Northumberland County**.

Place and maintain fill in 1.15 acres of forested wetland for Marsh Road widening (Belford Boulevard); place and maintain fill in 0.14 acre of emergent wetland for the Edward Coup Road crossing; temporarily disturb 0.2 acre of emergent wetland for construction of Edward Coup Road and the installation of stormwater utilities; install a

73 linear foot concrete box culvert for Belford Boulevard stream crossing; install a 60 foot arch type stream crossing to access Lot No. 6; and to temporarily disturb 105 feet of stream for three utility line crossings in Milton, Northumberland County, (Northumberland Quadrangle N: 18.5 inches; W: 13.5 inches) for the purposes of the Belford Addition Phase II expansion of the Milton Area Industrial Park. The affected wetlands have been replaced in advance at 3.8 to 1 ratio for forested wetlands and 14.9 to 1 ratio for emergent wetlands on Milton Area Industrial Development property as compensation for the encroachments.

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

E02-1476. Township of Scott, Administrative Office, 2nd Floor, 301 Lindsay Road, Carnegie, PA 15106. To relocate 1,165 feet of Scrubgrass Run in Scott Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 1.1 inches; W: 12.1 inches and Latitude: 40° 22' 52"—Longitude: 80° 5' 13"). To remove existing structures, relocate and maintain approximately 1,165 feet of Scrubgrass Run (WWF) and to construct and maintain a gabion wall approximately 390 feet long along the left bank within the relocated channel. The project is to provide flood mitigation and stream improvements. The project starts approximately 2,200 feet upstream of its confluence with Chartiers Creek and extends approximately 1,165 feet upstream.

E02-1487. Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a bridge in Monroeville Borough and North Versailles Township, **Allegheny County**, Pittsburgh ACOE District. (Braddock, PA Quadrangle N: 3.7 inches; W: 3.2 inches and Latitude: 40° 23' 43"—Longitude: 79° 46' 23"). To: 1) remove existing structures; 2) construct and maintain a dual span two-lane bridge having a span of approximately 503 feet and an underclearance of approximately 50 feet over Turtle Creek (WWF); 3) relocate and maintain a 970 ft. long tributary to Turtle Creek (locally known as McGrew Run) (WWF) in a new channel approximately 1,000 feet long; 4) construct and maintain two temporary stream crossings and causeways in Turtle Creek and a temporary stream crossing in the tributary to Turtle Creek; and 5) construct and maintain various outfalls to the tributary to Turtle Creek and to operate and maintain an existing outfall to Turtle Creek. The project is located on Mossie Boulevard (SR 48) on the south side of its intersection with SR 130.

E02-1491. The Rubinoff Company, Alcoa Business Services Center, 30 Isabella Street, 2nd Floor, Pittsburgh, PA 15212. To temporarily impact wetlands in South Fayette Township, **Allegheny County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N: 22.6 inches; W: 5.4 inches and Latitude: 40° 22' 28"—Longitude: 80° 9' 50"). To temporarily impact 0.11 acre of wetlands (PEM) for the purpose of constructing a large replacement wetland required for mitigation by the U. S. Army Corps of Engineers. This permit also authorizes the restoration of 120 feet of an UNT to Millers Run (WWF) and the stabilization and maintenance of 150 feet of an UNT to Millers Run (WWF). The project is located behind the South Fayette High School Complex.

E63-572. Carole Koerbel, 312 Dillo Road, Clinton, PA 15026. To construct a bridge in Hanover Township, **Washington County**, Pittsburgh ACOE District. (Burgetstown, PA Quadrangle: N: 16.5 inches; W: 0.9 inch and Latitude: 40° 27' 57"—Longitude: 80° 22' 52"). To construct and maintain a bridge having a span of 12.0 feet with an underclearance of 2.8 feet across the channel of Dilloe Run (WWF) for the purpose of providing access to applicant's property. The project is located approximately 5,100 feet upstream from the confluence of said stream and Raccoon Creek, and will impact 14.0 linear feet of stream channel.

E65-864. Coal and Coke Trail Corporation, P. O. Box 360, Scottsdale, PA 15683. To construct two railroad crossings for a rail trail in Mt. Pleasant Township and East Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District. To reconstruct two railroad crossings for a rail trail. For both crossings, the existing abutments will be used and a new bridge deck will be constructed and maintained. The first crossing is located over Shupe Run (WWF), the bridge will have a clear span of approximately 38' at a 38° skew give a normal opening of approximately 28' and an underclearance of approximately 4.9'. The bridge is located approximately 1,500' upstream of its confluence with Jacobs Creek (Mt. Pleasant, PA Quadrangle N: 0.5 inch; W: 5.1 inches and Latitude: 40° 7' 40"—Longitude: 79° 32' 11"). The second crossing is located over Sherrick Run (WWF); the bridge will have a span of approximately 51' and underclearance of approximately 10'. The bridge is located approximately 1,000' upstream of its confluence with Jacobs Creek (Connellsville, PA Quadrangle N: 20.8 inches; W: 7.8 inches and Latitude: 40° 6' 52"—Longitude: 79° 33' 21").

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
05-61-004	Lee E. Wilson Merisol Antioxidants LLC 292 State Route 8 Oil City, PA 16301	Venango	Cornplanter Township	1 AST storing Butylated Cresol Mixture	75,000 gallons

SPECIAL NOTICES

Consent Order and Agreement; Borough of Hanover

The Department of Environmental Protection (Department), Southcentral Regional Office Water Management Program, has entered into a Consent Order and Agreement (COA) with the Borough of Hanover (Hanover), under the authority of The Clean Streams Law.

The COA resolves claims of the Department with Hanover under The Clean Streams Law for overflows and backups that have occurred in the Hanover sewer system in the years 2004 and 2005.

The COA requires that Hanover prohibit new connections in certain locations of the Hanover conveyance system, submit a corrective action plan to eliminate the overloads within the system, meet specific milestone dates for system upgrades and pay stipulated penalties in the event of future violations. The document also addresses civil penalties.

Interested parties may obtain a copy of the COA by contacting Dean Auchenbach, Department of Environmental Protection, Southcentral Regional Office, Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 704-4792.

A party adversely affected by the COA may file an appeal with the Environmental Hearing Board.

Questions concerning this notice should be directed to Dean Auchenbach at the telephone number and address previously noted.

[Pa.B. Doc. No. 05-1215. Filed for public inspection June 24, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—New Guidance

DEP ID: 563-2504-002. Title: Land Maintenance Financial Guarantees. Description: This document defines how the Department will require coal mining activities to be bonded in an amount that covers the Department's cost to complete the site's reclamation plan. The Department has established the Land Maintenance Financial Guarantee program to provide the financial assurance needed for coal mine sites awaiting Stage 3 bond release. Comments: A notice of availability of the draft version of this document was published at 35 Pa.B. 1712 (March 12, 2005). Provision for a 30-day public comment period was provided for the draft document, which concluded on April 12, 2005. The document was revised in response to comments received from the public. Effective Date: June 25, 2005. Contact: William Allen, (717) 787-5103, wallen@state.pa.us.

Final Technical Guidance—Substantive Revision

DEP ID: 550-3000-001. Title: Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities. Description: This document summarizes the policies regarding field inspections and other compliance monitoring activities carried out by the Department's Oil and Gas Management Program and revises procedures governing the frequency of inspections as well as procedures for determining whether a violation has occurred. Comments: A notice of availability of the draft version of this document was published at 34 Pa.B. 4202 (August 7, 2004). Provision for a 30-day public comment period was provided for the draft document, which concluded on September 6, 2004. No comments were received from the public. Effective Date: June 25, 2005. Contact: David English, (717) 772-2199, daenglish@state.pa.us.

DEP ID: 550-4000-001. Title: Enforcement Actions By DEP's Oil and Gas Management Program. Description: This document revises procedures for tracking violations as well as timeframes and procedures for resolving violations. In addition, this document summarizes enforcement principles and priorities and the types of actions that the Oil and Gas Management Program would pursue within Department's framework of thoughtful and thorough enforcement. Comments: A notice of availability of the draft version of this document was published at 34 Pa.B. 4202. Provision for a 30-day public comment period was provided for the draft document, which concluded on September 6, 2004. No comments were received from the public. Effective Date: June 25, 2005. Contact: David English, (717) 772-2199, daenglish@state.pa.us.

DEP ID: 383-2300-001. Title: Pennsylvania's Interim Program for Operator Certification. Description: The guidance and procedures contained in this document provide direction to the Department and the State Board for Certification of Water and Wastewater Systems Operators to implement the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1) and to meet Federal guidelines contained in section 1419 of the 1996 amendments to the Federal Safe Drinking Water Act. Recent changes were made to the guidance to more effectively implement the Interim Operator Certification Program. Specifically, revisions are proposed to the Interim Operator Certification Program to implement new operator certification experience requirements imposed by United States Environmental Protection Agency guidelines. These changes will help to streamline and

simplify the experience requirements prescribed in the Commonwealth's Interim Program, thereby aligning these requirements with those established by other states. This guidance is expected to be superceded by regulations promulgated by the Environmental Quality Board (EQB). It is anticipated these proposed regulations will be presented to the EQB for consideration in Fall 2005. Comments: A notice of availability of the draft version of this document was published at 35 Pa.B. 1637 (March 5, 2005). Provision for a 30-day public comment period was provided for the draft document, which concluded on April 4, 2005. The document was revised in response to comments received from the public. Effective Date: June 25, 2005. Contact: Foster Diodato, (717) 787-0122, fdiodato@state.pa.us.

Draft Technical Guidance—New Guidance

DEP ID: 362-2192-004. Title: Guidelines for Identifying Tracking and Resolving Violations for the Land Application of Biosolids. Description: This document provides internal guidance to the Department's Biosolids Program Staff for identifying and resolving compliance and enforcement activities across this Commonwealth. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Denise Uzupis, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, deuzup@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Denise Uzupis, (717) 787-8184, deuzup@state.pa.us.

DEP ID: 362-4000-003. Title: Act 537 Program Guidance; Local Agency/Municipality Evaluation and Compliance Activity. Description: This document provides internal guidance to Department staff by providing general strategy and procedures for evaluating municipal and local agency performance when implementing the Act 537 program and to provide potential compliance actions available to correct deficient performance prior to initiating enforcement activity. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to James Novinger, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, jnovinger@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to James Novinger, (717) 787-9637, jnovinger@state.pa.us.

DEP ID: 362-4000-004. Title: Act 537 Program Guidance; Sewage Enforcement Officer Evaluation and Compliance Activity. Description: This document provides internal guidance to Department staff by providing general strategy and procedures for evaluating sewage enforcement officer performance when implementing their Act

537 responsibilities and to provide potential compliance actions available to correct deficient performance prior to initiating enforcement activity. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to James Novinger, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, jnovinger@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to James Novinger, (717) 787-9637, jnovinger@state.pa.us.

