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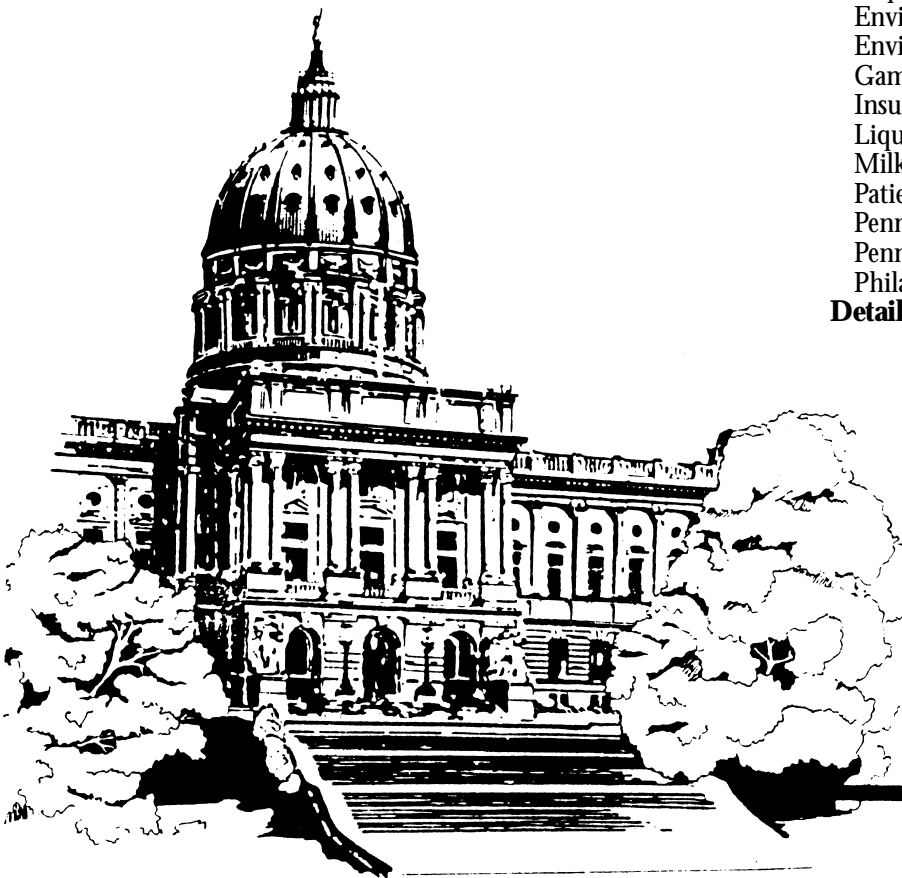
PENNSYLVANIA BULLETIN

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Agencies in this issue:

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Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
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Department of Transportation
Environmental Hearing Board
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Insurance Department
Liquor Control Board
Milk Marketing Board
Patient Safety Authority
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority

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No. 369, August 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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RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE
[55 PA. CODE CHS. 1101, 1123, 1149,
1151 AND 1153]

Revisions to General Assistance and Medical Assistance Benefit Packages and Recipient Copayments for Adults

The Department of Public Welfare (Department), under the authority of sections 201(2), 403(b), 443.1, 443.3, 443.6, 448 and 454 of the Public Welfare Code (code) (62 P. S. §§ 201(2), 403(b), 443.1, 443.3, 443.6, 448 and 454), as amended by the act of July 7, 2005 (P. L. 177, No. 42) (Act 42), amends Chapters 1101, 1123, 1149, 1151 and 1153 to read as set forth in Annex A.

Omission of Proposed Rulemaking

Act 42 amended the code by amending and adding several new provisions. Specifically, Act 42 amended section 443.1(4), added section 443.3(b) and (c), amended 443.6 (62 P. S. § 443.6) and added section 454. Sections 443.1(4) and 443.3(b) of the code were amended to provide for limits on behavioral health services for adults eligible for Medical Assistance (MA) under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396v) and adults eligible for State-only funded General Assistance (GA) MA benefits in the MA fee-for-service (FFS) delivery system. Section 443.6 of the code amended prior authorization (PA) requirements for purchase and rental of durable medical equipment (DME). Section 454 of the code provides that the Department shall promulgate final-omitted regulations to establish the benefit packages and any copayments for adults eligible for MA under Title XIX of the Social Security Act and adults eligible for GA MA benefits. The basis for the final-omitted regulations is section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)), known as the Commonwealth Documents Law (CDL). That section authorizes an agency to omit or modify notice of proposed rulemaking when the regulation relates to Commonwealth grants or benefits. In addition, section 454 of the code expressly exempts the Department's regulations from review under the Regulatory Review Act (71 P. S. §§ 745.1—745.15) and from review by the Attorney General under section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)).

The Department is adopting this final-omitted rulemaking in accordance with section 454 of the code because the amendments pertain to the benefit packages and copayments for recipients 21 years of age and older who are eligible for MA under Title XIX of the Social Security Act and under the State-only-funded GA program.