DEP ID: 362-4000-005. Title: Act 537 Program Guidance; Identifying, Tracking, Resolving of Sewage Facilities Act Violations. Description: This document provides internal guidance to Department staff by providing general strategy and procedures for pursuing enforcement activity against municipalities, local agencies and sewage enforcement officers found to be sufficiently deficient in their responsibilities under the Sewage Facilities Act (Act 537) to warrant formal action. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to James Novinger, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, jnovinger@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to James Novinger, (717) 787-9637, jnovinger@state.pa.us.

DEP ID: 362-4180-004. Title: Guidance for Calculating Civil Penalty Assessment Amounts under the Sewage Facilities Act. Description: This document provides internal guidance to Department staff for the calculation and assessment of civil penalties under the Sewage Facilities Act. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to James Novinger, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, jnovinger@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to James Novinger, (717) 787-9637, jnovinger@state.pa.us.

DEP ID: 362-4180-005. Title: Act 537 Program Guidance; Civil Penalty Assessment Processing. Description: This document provides internal guidance to Department staff to achieve Statewide consistency with the civil penalty assessment processing under Act 537. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July

25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to James Novinger, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, jnovinger@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to James Novinger, (717) 787-9637, jnovinger@state.pa.us.

DEP ID: 362-4000-006. Title: Guidelines for Identifying, Tracking, and Resolving Violations for Water Quality. Description: This document provides internal program guidance to the Department's Water Quality Program staff for identifying and resolving compliance and enforcement activities across this Commonwealth. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Stanley Rudisill, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, srudisill@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Stanley Rudisill, (717) 787-9637, srudisill@state.pa.us.

DEP ID: 383-4000-002. Title: Guidelines for Identifying, Tracking and Resolving Violations for the Drinking Water Program. Description: This document provides the Department's Field Staff with an organized approach to dealing with serious violations in the drinking water program in accordance with the Department-wide policy issued on April 6, 2004. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Lisa Daniels, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Drinking Water Management, P. O. Box 8467, Harrisburg, PA 17105-8467, ldaniels@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Lisa Daniels, (717) 772-4018, ldaniels@state.pa.us.

DEP ID: 562-4180-102. Title: Noncoal Compliance/Enforcement Procedures. Description: This proposed guidance document summarizes the procedure used by the Department to cite violations by noncoal operators including blasting activities related to noncoal mining operations. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 25, 2005. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to William Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, 400 Market

Street, Harrisburg, PA 17105-8461, wallen@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to William Allen, Jr., (717) 783-4675, wallen@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1216. Filed for public inspection June 24, 2005, 9:00 a.m.]

Mining and Reclamation Advisory Board Meeting Rescheduled

The July 7, 2005, meeting of the Mining and Reclamation Advisory Board has been rescheduled to August 15, 2005, at 4 p.m. at the Sheraton Station Square Hotel, Waterfront Room, Pittsburgh, PA.

The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Questions concerning this meeting should be directed to James M. Charowsky, (717) 787-7007, jcharowsky@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the 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. 05-1217. Filed for public inspection June 24, 2005, 9:00 a.m.]

Solid Waste Advisory Committee Meeting

The Solid Waste Advisory Committee will hold a meeting on Thursday, July 14, 2005, at 10 a.m. in the 1st Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Gayle Leader, (717) 787-9871, gleader@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-9871 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. 05-1218. Filed for public inspection June 24, 2005, 9:00 a.m.]

**Water Quality Management General Permit for
Sewer Extensions and Pump Stations (WQG-02)**

The Department of Environmental Protection (Department) announces a Water Quality Management General Permit for Sewer Extensions and Pump Stations (WQG-02). Permit conditions requiring notification of PA One Call and the use of the Post Construction Certification Form, DEP ID 3800-PM-WSWM0179a, were added to the General Permit. Minor wording changes were made from the draft for clarity. The draft General Permit was published at 35 Pa.B. 424 (January 15, 2005) with a 30-day comment period. No public comments were received on the draft.

The final General Permit is available on the Department's website at www.dep.state.pa.us (DEP Keyword: DEP Permits (select "General Permits")).

The General Permit package can also be obtained by contacting the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, shmartin@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

3800-PM-WSFR0045a 6/2005
Instructions NOI



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

WQG-02
WATER QUALITY MANAGEMENT
GENERAL PERMIT FOR SEWER EXTENSIONS AND PUMP STATIONS
NOTICE OF INTENT (NOI)
INSTRUCTIONS

GENERAL INFORMATION

To Obtain DEP Application Packages. To expedite the processing of the applicant's request, the Department of Environmental Protection (DEP) asks that the most up-to-date NOI package available be used. The most recent version of this package can be obtained by contacting the appropriate DEP regional office, or through our website noted below. This package, as well as other DEP-wide and/or program-specific permit packages are available in Microsoft Word format at this same web location. Applicants can download the appropriate NOI to a personal computer, complete the NOI electronically and print the document for submittal to DEP using the following steps:

Type in DEP's website address: www.dep.state.pa.us
Type in "permits" in the block marked "Keyword"
Select: Program-Specific Permit/Authorization Packages
Select: Water Management
Select: Water Quality
Select: Water Quality Management General Permit for Sewer Extensions and Pump Stations

General Instructions. This package is designed to assist the applicant in completing the NOI identified above. Type or print clearly when completing the NOI. If the information requires more than the space allows, attach additional sheets as necessary. If a question is not applicable to the project, write NA in the appropriate box.

Who may use this NOI? This NOI may be used by eligible permittees seeking coverage under the Water Quality Management (WQM) General Permit For Sewer Extensions and Pump Stations. Sewer extensions serving over 250 equivalent dwelling units (EDUs) (or having the potential to serve over 250 EDUs or receiving flows of 65,500 gallons per day (gpd)) require a WQM Permit (general permit when applicable or individual permit). All pump stations and force mains also require a WQM permit. Pumps used in laterals are not pumping stations. A lateral is the part of the drainage system carrying sewage from an individual structure or property to the public sewer system. Laterals are not covered by WQM permits. Sewer extensions, pump stations and force mains, which are designed in accordance with DEP's *Domestic Wastewater Facilities Manual*, DEP ID: 362-0300-001, available on DEP's website at www.dep.state.pa.us, may be eligible for coverage under this General Permit. DEP may determine that an individual permit is required to ensure compliance with the Clean Water Act (CWA), the Clean Streams Law (CSL) or Title 25 of the Pa. Code.

This permit is only applicable for construction of a sewer extension or a pump station to serve less than 500 EDUs or 131,000 gpd. If the proposed pump station will receive flow from more than one upstream pump station, an individual WQM Permit is required. An individual WQM Permit is also required if the proposed sewer extension or pump station will exceed the current or projected reserve capacity of the most limiting component between the proposed addition and the treatment facility.

It is the responsibility of the wastewater conveyance facility owner to obtain the WQM Permit. The owner of the facility shall file an administratively complete, acceptable NOI with DEP prior to commencing construction and operation of a sewer extension or pump station. For further information regarding what permits are required for various activities, refer to *Guide to DEP Permits and Other Authorizations* (8000-BK-DEP0341), available on DEP's website.

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The requirements for preparing applications and obtaining a WQM Permit are included in Title 25 Pa. Code Chapter 91 of DEP's Rules and Regulations.

If a stream crossing or other encroachment is involved, contact DEP's regional Water Quality Management Program.

Design Engineer's Report and Seal. A *Design Engineer's Report* as well as drawings and specifications showing clearly the proposed project and the basis of design shall accompany the application. The Registered Professional Engineer Certification, *Design Engineer's Report* and the front cover of each set of drawings and specifications prepared or used by the designer must bear the name, signature and seal of the registered professional engineer, authorized to practice in Pennsylvania, responsible for preparing the application. Each drawing must also bear the imprint, or reasonable facsimile, of this seal.

Where to Submit. Two (2) copies of the NOI form, *Design Engineer's Report* and supplemental information shall be submitted to the appropriate DEP regional office. See DEP offices at the end of the instructions.

Application Fee. A filing fee of \$100.00 must be submitted with the application in the form of a check (less than 10 days old) made payable to "Commonwealth of Pennsylvania." This fee is **not** required of state agencies.

Proof of Public Notice. The NOI must include the Act 537 planning approval letter dated within one year of the permit application.

Applicant Responsibility. It is the applicant's responsibility to demonstrate eligibility for coverage under the General Permit. The demonstration must be made as part of the NOI submittal.

DEFINITIONS

To provide the applicant with a better understanding of terminology, DEP has included the following definitions.

Client (Responsible Party). A client (also referred to as applicant or permittee) is a person or organization that requests approval from DEP to perform a regulated activity. Client information is documented and assigned an internal DEP Client ID# for tracking purposes.

Site (Place). A site is a physical location of importance to DEP. A site may include locations where a regulated facility is physically located or where a regulated activity occurs that has the potential to impact the health and safety of the citizens and/or the natural resources of the Commonwealth. A site is not solely defined by geographical location (can span several municipalities and even counties in some cases) but rather by the client/applicant's purpose of doing business. All DEP programs' involvement at a physical location of importance to DEP is grouped under one "entity"—site. This holistic view of site will promote an understanding of the interrelationships of facilities to support pollution prevention, multi-media inspections, a DEP-wide view of compliance, and public understanding and access of information. Site information is documented and assigned an internal DEP Site ID# for tracking purposes.

Site-to-Client Relationships. DEP will create internal records to relate (link) each site with all clients associated with the site and/or facilities.

Facility. A facility (also referred to as Primary Facility (PF)) is a logical bridge between sites and sub-facilities that allows DEP to provide a framework for a facility's/activity's regulation. PF is a way to group a program's involvement at a site (what it regulates) under one heading. For example: One area of the water program groups all of their involvement (regulated entities) under a PF type of "Water Pollution Control Facility." Facility information is documented and assigned an internal DEP Facility ID# for tracking purposes.

Authorization. Any DEP approval. For example: permits, plans, approvals, licenses, registrations, certifications, etc. Authorization information is documented and assigned an internal DEP Auth ID# for tracking purposes.

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Instructions NOI

CLIENT/OPERATOR INFORMATION

DEP Client ID#. DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. When replying to DEP, inclusion of this number will make it easier to process the request in a timely manner. If known, enter the Client ID#. Otherwise skip to the next request for information.

Client Type/Code. Enter the code that represents the type of client acting as the responsible authority for the permitted activity.

Government	
AUTH	Authority
CNTY	County
FED	Federal Agency
MUNI	Municipality
NONPG	Non-PA Govt
OTHG	Other (Govt)
SCHDI	School District
STATE	State Agency

Non-Government	
ASSOR	Association/Organization
LLC	Ltd. Liability Company
LLP	Ltd. Liability Partnership
NPACO	Non-Pennsylvania Corporation
OTHER	Other (Non-Govt)
PACOR	Pennsylvania Corporation
PARTG	Partnership-General
PARTL	Partnership-Limited
SOLEP	Sole Proprietorship

Individual	
INDIV	Individual

Note: If two individuals' names are listed as the NOI's clients, the Client Type/Code of "Partnership-General" should be used.

Organization Name or Registered Fictitious Name. Clients other than individuals must provide the name under which the activity or business is conducted for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" only if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, list the business name of the partnership as it appears on the legal partnership papers.

If the applicant is an individual(s) or partnership, also provide the appropriate information on the individual name lines.

Employer ID#. Also referred to as "Federal Tax ID#." The Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

Dun & Bradstreet ID#. (Optional) If known, supply the applicant's Dun & Bradstreet Identification Number.

Individual Last Name, First Name, MI, Suffix, Social Security Number. This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. The SSN is not accessible by the public or other government agencies.

Additional Individual Last Name, First Name, MI, Suffix, Social Security Number. This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. The SSN is not accessible by the public or other government agencies.

Mailing Address. The mailing address of the client identified above (this should not include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

APT	Apartment
BLDG	Building

DEPT	Department
FL	Floor

RM	Room
STE	Suite

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City, State, ZIP+4, Country. Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do not use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

Client Contact Information. Clients that are organizations must provide the name of a person representing the client (organization). This client contact must be an employee of the organization and must be located at the mailing address of the client and may receive correspondence on behalf of the client. Include the individual's name, title, daytime phone number and e-mail address. DEP will use this contact information for maintaining client data. This individual should be a high-level employee such as CEO, VP, Operations Manager, etc. or someone capable of answering informational questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Project contact information should be entered in the Site Contact Information section found in the Site Information section.

SITE INFORMATION

DEP Site ID#. DEP-wide unique identification number assigned to the site after site information is entered into DEP's computer system. This one number identifies the site regardless of the program with which the applicant is working. When replying to DEP, inclusion of this number will make it easier to process the NOI in a timely manner. If known, enter the Site ID#. Otherwise skip to the next request for information.

Site Name. The name of the site at the specific physical location. Do not use abbreviations or acronyms.

EPA ID#. (Optional) Supply the EPA ID# for the site (this number is also referred to as a FINDS ID#).

Description of Site. Provide a written description of the proposed site (e.g., sewage treatment plant, toy factory, etc.).

County, Municipality, State. Indicate the county and municipality in which the site is located. Check the appropriate box to identify the type of municipality entered (city, borough, township).

Site Location. Provide the physical address of the location where the permitted activities will occur. No PO Box Numbers will be accepted for site location information. Provide the city (or municipality), state and the ZIP+4.

Detailed Written Directions to Site. When providing written directions, do not use PO Box address data. Include landmarks and approximate distances from the nearest highway.

Site Contact Information. Provide the name of the person having overall responsibility for environmental matters at the site. Include the individual's name, title, firm, mailing address, daytime phone number and e-mail address (optional).

Site-to-Client Relationship. Enter the relationship code that best describes how the client is related to the activity or operation at the site for which the permit is being sought.

Code	Type
OWN	Owner
AGENT	Agent for the Owner or Operator
OWNOP	Owner/Operator
LESSE	Lessee

Code	Type
LESOP	Lessee/Operator
CONTR	Contractor for the Owner or Operator
OPR	Operator
OTHER	Other (Explain)

FACILITY INFORMATION

Existing Permits. List all permits that were issued or applied for on behalf of this facility by DEP. Include any NPDES and WQM Permits, Earth Disturbance permits, and any other environmental quality permits. Provide the issued permit number and the date issued or applied for.

Facility Location & Drainage Map. Attach the United States Geological Survey (USGS) topographical map showing the facility. A good quality 8½ x 11-inch copy of the portion of the topographic map locations is

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acceptable. Provide the name of the 1:24,000 scale USGS 7.5-minute series quadrangle map. Submit a copy of the map(s) with the NOI.

Additional Locational Data Information. This information is being requested in order to determine the method, accuracy and description of the latitude and longitude information that is being provided with the application. If known, please provide this information for the locational data. The list of locational data codes and descriptions can be found electronically on DEP's website under "Permit and Authorization Packages."

FACILITY DESIGN

Check the appropriate box and complete the additional information required.

COMPLIANCE HISTORY REVIEW

Check appropriate box to indicate if the facility owner or operator was/is in violation of any DEP regulation, permit, order or schedule of compliance. If the answer is "No," no further information is needed in this area. If "Yes," list each permit, order or schedule of compliance and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits.

CERTIFICATION

The applicant must certify that the information contained in the NOI is true, accurate and complete and agree to abide by the terms and conditions of the General Permit. In addition, the responsible official's signature also certifies that the facility is eligible for coverage under the General Permit.

The NOI shall be signed as follows:

For individually owned operations - the owner of the facility must sign the NOI.

For a Corporation - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NOI originates.

For a Partnership or Sole Proprietorship - by a general partner or the proprietor, respectively.

For a Municipality - state, federal or other public agency - by either a principal executive officer, ranking elected official or other authorized employee. For purposes of this NOI, a principal executive officer of a federal agency includes:

- a. The chief executive officer of the agency, or
- b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of the Environmental Protection Agency (EPA)).

If signed by a person other than the above, written notification of delegation of signatory authority must be submitted to DEP along with the NOI.

The certification signatures must be notarized.

Registered Professional Engineer. This section is to be completed by the registered professional engineer who prepares this NOI, accompanying report and supporting documentation, whichever are applicable.

APPLICANT'S CHECKLIST

To ensure the NOI is complete, DEP has provided a convenient checklist of what may need to be attached to the NOI. This checklist is to be returned with the completed NOI.

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Instructions NOI

DEP OFFICES

A listing of the Bureau of Water Standards and Facility Regulation (BWSFR) contacts and DEP regional offices can be found on DEP's website. Follow the steps given on the first page of these instructions to the **Water Quality Management General Permit** web page to view BWSFR's **Contacts and DEP Regional Offices**.

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Permit

Permit No.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

WQG-02
WATER QUALITY MANAGEMENT
GENERAL PERMIT FOR SEWER EXTENSIONS AND PUMP STATIONS
PERMIT NUMBER WQG02_____

A. PERMITTEE (Name and Address): CLIENT ID#:	B. PROJECT/FACILITY (Name):
	C. LOCATION (County, Municipality):
D. This General Permit approves the construction and operation of: <input type="checkbox"/> SEWER EXTENSION <input type="checkbox"/> PUMP STATION	
E. APPROVAL GRANTED BY THIS GENERAL PERMIT IS SUBJECT TO THE FOLLOWING: 1. All construction, operations and procedures shall be in accordance with the <i>Domestic Wastewater Facilities Manual</i> . Transfers: In the event the permittee plans to transfer ownership of the facility to another entity, the permittee and the transferee shall submit an application for such transfer to DEP. If the transfer is approved by DEP, the transferee is subject to the terms and conditions of this General Permit. 2. The attached conditions apply to this General Permit and are hereby made part of same.	
F. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS: 1. If there is a conflict between the NOI or its supporting documents and amendments and the attached conditions, the attached conditions shall apply. 2. Failure to comply with the rules and regulations of DEP or with the terms or conditions of this General Permit shall void the authority given to the permittee by the issuance of this General Permit. 3. This General Permit is issued pursuant to the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended 35 P.S. §691.1 <i>et seq.</i> Issuance of this General Permit shall not relieve the permittee of any responsibility under any other law.	
PERMIT ISSUED: _____	BY: _____ TITLE: <u>Water Management Program Manager</u>

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Permit



Permit No.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

PERMIT CONDITIONS**General**

1. Consistent with DEP's technical guidance document *Conducting Technical Reviews of Water Quality Management Permit Wastewater Treatment Facilities*, DEP ID: 362-2000-007, available on DEP's website, DEP considers the registered professional engineer whose seal is affixed to the design documents to be fully responsible for the adequacy of all aspects of the facility's design.
2. The approval is specifically made contingent on the permittee acquiring all necessary property rights, by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures in, along or across private property with full rights of ingress, egress and regress.
3. If, at any time, the sewer extension and/or pump station covered by this General Permit creates a public nuisance, including but not limited to, causing malodors or causing environmental harm to waters of the Commonwealth, DEP may require the permittee to adopt appropriate remedial measures to abate the nuisance or harm.
4. This permit does not relieve the permittee of its obligations to comply with all federal, interstate, state or local laws, ordinances and regulations applicable to the facilities.
5. This General Permit does not give any real or personal property rights or grant any exclusive privileges, nor shall it be construed to grant or confirm any right, easement or interest in, on, to, or over any lands which belong to the Commonwealth.
6. No discharge is authorized from these facilities unless approved by an NPDES Permit.

Construction

7. An Erosion and Sedimentation (E&S) Control Plan must be developed prior to construction of the permitted facility, pursuant to Title 25 Pa. Code Chapter 102, and implemented during and after the earth disturbance activity.

If the activity involves 5 or more acres of earth disturbance, or from 1 to 5 acres of earth disturbance with a point source discharge to surface waters of the Commonwealth, an NPDES Permit is required.

In addition to the state NPDES permitting requirements, some municipalities, through local ordinances, require the E&S Control Plan to be reviewed and approved by the local county conservation district office prior to construction. For specific information regarding E&S control planning approval and NPDES permitting requirements please contact your local county conservation district office.
8. Prior to beginning any construction or excavation, the locations of all utility lines must be identified through notification to the PA One Call system (www.paonecall.org). The notification shall not be less than three nor more than 10 working days in advance of beginning the construction or excavation.
9. The local waterways conservation officer of the Pennsylvania Fish and Boat Commission (PFBC) shall be notified when the construction of any stream crossing and/or outfall is started and completed. A written permit must be secured from the PFBC if there is any use of explosives in any waterways and the permittee shall notify the local waterways conservation officer when explosives are to be used.
10. Manhole inverts shall be formed to facilitate the flow of the sewage and to prevent the stranding of sewage solids. The whole manhole structure shall be built to prevent undue infiltration, entrance of street wash or grit and provide safe access to facilitate manhole maintenance activities.
11. The facilities shall be constructed under the supervision of a Pennsylvania registered Professional Engineer in accordance with the approved reports, plans and specifications.

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Permit

Permit No.

12. A Pennsylvania registered Professional Engineer shall certify that construction of the permitted facilities was completed in accordance with the application and design plans submitted to DEP, using "Post Construction Certification" (3800-PM-WSWM0179a). It is the permittee's responsibility to ensure that a Professional Engineer is on-site to provide the necessary oversight and/or inspections to certify the facilities. The certification must be submitted to DEP before the facility is placed in operation. If requested, "as-built" drawings, photographs (if available) and a description of any DEP-approved deviations from the application and design plans must be submitted to DEP within 30 days of certification. Construction must be completed within two years of permit issue date.

Operation and Maintenance

13. The permittee shall maintain sewer extension and/or pump station operation and maintenance (O&M) manuals at the facility and ensure proper O&M of the permitted facility. The permittee shall file the O&M manuals with DEP upon request.
14. Stormwater from roofs, foundation drains, basement drains or other sources shall not be admitted directly to the sewer extension or pump station.
15. The sewer extension shall have adequate foundation support as soil conditions require. Trenches shall be back-filled to ensure that sewers will have proper structural stability, with minimal settling and adequate protection against breakage. Concrete used in connection with these sewers shall be protected from damage by water, freezing, drying or other harmful conditions until cured.
16. The approved sewer extensions and/or pump stations shall be maintained in good condition, kept free of deposits by flushing or other cleaning methods and repaired when necessary.
17. The sewer extension and/or pump station shall be properly operated and maintained so that the facility will perform as designed.
18. The attention of the permittee is called to the highly explosive nature of certain gases generated by the digestion of sewage solids when these gases are mixed in proper proportions with air and to the highly toxic character of certain gases arising from such digestion or from sewage in poorly ventilated compartments or sewers. Therefore, at all places throughout the facilities where hazard of fire, explosion or danger from toxic gases may occur, the permittee shall post conspicuous permanent and legible warnings. The permittee shall instruct all employees concerning the aforesaid hazards, first aid and emergency methods of meeting such hazards and shall make all necessary equipment and material accessible.
19. There shall be no physical connection between a public water supply system and a sewer or appurtenance to it which would permit the passage of any sewage or polluted water into the potable water supply. No water pipe shall pass through or come in contact with any part of the sewer extension and/or pump station.
20. Collected screenings, slurries, sludge and other solids shall be handled and disposed of in compliance with Title 25 Pa. Code, Chapters 271, 273, 275, 283 and 285 (related to permits and requirements for land filling, land application, incineration and storage of sewage sludge), Federal Regulations 40 CFR Part 257 and the Federal Clean Water Act and its amendments.

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Fact Sheet



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**WQG-02
FACT SHEET
WATER QUALITY MANAGEMENT
GENERAL PERMIT FOR SEWER EXTENSIONS AND PUMP STATIONS**

DEP's regulations at Title 25 Pa. Code §91.27 provide for the issuance of a General Permit. A General Permit is allowed when:

- A. The same, or substantially similar, types of operations are involved.
- B. The same types of waste are being treated.
- C. The same operating conditions are required.
- D. In the judgment of DEP, the discharges are more appropriately controlled under the General Permit than under individual permits.

NOTICE OF INTENT (NOI) FOR COVERAGE UNDER THE GENERAL PERMIT AND ADMINISTRATION OF THE PERMIT

Any applicant who wishes to be covered by the General Permit must file an NOI for coverage with DEP. If the NOI is accepted, DEP will formally notify the applicant of the coverage by transmitting a copy of the General Permit bearing an individual identification number. Notice of each NOI approval will be published by DEP in the *Pennsylvania Bulletin*. The applicant also has the obligation under §510-5 of the Administrative Code (71 P.S. §510-5) to give written notice to the municipality in which the facility is located.

Construction and operation of a sewer extension and/or pump station is NOT authorized by the General Permit when one or more of the following conditions exist:

- A. The proposed design is not consistent with DEP's *Domestic Wastewater Facilities Manual*, DEP ID: 362-0300-001, available on DEP's website.
- B. The applicant is not, or will not be, in compliance with any of the conditions of the General Permit.
- C. The applicant has failed and continues to fail to comply, or has shown a lack of ability or intention to comply, with a prior permit issued by DEP.
- D. DEP determines that such action is necessary for any other reason to ensure compliance with the Clean Water Act, The Clean Streams Law, or Title 25 of the Pa. Code.
- E. The design is not consistent with the current Act 537 plan.

DEP may revoke or suspend previously issued coverage under the General Permit and require the permittee to obtain an individual WQM Permit for any of the reasons above. In addition, any interested person may petition DEP to take this action.

If DEP requires a permittee to obtain an individual WQM Permit, the discharger must submit a complete WQM Permit application within 90 days of receipt of the notification. Failure to submit the application within 90 days shall result in automatic termination of coverage under the General Permit. Timely submission of a complete application shall result in continuation of coverage of the applicable facilities under the General Permit, when the facility demonstrates that it has undertaken efforts to address the reasons for the revocation or suspension of coverage, until DEP takes final action on the pending permit application.

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Fact Sheet

As in the case of individual WQM Permits, General Permits may be issued, amended, suspended, revoked, reissued or terminated in accordance with Title 25 Pa. Code Chapter 91.

TYPE OF OPERATION AND AREA OF APPLICABILITY

The *Water Quality Management General Permit for Sewer Extensions and Pump Stations* applies to eligible sewer extensions and pump stations located in the Commonwealth of Pennsylvania meeting the requirements of the General Permit.

COVERAGE UNDER GENERAL PERMIT

As NOIs are received, they will be reviewed to see if coverage under the General Permit is appropriate. DEP will notify the applicant of its findings either in the form of a General Permit coverage letter and copy of the General Permit with a unique WQM Permit number or a denial of the General Permit coverage letter.

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Pump Station Information

Applicant Name:



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

WQG-02
WATER QUALITY MANAGEMENT
GENERAL PERMIT FOR SEWER EXTENSIONS AND PUMP STATIONS
PUMP STATION INFORMATION

APPLICANT NAME						
PUMP STATION (Submit separate module for each pump station.)						
1. PUMP STATION NAME:						
2. List the WQM Permit number of the sewer to which this system connects.						
3. List the WQM Permit number of the treatment facility receiving flow from this system.						
4. What is the reserve capacity of the most limiting component between this connection and the treatment facility?						
5. LOCATION (Street name, etc.):						
USGS Quadrangle Name						
Latitude/Longitude of Pump Station	Degrees	Latitude Minutes	Seconds	Degrees	Longitude Minutes	Seconds
Latitude/Longitude of Connection Point	Degrees	Latitude Minutes	Seconds	Degrees	Longitude Minutes	Seconds
6. TYPE (e.g., conventional, suction lift, ejector or submersible):						
7. INITIAL POPULATION TO BE SERVED: FUTURE POPULATION TO BE SERVED:						
DESIGN YEAR:						
8. DESIGN INFORMATION:		AVG (mgd)		Peak Instantaneous (mgd)		
a. Domestic Flow Rate (based on design population to be served)						
b. Industrial Flow Rate						
c. Infiltration/Inflow (I/I) Rate						
d. Design Flow Rate						
e. Effective Wet Well Capacity		(gal)				
f. Detention Time		(min)				
g. Design Average Velocity in Force Main		(fps)				
h. Total Dynamic Head (Pump Station + Force Main)		Static Head		ft		
		Friction Loss		ft		
		TDH		ft		
i. Diameter of Force Main				Inches		
9. Describe the proposed project with respect to the 100-year flood elevation, ventilation, emergency power provision and alarm system.						

NOTICES

3617

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Pump Station Information

Applicant Name:

LIST ALL THE PUMPS IN THE PUMP STATION											
NUMBER OF IDENTICAL PUMPS	Type of Pump	Check Columns That Apply To Each Pump								Pump Capacity	
		E X I S T I N G	P R O P O S E D	V A R I A B L E	C O N S T A N T	A U T O M A T I C	M A N U A L	P N E U M A T I C	S T A N D B Y	gpm	TDH (ft)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

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Sewer Extension Information



Applicant Name:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

WQG-02
WATER QUALITY MANAGEMENT
GENERAL PERMIT FOR SEWER EXTENSIONS AND PUMP STATIONS
SEWER EXTENSION INFORMATION

APPLICANT NAME					
PROJECT INFORMATION					
If the project is associated with existing or proposed residential or industrial development, complete the following:					
Name of Development					
Type of Development					
Number of Units			Project Acreage		
WQM Permit No. of Receiving Sewers					
BASIS OF DESIGN					
Design Year:			Design Population:		
SEWER SYSTEM					
1. INITIAL POPULATION			DESIGN POPULATION		
2. List the WQM Permit number of the sewer to which this system connects.					
3. List the WQM Permit number of the treatment facility receiving flow from this system.					
4. What is the reserve capacity of the most limiting component between this connection and the treatment facility?					
5. LOCATION					
USGS Quadrangle Name					
Latitude/Longitude of Connection Point	Latitude		Longitude		
	Degrees	Minutes	Seconds	Degrees	Minutes Seconds
6. DESIGN FLOW DATA					
a. Submain Sewers	(GPCD)				
b. Average Daily Flow	(mgd)				
c. Infiltration/Inflow (I/I)	(mgd)				
d. Industrial Waste Flow	(mgd)				
e. Total Average Design Flow	(mgd)				
f. Maximum Expected Flow Rate (Peak Instantaneous)	(mgd)				
7. Describe measures taken to minimize I/I in the system including leakage test and reference applicable portion of the specifications.					

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NOI

Applicant Name:



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

WQG-02
WATER QUALITY MANAGEMENT
GENERAL PERMIT FOR SEWER EXTENSIONS AND PUMP STATIONS
NOTICE OF INTENT (NOI)

Before completing this form, read the step-by-step instructions provided in this NOI package.

Related ID#s (If Known)		DEP USE ONLY
Client ID# _____	APS ID# _____	Date Received & General Notes
Site ID# _____	Auth ID# _____	
Facility ID# _____		

CLIENT/OPERATOR INFORMATION

DEP Client ID# _____		Client Type/Code _____		
Organization Name or Registered Fictitious Name _____		Employer ID# (EIN) _____	Dun & Bradstreet ID# _____	
Individual Last Name _____	First Name _____	MI _____	Suffix _____	SSN _____
Additional Individual Last Name _____	First Name _____	MI _____	Suffix _____	SSN _____
Mailing Address Line 1 _____		Mailing Address Line 2 _____		
Address Last Line – City _____	State _____	ZIP+4 _____	Country _____	
Client Contact Last Name _____	First Name _____	MI _____	Suffix _____	
Client Contact Title _____		Phone _____	Ext _____	
E-mail Address _____			FAX _____	

SITE INFORMATION

DEP Site ID# _____		Site Name _____		
EPA ID# _____				
Description of Site _____				
County Name _____	Municipality _____	City <input type="checkbox"/>	Boro <input type="checkbox"/>	Twp <input type="checkbox"/>
Site Location Line 1 _____		Site Location Line 2 _____		
Site Location Last Line – City _____	State _____	ZIP+4 _____		

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NOI

Applicant Name:

Detailed Written Directions to Site

Site Contact Last Name	First Name	MI	Suffix
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Site Contact Title	Site Contact Firm
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Mailing Address Line 1	Mailing Address Line 2
------------------------	------------------------

Address Last Line – City	State	ZIP+4
--------------------------	-------	-------

Phone	Ext	FAX	E-mail Address
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Site-to-Client Relationship

FACILITY INFORMATION

Existing Permits. Identify all environmental quality permits (earth disturbance, NPDES, etc.) issued or applied for on behalf of this facility.

Permit Type	Permit#	Date Issued/Applied For

Attached is a facility location & drainage map. ☐ YES ☐ NO

Horizontal Accuracy Measure	Feet	--or--	Meters
-----------------------------	------	--------	--------

Horizontal Reference Datum Code	<input type="checkbox"/> North American Datum of 1983 <input type="checkbox"/> World Geodetic System of 1984
---------------------------------	---

Horizontal Collection Method Code

Reference Point Code

Altitude	Feet	--or--	Meters
----------	------	--------	--------

Altitude Datum Name	<input type="checkbox"/> The North American Vertical Datum of 1988 (NAVD88)
---------------------	---

Altitude (Vertical) Location Datum Collection Method Code

Geometric Type Code

Data Collection Date

Source Map Scale Number	Inch(es)	=	Feet
--or--	Centimeter(s)	=	Meters

FACILITY DESIGN (Check all appropriate boxes below)

<input type="checkbox"/>	Sewer Extension (Complete Sewer Extension Information 3800-PM-WSFR0045d)
<input type="checkbox"/>	Pump Station (Complete Pump Station Information 3800-PM-WSFR0045e)

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NOI

Applicant Name: _____

COMPLIANCE HISTORY REVIEW

Is/was the facility owner or operator in violation of any DEP regulation, permit, order or ☐ Yes ☐ No
schedule of compliance at this or any other facility?

If "Yes," list each permit, order and schedule of compliance and provide compliance status. Use additional sheets to provide information on all permits.

Permit Program _____

Permit No. _____

Brief Description of Noncompliance _____

Steps Taken to Achieve Compliance _____

Date(s) Compliance Achieved _____

Current Compliance Status

☐

In Compliance

☐

In Noncompliance

CERTIFICATION (Check appropriate box below.)

I certify under penalty of law that I

- ☐ am the applicant
☐ am an officer or official of the applicant
☐ have the authority to make this application (attach delegation of signatory authority)

and that the plans, reports and documents designated and attached here with part of the application are true and correct to the best of my knowledge and belief and is in conformance with the requirements of the *Domestic Wastewater Facilities Manual*.

Name (type or print legibly)

Official Title

Signature

Date

(Use corporate or professional seal as appropriate.)

Taken, sworn and subscribed before me, this _____ day of _____ 20 _____

Notary Seal

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NOI

Applicant Name:

REGISTERED PROFESSIONAL ENGINEER

This is to certify that I have personally reviewed all engineering information contained in the accompanying drawings, specifications and other documents which are part of this application and that I have found it to be of good engineering quality, true and correct, and is in conformance with the requirements of the *Domestic Wastewater Facilities Manual* and it does not, to the best of my knowledge, withhold information that is pertinent to a determination of compliance with the requirements of DEP.

Name of Design Engineer:

Design Firm:

Mailing Address:

Telephone Number:

E-mail Address:

() _____

Professional
Seal

Signature of Professional Engineer

NOTICE: It is an offense under Pennsylvania Criminal Code to affirm a false statement in documents submitted to DEP.

DEP will consider the registered professional engineer whose seal is affixed to design documents to be fully responsible for the adequacy of all aspects of facility designs. The application and supporting documentation submitted for sewerage projects will be reviewed to ensure general consistency with good engineering practices, and the applicable design guidelines of DEP.

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Checklist



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

WQG-02
WATER QUALITY MANAGEMENT
GENERAL PERMIT FOR SEWER EXTENSIONS AND PUMP STATIONS
NOTICE OF INTENT (NOI)
CHECKLIST

APPLICANT'S ✓CHECKLIST		
APPLICANT NAME		
Check the following list to make sure that you have included all the required information. Place a checkmark in the column provided for all items completed and/or provided. Failure to provide all of the requested information will delay the processing of the application.		
ENCLOSE THIS CHECKLIST WITH YOUR APPLICATION FORM.		
	Check ✓ If Included	DEP Use Only
1. Two (2) copies (original and 1 copy) of application and accompanying drawings and plans.	<input type="checkbox"/>	
a. Certification and proper signatures.	<input type="checkbox"/>	
b. Engineer's professional seal.	<input type="checkbox"/>	
c. <i>Design Engineer's Report.</i>	<input type="checkbox"/>	
d. Properly notarized (original).	<input type="checkbox"/>	
e. Sewer extension and/or pump station information.	<input type="checkbox"/>	
f. Additional copy for Erie and Allegheny counties (if required).	<input type="checkbox"/>	
2. Appropriate application fee.	<input type="checkbox"/>	
3. Topographic map with appropriate details.	<input type="checkbox"/>	
4. Act 537 Planning Approval Letter dated within one year.	<input type="checkbox"/>	
5. Other (specify):	<input type="checkbox"/>	

[Pa.B. Doc. No. 05-1219. Filed for public inspection June 24, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Brookville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brookville Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 05-1220. Filed for public inspection June 24, 2005, 9:00 a.m.]

Application of Elk Regional Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 138.18(b) (relating to EPS studies).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980,

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. 05-1221. Filed for public inspection June 24, 2005, 9:00 a.m.]

Application of Four Seasons Endoscopy Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Four Seasons Endoscopy Center, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 555.31—555.33 (relating to principle; administration of anesthesia; and anesthesia policies and procedures).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 05-1222. Filed for public inspection June 24, 2005, 9:00 a.m.]

Application of Geisinger Wyoming Valley Medical Center Outpatient Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Wyoming Valley Medical Center Outpatient Surgery has requested an exception to the requirements of 28 Pa. Code §§ 553.1—553.4, 553.31(b), 555.1—555.4, 557.2—557.4 and 567.2(1).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 05-1223. Filed for public inspection June 24, 2005, 9:00 a.m.]

Application of Manoa Diagnostic Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Manoa Diagnostic Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions)

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Person with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1224. Filed for public inspection June 24, 2005, 9:00 a.m.]

Application of St. Joseph Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Joseph Medical Center has requested an exception to the requirements of 28 Pa. Code § 139.12 (relating to neonatal care units) and § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.E, 7.2.B18, 7.3.A16-h, 7.3.A8, 7.8.A.3-k, 7.9.D.28, 7.14.B9, 7.14.B11, 7.14.B14, 7.14.B17 and 7.22.C.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 05-1225. Filed for public inspection June 24, 2005, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Friday, July 29, 2005, from 9:30 a.m. to 2:30 p.m. in 125N, Training Room A, Commonwealth Keystone Building, Commonwealth Avenue and Forster Streets, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification, (717) 783-8143.

Persons who wish to attend this meeting or persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Newborn Hearing Screening Program at (717) 783-8143, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1226. Filed for public inspection June 24, 2005, 9:00 a.m.]

Integrated Human Immunodeficiency Virus (HIV) Planning Council Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241 and 247), will hold a public meeting on Wednesday July 6, 2005, from 10 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 South Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases,

P. O. Box 90, Room 1010, Health and Welfare Building,
Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at (717) 783-0572 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1227. Filed for public inspection June 24, 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 § 201.3 (relating to definitions):

Willowbrooke at Brittany Pointe Estates
1001 Valley Forge Road
Lansdale, PA 19446

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.18(e) and 211.12(b) (relating to management; and nursing services):

UPMC, Transitional Care Unit
200 Lothrop Street
Pittsburgh, PA 15213

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

Moravian Village Long Term Care Facility
634 East Broad Street
Bethlehem, PA 18018

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24(a) and 205.27 (relating to dining room; and lounge and recreation rooms):

Frick Hospital Skilled Nursing Unit
508 South Church Street
Mount Pleasant, PA 15666
FAC ID 083802

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

Harmarville Transitional Rehabilitation Unit
Guys Run Road
P. O. Box 11460
Pittsburgh, PA 15238

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

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

Comments received by the Department within 15 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1228. Filed for public inspection June 24, 2005, 9:00 a.m.]

Requests for Exception to 28 Pa. Code § 551.21(d)(2) to Perform Ambulatory Surgical Procedures Included on the List of Medicare Approved ASC Procedures

The following ambulatory surgical facilities are seeking an exception to 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery) to perform ambulatory surgical procedures included on the List of Medicare Approved ASC Procedures:

Hanover SurgiCenter
Geisinger Wyoming Valley Medical Center Outpatient Surgery

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of 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. 05-1229. Filed for public inspection June 24, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Nursing Facility Assessment Program

This notice announces the amount of the assessment that the Department of Public Welfare (Department) is proposing to implement for Fiscal Year (FY) 2005-2006, provides an explanation of the assessment methodology that the Department is proposing to use in FY 2005-2006 and identifies the estimated aggregate impact on nursing facilities which will be subject to the assessment.

Background

The act of September 30, 2003 (P. L. 169, No. 25) (Act 25)¹, known as the Nursing Facility Assessment Law, directs the Department to "implement a monetary assessment" on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007, (Assessment Program). See sections 802-A and 815-A of Act 25 (62 P. S. §§ 802-A and 815-A). Act 25 further specifies that the Department may implement an Assessment Program "only to the extent that the revenues generated therefrom will qualify as the State share of [MA] program expenditures eligible for Federal financial participation." See section 803-A of Act 25 (62 P. S. § 803-A). To guarantee that the assessment amounts qualify for matching Federal funds, Act 25 directs the Department to seek waivers from the Federal Centers for Medicare and Medicaid Services (CMS) as may be necessary to implement the Assessment Program in conformity with Federal law. See section 812-A of Act 25 (62 P. S. § 812-A).

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary), in consultation with the Secretary of the Budget, must determine the aggregate amount of the assessment and the annual assessment rate. See section 804-A of Act 25 (62 P. S. § 804-A). The aggregate amount and rate of assessment must be approved by the Governor's Office. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, subject to the maximum aggregate assessment amount that qualifies for Federal matching funds. See section 804-A of Act 25 (62 P. S. § 804-A).

Before implementing the Assessment Program in a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the amount of the assessment being proposed, provides an explanation of the assessment methodology and assessment amount and identifies the aggregate impact on nursing facilities subject to the assessment. See section 805-A of Act 25 (62 P. S. § 805-A). After consideration of any comments received during the 30-day comment period, the Secretary must publish a second notice announcing the rate of assessment for the fiscal year. Id.

The Secretary published a notice at 35 Pa.B. 1959 (March 26, 2005) announcing the final nursing facility assessment methodology and rates for FY 2003-2004 and FY 2004-2005. As specified in that notice, during the first 2 fiscal years of the Assessment Program, nursing facilities were exempt from payment of the assessment if they fell into any of the following three categories:

1. Government owned and operated nursing facilities.
2. Veterans Administration nursing facilities.
3. Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter for which an assessment is collected.

All other licensed nursing facilities were assessed by the Department every calendar quarter. The assessment rate for a nonexempt nursing facility for each quarter was determined as follows:

1. If the nonexempt facility participates within a licensed Continuing Care Retirement Community (CCRC) or has 50 licensed beds or less, it was assessed at \$1.50 per non-Medicare resident day in the calendar quarter preceding the assessment quarter.

2. All other nonexempt nursing facilities were assessed at \$15.91 per non-Medicare resident day in the calendar quarter preceding the assessment quarter.

To assure that revenues generated from the Assessment Program qualified for Federal matching funds, the Department submitted a waiver request to CMS. CMS subsequently granted the waiver and approved implementation of the Assessment Program as described in the March 26, 2005, notice.

Proposed Assessment Methodology and Rates for FY 2005-2006

During FY 2005-2006, the Department intends to make several minor changes in the Assessment Program. More specifically, the Department is proposing to add a fourth category of exempt nursing facilities and implement a slight increase in the assessment rates for nonexempt facilities.

The following nursing facilities will be exempt from the Assessment Program in FY 2005-2006:

1. Government owned and operated nursing facilities.
2. Veterans Administration nursing facilities.
3. Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter for which an assessment is collected.
4. Nursing facilities that provide nursing facility services free of charge to all residents.

As in the first 2 years of the Assessment Program, nonexempt nursing facilities will continue to be assessed on a quarterly basis during FY 2005-2006 based on the number of licensed beds in the facility, the nursing facility's CCRC status and the number of non-Medicare resident days during each calendar quarter immediately preceding the assessment quarter. During FY 2005-2006 the assessment rates for nonexempt facilities will be as follows:

1. The assessment rate for nonexempt nursing facilities that participate within a licensed CCRC or that have 50 licensed beds or less will be increased by \$.04 to \$1.54 per non-Medicare resident day.
2. The assessment rate for all other nonexempt nursing facilities will be increased by \$.04 to \$15.95 per non-Medicare resident day.

In its March 26, 2005, notice announcing the final assessment rates for FY 2003-2004 and FY 2004-2005, the Department described the guidelines that it intended to use in determining whether a nursing facility would qualify for the CCRC assessment rate in FY 2005-2006. See 35 Pa.B. 1959, 1961 (March 26, 2005). Upon further consideration of these guidelines, the Department has determined that additional clarification is necessary. For FY 2005-2006, the Department will consider a nursing facility to qualify for the CCRC assessment rate if the nursing facility satisfies the following criteria:

1. The nursing facility is owned or controlled by an entity that is certified as a CCRC by the Insurance Department (for purposes of this guideline, "control" means the power to direct or cause to direct the management and policies of the nursing facility, whether through equitable ownership of voting securities or otherwise).
2. The CCRC provides a continuum of care during the assessment period that includes residential living units that are either occupied or available for immediate occupancy.

¹ Act 25 is codified in Article VIII-A of the Public Welfare Code (62 P. S. §§ 801-A-815-A).

3. The nursing facility is: (a) located on the same campus as the CCRC's residential living units; or (b) identified in the CCRC's Disclosure Statement and Resident Agreement under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225) and located no more than 30 miles from the campus on which the CCRC's residential living units are located.

Under these guidelines, a nursing facility that is owned or controlled by a CCRC which is planning to construct residential living units in the future, or is constructing residential units, but which has no residential units occupied or available for immediate occupancy, would not qualify for the CCRC assessment rate.

A nonexempt nursing facility that does not satisfy the criteria previously noted but believes that it otherwise qualifies for the CCRC rate may submit a written request to the Department that it be assessed at the CCRC rate. The written request should include any supporting documentation demonstrating that the nursing facility participates within a licensed CCRC and submitted to the Department of Public Welfare, Bureau of Long Term Care Programs, P. O. Box 2675, Harrisburg, PA 17105, Attn: NH Assessment Unit.

Aggregate Assessment Amount and Fiscal Impact

As a result of the implementation of the Assessment Program, the Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$279,552,809 for FY 2005-2006. All of the revenue derived from the assessment fees and associated Federal matching funds will be used to make payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received 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 should 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-432. No fiscal impact; (8) recommends adoption. This assessment is expected to generate \$249.553 million in additional revenue to supplement the Medical Assistance—Long-Term Care appropriation in Fiscal Year 2005-2006 as required by Article VIII-A of the Public Welfare Code.

[Pa.B. Doc. No. 05-1230. Filed for public inspection June 24, 2005, 9:00 a.m.]

Supplemental Payments to Certain Academic Medical Centers

This notice announces the Department of Public Welfare's (Department) intent to make supplemental payments to certain academic medical centers to assure that the services they provide to the Medical Assistance (MA) population will continue. These payments are also in-

tended to help offset the medical education costs incurred by these hospitals and to assure the continued availability of professional medical services to the MA population. The Department's intent is for these supplemental payments to become effective July 1, 2005.

To qualify for these payments, academic medical centers must meet the following criteria as documented on the hospitals' Fiscal Year (FY) 2002-03 MA cost reports:

1. Total medical education costs of at least \$25 million.
2. Pennsylvania MA medical education costs of at least \$1.5 million.
3. Provide over 50,000 Pennsylvania MA days of care or have less than 500 set-up and staffed beds.

Funds appropriated for these supplemental payments to academic medical centers qualifying under these criteria will be allocated using each qualifying hospital's medical education cost per bed. Specifically, each qualifying hospital's medical education cost per bed will be divided by the total medical education costs per bed for all qualifying hospitals to establish each hospital's specific supplemental payment ratio. The payment amount is then determined by multiplying each qualifying hospital's ratio by the total funds appropriated for these supplemental payments.

Fiscal Impact

For FY 2005-2006 the increased cost of \$45.502 million (\$20.591 million in State funds) in the Department will be offset by State fund savings of \$45.502 million in the Department of Education.

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, Attn: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. 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 should 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-430. No fiscal impact; (8) recommends adoption. Making these payments through the Medical Assistance—Inpatient appropriation will generate approximately \$20.591 million in General Fund savings.

[Pa.B. Doc. No. 05-1231. Filed for public inspection June 24, 2005, 9:00 a.m.]

DEPARTMENT OF STATE

State Plan Advisory Board Meeting

On Monday, June 27, 2005, the State Plan Advisory Board (Board) will meet from 10 a.m. to 1 p.m. in Hearing Room No. 2, Ground Floor, North Office Building, Harrisburg, PA. The Board is responsible for advising the Secretary of the Commonwealth on the development of the State Plan (Plan) required by the Federal Help America Vote Act of 2002 (HAVA). The Plan details how

the Commonwealth will use grants from the Federal Government to meet the requirements of HAVA. The purpose of the meeting is to discuss updates to the Commonwealth's Plan.

PEDRO A. CORTES,
Secretary of the Commonwealth

[Pa.B. Doc. No. 05-1232. Filed for public inspection June 24, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Disadvantaged Business Enterprise Participation in Federal Aviation Administration Funded Con- tracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No. 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its 2006 goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally assisted contracts.

Pending receipt of public comments, the Department's 2006 goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Aviation Administration (FAA), the Department must comply with the goal setting provisions of the US DOT DBE regulation, set forth in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a methodology and goal for Federally assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The methodology and goal must be submitted to the FAA by August 1, 2005. An important part of this process is providing notice to the public concerning the methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the proposed goal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under step-1, the Department created a baseline goal using the goals of subrecipient airports. The first step in identifying qualifying recipients was to determine which recipients had received Airport Improvement Grants. The Department created "working goals" for each subrecipient airport for the purpose of computing a Department-wide baseline goal.

The Department calculated step-1 by calculating the ratio of DBE contractors to all contractors able to perform the pertinent work type at each subrecipient airport. When these goals are weighted according to the amount of Federal moneys they receive, they yield the step-1 baseline goal.

Under step-2 of the goal setting process, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step-2 necessarily took into

account other conditions or variables impacting DBEs in this Commonwealth including each airport's track record in utilizing DBE firms in the past. As part of the adjustment phase, the Department gave due consideration to the specific types of work being contracted under the various AIG block grants.

Consistent with the public participation requirement for this process, the Department is making the proposed 2006 methodology and goal available for inspection and review for 45 days from the date of this notice. The Department considers the methodology and goal a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: Kevin R. Kline, P. E.

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, P. E.

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Thomas A. Prestash, P. E.

Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: H. Daniel Cessna, P. E.

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Joseph J. Szczur, P. E.

The document can also be reviewed at the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by August 9, 2005, for consideration.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1233. Filed for public inspection June 24, 2005, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Highway Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No. 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements of 49 CFR 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its 2006 goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally assisted contracts.

Pending receipt of public comments, the Department's 2006 goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Highway Administration (FHA), the Department must comply with the goal setting provisions of the US DOT DBE regulation, set forth in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a methodology and goal for Federally assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The 2006 methodology and goal must be submitted to the FHA by August 1, 2005. An important part of this process is providing notice to the public concerning the methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the proposed goal.

To comply with the goal setting provisions of the regulation, the Department employed a two-step process, as outlined in 49 CFR 26.45. Under step one, the Department created a baseline figure for the relative availability of "ready, willing and able DBEs" in a relevant market, derived from demonstrative evidence of local market conditions. To this end, the Department

developed a definition of "ready, willing and able DBEs" relative to any business "ready willing and able" to perform on Federally assisted Department contracts. The Department considered historical activity within specified market areas including research, engineering, design consulting, contractors (prime, subcontractors and suppliers) and other consultant activities. Additionally, the Department developed a ratio within market areas of "ready willing and able DBEs" relative to the universe of all other "ready willing and able" enterprises.

Under step two, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, are needed to arrive at the overall goal, taking into consideration other conditions or variables impacting DBEs in this Commonwealth. As part of this adjustment phase, the Department considered market potential based upon employment security data and other public data. The Department also considered certain changes relative to counting and certification that occurred as the result of the new regulation.

Consistent with the public participation requirement for this process, the Department is making the proposed 2006 methodology and goal available for inspection and review for 45 days from the date of this notice. The Department considers the 2006 methodology and goal a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: Kevin R. Kline, P. E.

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, P. E.

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Thomas A. Prestash, P. E.

Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: H. Daniel Cessna, P. E.

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Joseph J. Szczur, P. E.

The document can also be reviewed at the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by August 9, 2005, for consideration.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1234. Filed for public inspection June 24, 2005, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Transit Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No. 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its 2006 goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally assisted contracts.

Pending receipt of public comments, the Department's 2006 goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Transit Administration

(FTA), the Department must comply with the goal setting provisions of the US DOT DBE regulation, set forth in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a methodology and goal for Federally assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The methodology and goal must be submitted to the FTA by August 1, 2005. An important part of this process is providing notice to the public concerning the methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the proposed goal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under step-1, the Department first identified transit authorities likely to have contracting opportunity during Fiscal Year (FY) 2006. Transit authorities meeting this criterion were polled to see if they had submitted goals for FY 2006. US DOT regulations allow recipients to "use the goal of another DOT recipient" (49 CFR 26.45(c)(4)) to establish a step-1 baseline goal. Transit authorities with no goals had "working goals" calculated for them. By taking a count of DBEs in pertinent work types and dividing it by the universe of prequalified contractors in those work types. These goals were weighted according to the projected FY 2006 contracting opportunity to create the step-1 goal.

Under step-2 of the goal setting process, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step-2 necessarily took into account other conditions or variables impacting DBEs in this Commonwealth. As part of the adjustment phase, the Department gave due consideration to the geographical location of the predominantly rural Department FTA subrecipients. The Department also considered market potential based upon employment security data and other public data.

Consistent with the public participation requirement for this process, the Department is making the proposed 2006 methodology and goal available for inspection and review for 45 days from the date of this notice. The Department considers the methodology and goal a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: Kevin R. Kline, P. E.

Engineering District 3-0
715 Jordan Avenue
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(570) 368-8686
Attn.: James A. Kendter, P. E.

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) -963-4061
Attn.: Stephen J. Shimko, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Amar C. Bhajandas, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
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North Juniata Street, P. O. Box 69
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Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: H. Daniel Cessna, P. E.

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
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Attn.: Joseph J. Szczur, P. E.

The document can also be reviewed at the following website: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice should be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, (717) 787-5891, fax (717) 772-4026.

Comments should be postmarked by August 9, 2005, for consideration.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1235. Filed for public inspection June 24, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, June 9, 2005, and announced the following:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective June 8, 2005

Department of Transportation #18-397: Occupational Limited License (adds 67 Pa. Code Chapter 86)

Regulations Approved

Pennsylvania Liquor Control Board #54-62: Point System for Certain Licensees (adds 40 Pa. Code §§ 3.121 and 3.122)

Department of Transportation #18-400: School Buses and School Vehicles (amends 67 Pa. Code Chapter 171)

Approval Order

Public Meeting held
June 9, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli

Pennsylvania Liquor Control Board—Point System for Certain Licensees; Regulation #54-62

On April 13, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking adds Sections 3.121 and 3.122 to 40 Pa. Code. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On May 24, 2005, the Board tolled the review of this regulation and simultaneously submitted a revised regulation with technical corrections.

This regulation implements a provision in Section 479 of the Liquor Code which authorizes the Board to assign points against a proprietor's liquor license for certain violations of the Liquor Code. Section 479 and this regulation apply to cities of the first class.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. §§ 2-207(i) and 4-479(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
June 9, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli

Department of Transportation—School Buses and School Vehicles; Regulation No. 18-400

On May 10, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from

the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 171. Notice of proposed rulemaking was omitted for this final regulation. Governor Edward G. Rendell certified the regulation as necessary to meet an emergency on April 29, 2005. The regulation became effective upon publication in the *Pennsylvania Bulletin* on May 21, 2005.

The regulation updates existing technical standards and color and marking requirements for school buses to be consistent with Federal Motor Vehicle Safety Standards and industry specifications. The updates are necessary to ensure that new school buses pass safety inspections prior to the 2005-2006 school year.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 745.6(d) and 75 Pa.C.S. §§ 4551, 4552, 4553 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1236. Filed for public inspection June 24, 2005, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
18-401	Department of Transportation Administrative Practice and Procedure 35 Pa.B. 2309 (April 16, 2005)	5/16/05	6/15/05

Department of Transportation Regulation #18-401 (IRRC #2474)

Administrative Practice and Procedure

June 15, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 16, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 491.2b. Separation of adjudicatory and adversarial functions.—Reasonableness, Clarity.

Subsection (a)(1)

Under this subsection, it is not clear how one would be considered to be "significantly involved" in a proceeding. For clarity, the Department should define the term or explain the criteria used to determine who is "significantly involved."

Subsection (a)(2)

This subsection contains the phrase "substantive supervisory responsibility." Does the Department intend this to mean direct supervision? For clarity, this term should be defined or the Department should set forth the criteria used to determine who has "substantive supervisory responsibility."

Subsection (a)(3)

This subsection states, "Ex parte communications . . . that may create an appearance of impropriety in a matter shall be avoided." The phrase "be avoided" is not consistent with the decision of the Pennsylvania Supreme Court in the case of *Lyness v. State Board of Medicine*, 529 Pa. 535, 605 A.2d 1204 (1992). Therefore, the regulations should clearly prohibit ex parte communications which create the appearance of impropriety.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1237. Filed for public inspection June 24, 2005, 9:00 a.m.]

Notice of Filing of Final Rulemakings

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

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-478	State Registration Board for Professional Engineers, Land Surveyors and Geologists Biennial Renewal Fees and Examination Fees	6/10/05

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5413	State Board of Pharmacy Examination Fees	6/10/05
16A-5610	State Real Estate Commission Reciprocal License	6/10/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1238. Filed for public inspection June 24, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Joseph T. Acri, D. O.; Prehearing

**Appeal of Joseph T. Acri, D. O. under the Medical
Care Availability and Reduction of Error (MCARE)
Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM05-05-027**

On or before June 22, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 29, 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 July 12, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 6, 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 June 28, 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 July 5, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1239. Filed for public inspection June 24, 2005, 9:00 a.m.]

**Nationwide Mutual Insurance Company; Private
Passenger Automobile Rate Revision; Rate Fil-
ing**

On June 8, 2005, the Insurance Department (Department) received from Nationwide Mutual Insurance Company a filing for a proposed rate change for private passenger automobile insurance.

The company requests an overall 1.1% increase amounting to \$7.495 million annually to be effective October 23, 2005, for new and renewal business.

Unless formal administrative action is taken prior to August 7, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1240. Filed for public inspection June 24, 2005, 9:00 a.m.]

Polyclinic Medical Center; Prehearing

**Appeal of Polyclinic Medical Center under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM05-05-026**

On or before June 30, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 26, 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 July 21, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 14, 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 July 7, 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 July 14, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1241. Filed for public inspection June 24, 2005, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Re-
fusal 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 hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Stephen D. Vincent; file no. 05-182-04122; Erie Insurance Exchange; doc. no. P05-05-023; July 19, 2005, 1 p.m.

Appeal of Michael and Maureen Dincher; file no. 05-188-03415; Erie Insurance Exchange; doc. no. P05-05-021; July 21, 2005, 1 p.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 Ruth Williams; file no. 05-265-01667; Erie Insurance Exchange; doc. no. PH05-06-006; August 4, 2005, 2 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. 05-1242. Filed for public inspection June 24, 2005, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners poli-

cies. The hearings will be held in accordance with the requirements of the act, 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, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of John and Geraldine Bauer; file no. 05-182-04016; Nazareth Mutual Insurance Company; doc. no. P05-05-022; July 11, 2005, 2 p.m.

Appeal of Judith Keats; file no. 05-130-03365; Erie Insurance Exchange; doc. no. P05-05-020; July 26, 2005, 2 p.m.

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

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1243. Filed for public inspection June 24, 2005, 9:00 a.m.]

St. Christopher's Hospital for Children; Prehearing

Appeal of St. Christopher's Hospital for Children under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-05-018

On or before June 17, 2005, the appellant shall file a concise statement setting forth the factual and/or legal

basis for the disagreement with MCARE's April 20, 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 July 8, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 1, 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 June 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 July 5, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1244. Filed for public inspection June 24, 2005, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's Board of Directors on Monday, July 11, 2005, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B.K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 05-1245. Filed for public inspection June 24, 2005, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water State Revolving Fund and Drinking Water State Revolving Fund Project Priority List and Intended Use Plan Revisions during Fiscal Year 2004-05 Public Meetings

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have scheduled public meetings in the Rachel Carson State Office Building, 400 Market Street, Harrisburg.

<i>Meeting Dates</i>	<i>Room Reserved</i>	<i>Time</i>
July 6, 2005	10th Floor Conference Room	12:30 p.m.—2 p.m.
September 14, 2005	2nd Floor Conference Room	3 p.m.—5 p.m.
November 9, 2005	10th Floor Conference Room	2 p.m.—4 p.m.
January 25, 2006	2nd Floor Conference Room	2 p.m.—4 p.m.
March 22, 2006	10th Floor Conference Room	2 p.m.—4 p.m.
May 24, 2006	10th Floor Conference Room	2 p.m.—4 p.m.

The meetings are scheduled for the purpose of advising the public regarding revisions during Fiscal Year 2004-05 to the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund Project Priority List and Intended Use Plan.

Persons requiring ADA accommodations should contact Tony Maisano, (717) 787-6744, amaisano@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority

and

PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 05-1246. Filed for public inspection June 24, 2005, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Meetings Scheduled and Application Cut-Off Dates

The Fiscal Year 2005-2006 regular meetings and application cut-off dates of the Pennsylvania Infrastructure Investment Authority (PENNVEST) have been scheduled. Meetings of the PENNVEST Board of Directors (Board) will begin at 10 a.m. on the following meeting dates.

Application Cut-Off Dates

August 3, 2005
September 28, 2005
December 7, 2005
February 1, 2006
April 5, 2006
June 7, 2006

Governor's Residence
2035 N. Front St.
Harrisburg, PA

Independent Regulatory Review Commission (IRRC)
14th Floor, Harristown 2
333 Market St.
Harrisburg, PA

Board Meeting Dates

July 6, 2005
September 14, 2005
November 9, 2005
January 25, 2006
March 22, 2006
May 24, 2006
To Be Determined

Locations

Governor's Residence
IRRC
Governor's Residence
IRRC
Governor's Residence
IRRC
Governor's Residence

Funding applications must be received by 5 p.m. on the stated cut-off dates following PENNVEST procedures.

Persons requiring ADA accommodations at the Board meetings should contact Elaine Keisling, (717) 783-4494, aekisling@state.pa.us.

PAUL K. MARCHETTI,
Executive Director

[Pa.B. Doc. No. 05-1247. Filed for public inspection June 24, 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 July 18, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00121838. Vernon Carrigan (109 West Hillcrest Avenue, West Grove, Chester County, PA 19390)—persons, in paratransit service, limited to persons whose

personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Chester and Lancaster, and return.

A-00121839. Timothy McGinnis (36 Penny Road, Holtwood, Lancaster County, PA 17532)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00121861. David Hydo t/a Bedford Transportation Co. (200 East Pitt Street, Bedford, Bedford County, PA 15222)—persons, in paratransit service, between points in the County of Bedford, and from points in said county to points in Pennsylvania and return.

Application of the following for certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *household goods* by transfer as described under the application.

A-00121474, Folder 2. Erik Matthew Snyder (422 Edison Street, West Mifflin, Allegheny County, PA 15122)—household goods in use: (1) from points in the City of McKeesport, Allegheny County, to points in Pennsylvania within 75 miles by the usually traveled highways of the limits of said city, and vice versa; and (2)

between points in the County of Allegheny, excluding the right to transport households goods in use for distances in excess of 40 miles; which is to be a transfer of all the rights authorized under the certificate issued at A-00105690 to John M. Frinsko t/d/b/a Sigmund Transfer Company, subject to the same limitations and conditions.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Tim Dusenberry t/a Greene County Cab Service; Doc. No. A-00113136C0501

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Tim Dusenberry, t/a Greene County Cab Service, respondent, maintains a principal place of business at 405 Fourth Avenue, Waynesburg, PA 15370.
2. That respondent was issued a Certificate of Public Convenience by this Commission on September 23, 1996, at Application Docket No. A-00113136.
3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.
4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

WHEREFORE, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00113136, for failure to maintain evidence of current insurance on file with the Commission, (2) orders any other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Rutt Handcrafted Cabinetry LLC; Doc. No. A-00117984C0501

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Rutt Handcrafted Cabinetry, LLC, respondent, maintains a principal place of business at 1564 Main Street, Goodville, Pennsylvania 17528.

2. That respondent was issued a Certificate of Public Convenience by this Commission on August 16, 2001, at Application Docket No. A-00117984.

3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

WHEREFORE, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00117984, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66

Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1248. Filed for public inspection June 24, 2005, 9:00 a.m.]

Telecommunications

A-311369F7003. Commonwealth Telephone Company and Americell PA-3 LP. Joint petition of Commonwealth Telephone Company and Americell PA-3 LP. for approval of a negotiated interconnection agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Americell PA-3 LP, by its counsel, filed on May 31, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of a negotiated interconnection agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the joint 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 Commonwealth Telephone Company and Americell PA-3 LP 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. 05-1249. Filed for public inspection June 24, 2005, 9:00 a.m.]

Telecommunications

A-311370F7003. Commonwealth Telephone Company and Indigo Wireless, Inc. Joint petition of Commonwealth Telephone Company and Indigo Wireless, Inc. for approval of a negotiated interconnection agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Indigo Wireless, Inc., by its counsel, filed on May 31, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of a negotiated interconnection agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the joint 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 Commonwealth Telephone Company and Indigo Wireless, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1250. Filed for public inspection June 24, 2005, 9:00 a.m.]

Telecommunications

A-311140F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone. Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone for approval of a master interconnection and collocation agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone, by its counsel, filed on June 3, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of a master interconnection and collocation agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the joint 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 United Telephone Company of Pennsylvania d/b/a Sprint and Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone 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. 05-1251. Filed for public inspection June 24, 2005, 9:00 a.m.]

Telecommunications

A-311297F7001. Verizon North, Inc. and Volo Communications of Pennsylvania, Inc. Joint petition of Verizon North, Inc. and Volo Communications of Pennsylvania, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and Volo Communications of Pennsylvania, Inc. by its counsel, filed on May 24, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1252. Filed for public inspection June 24, 2005, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Sherry Shoemaker Kelly; Doc. No. 2029-51-04

On April 1, 2005, Sherry L. Shoemaker Kelly, license no. RN-536541-L, of Philadelphia, Philadelphia County, was indefinitely suspended based on the indefinite suspension of her professional nursing license by the Virginia Board of Nursing.

Individuals may obtain a copy of the adjudication by writing to Carmen L. Rivera, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the

petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,
Chairperson

[Pa.B. Doc. No. 05-1253. Filed for public inspection June 24, 2005, 9:00 a.m.]

**In the Matter of the Automatic Suspension of the
License to Practice Practical Nursing of Connie
Leininger Hafer, L.P.N., a.k.a. Connie Leininger;
Doc. No. 0498-51-05**

Connie Leininger Hafer, a.k.a. Connie Leininger of Mohnton, Berks County, was automatically suspended by the State Board of Nursing (Board) based on a guilty plea

or nolo contendere to a misdemeanor of the Drug Act.

Individuals may obtain a copy of the adjudication by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order and automatic suspension represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,
Chairperson

[Pa.B. Doc. No. 05-1254. Filed for public inspection June 24, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

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

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

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

The payment date specified in the contract.

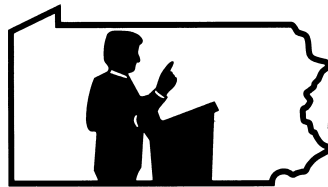
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

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

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

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

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

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

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

REQUIRED DATA DESCRIPTIONS

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

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

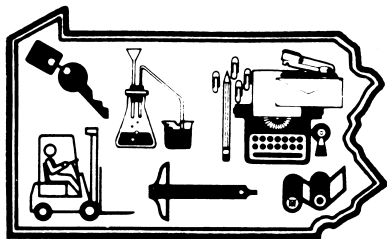
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room 201 Finance Building
Harrisburg, PA 17120
717-787-4586
1-800-252-4700
BizOutlet@ptreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer



Commodities

12926 School Slacks, heavyweight, min. weight of 2.75 oz/sq yd, 1 3/4 waistband w/partial elastic to eliminate half sizes. To be monogrammed with Scotland School Logo

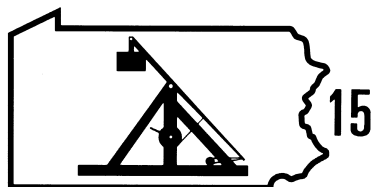
Department: Military Affairs

Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900

Duration: One-time purchase

Contact: Marion Joneos, (717) 264-7187, Ext. 661

SERVICES



15

Environmental Maintenance Service

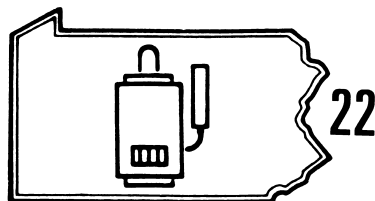
ADV#251 Indiana University of Pennsylvania, a member of the Pennsylvania State System of Higher Education, is seeking qualified vendors to respond to a Request for Quotation to provide air quality emissions testing on combustion exhaust gases from four (4) engines at the Cogeneration Plant, IUP, Indiana, PA 15705. Requests for copies of the bid package should be made in writing referencing ADV#251 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670; e-mail Cerovich@iup.edu. Interested vendors must submit their requests to be placed on the bidders list no later than Tuesday, July 5, 2005. Bid packages will be mailed to vendors after July 5, 2005. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education

Location: Indiana University of Pennsylvania, Indiana, PA 15705

Duration: Six (6) months

Contact: Barbara Cerovich, (724) 357-2301



22

HVAC Services

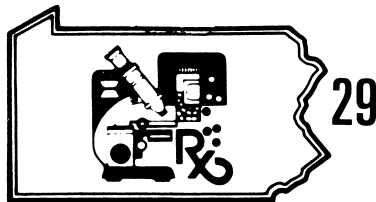
CN00015276 Electrical Maintenance and Repairs at the York County Maintenance Building and at all surrounding stockpiles locations in York County. All requests for bid package must be received via fax at 717-854-6773 Attn: Ken Noto, during the hours of 7:00 am to 3:00 pm Monday through Friday.

Department: Transportation

Location: 1920 Susquehanna Trail North, York PA 17404

Duration: 3 year period beginning 7/05/2005

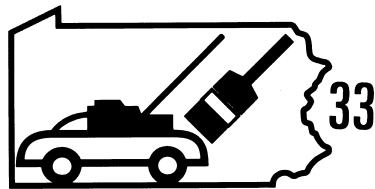
Contact: Ken Noto, (717) 848-6230, x303



Medical Services

CN00015249 Vendor shall provide pharmaceutical services and related medical/health supplies for Clarks Summit State Hospital patients, (approx. 225 patients) Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. Bids may be requested by sending a fax to 570-0587-7108. Please provide the following information when requesting bids: Name of vendor, address, phone and fax numbers, point of contact (and their phone number) and PA State vendor number. All bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Bid packages cannot be faxed.

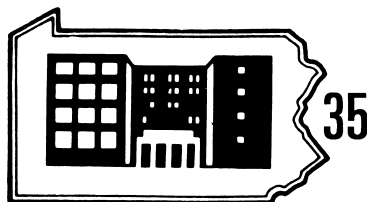
Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 2005 - June 30, 2008.
Contact: Stanley Rygelski, PA, (570) 587-7291



Property Maintenance

SU-04-27 Shippensburg University is seeking vendors who are interested in providing professional services for tree pruning, trimming, pest control and stump removal for trees at various locations on campus. Interested vendors may request a bid package by sending a fax to (717) 477-1350 or email to kmsmit@ship.edu.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg PA 17257
Duration: One year from date of award
Contact: Karen Smith, (717) 477-1386



Real Estate Services

032247 DEPARTMENT OF TRANSPORTATION Contemplated Sale of Land No Longer Needed for Transportation Purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S.s513(e)(7), intends to sell certain lands owned by it. The following is the property available for sale by the Department. Danville Borough, Montour County. The parcel contains 1,932 square feet of land situated at the Southwest corner of Railroad Street and SR 0011. Estimated Fair market value is \$2,000. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: PENNDOT, 715 Jordan Ave, PO Box 218, Montoursville, PA 17754, Attn: Lenny P. Confer.

Department: Transportation
Location: Danville Borough, Montour County
Contact: Lenny P Confer, (570) 368-4337

[Pa.B. Doc. No. 05-1255. Filed for public inspection June 24, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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