Purpose

The purpose of this final-omitted rulemaking is to:

1. Amend the current regulations in Chapters 1101, 1151 and 1153 (relating to general provisions; inpatient psychiatric services; and outpatient psychiatric services) to codify the MA benefit packages, including service limits and the criteria for granting exceptions to the limits, for inpatient and outpatient psychiatric services for MA and GA recipients 21 years of age and older in the FFS delivery system, as enacted in sections 2 and 3 of Act 42

(amending section 443.1(4) of the code and adding sections 443.3(a)(3) and (b) to the code).

2. Amend the current regulations in Chapter 1101 to specify the MA benefit packages, including service limits and the criteria for granting exceptions to the limits, for physical health services for MA and GA recipients 21 years of age and older as authorized in section 6 of Act 42 (adding section 454 to the Code) and to make technical changes to clarify the scope of benefits for MA recipients who are not affected by the regulation.

3. Amend the current regulations in Chapter 1101 to revise the copayments for pharmaceutical services for certain MA and GA recipients 18 years of age and older, as authorized in section 6 of Act 42 (adding section 454 to the code), and to permit the managed care organizations (MCOs) that contract with the Department to impose copayments for certain services, as authorized under Federal law. See 42 CFR 438.108 and 447.60 (relating to cost sharing; cost-sharing requirements for services furnished by MCOs).

4. Amend the current regulations in Chapter 1123 (relating to medical supplies) to codify amendments to MA payment policies for purchase and rental of DME as enacted in section 4 of Act 42 (amending section 443.6(b) of the code).

5. Amend the current regulations in Chapter 1101 to conform to existing MA policies as effected by earlier amendments to the code as well as a court-approved stipulation of settlement.

6. Make various technical revisions throughout Chapters 1101, 1123, 1149, 1151 and 1153 to add definitions, delete obsolete terms and add or amend cross-references to enhance the readability of the regulations.

Background

The Department administers an MA Program under Title XIX of the Social Security Act for low-income, aged and disabled individuals, mothers with children, low-income workers with disabilities and women diagnosed with breast or cervical cancer. In addition, the Department administers an MA Program for GA recipients, principally single adults, that is funded solely by State funds and is not mandated by the Federal government. This Commonwealth is one of a few states that has a GA Program. Both MA programs provide a continuum of physical and behavioral health services, including long-term care, inpatient hospital, pharmacy, outpatient services such as physician, podiatric, medical and psychiatric clinic, chiropractic services, dental services, medical supplies and DME to approximately 1.8 million eligible MA recipients.

In State Fiscal Year (SFY) 2002-2003, the most recent year for which complete data is available, the MA expenditures for the Federal program were more than \$9.2 billion. For the same State fiscal year, MA expenditures for GA recipients were more than \$399 million, of which almost \$84 million was expended for acute inpatient hospital care. MA expenditures have continued to increase at an exponential rate. The MA caseload is projected to increase by 5.9% in SFY 2005-2006. MA costs for the State fiscal year are projected to increase by 6.7% while State revenues for the same period are projected to increase by only 2.8%. In the face of the ever-increasing caseload and expenditures, advances in medical technology and treatment and stagnant State revenues, the

Department confronted the same challenge faced by Medicaid programs Nationwide to identify cost containment initiatives that would achieve the necessary savings without compromising the health care of the MA population by drastically reducing or even eliminating benefits.

To meet this challenge, during SFY 2004-2005 the Department implemented several MA initiatives to contain costs, generate additional revenue and enhance the quality of care before considering the last resort of modifying recipient benefit packages. For example, the Department expanded its primary case management program to include MA recipients 21 years of age and older in counties that are not included in HealthChoices, the Department's mandatory managed care program. The expanded program, known as ACCESS Plus, not only provides a medical home to MA recipients who previously did not have one but also offers a voluntary disease management program to provide case management services to MA recipients who have asthma, diabetes, congestive heart failure, chronic obstructive pulmonary disease or coronary artery disease. The Department increased the fees paid for primary care provider office visits by 30% to provide incentives to promote primary care.

The Department also began an initiative to expand PA of certain pharmaceuticals based on its assessment—informed by input from practitioners with expertise in the field—of the most efficacious and cost-effective drugs in a therapeutic class. The increased use of PA is intended in the first instance to minimize the use of unnecessary drug regimens. As part of the same initiative, the Department issued a Request for Proposals to implement a preferred drug list (PDL). By establishing a PDL, the Department will not only afford MA recipients the benefit of experts' review of the most efficacious and cost-effective drugs but also expects to generate additional revenue of \$25 million to \$37.5 million annually in supplemental rebates from drug manufacturers.

Finally, the Department obtained approval from the Centers for Medicare and Medicaid Services to impose provider assessments on MCOs, long-term care facilities and intermediate care facilities for the mentally retarded. Through these assessments, the Department realized \$350 million in additional revenue to support the MA Program.

Even with the success of these initiatives, the Department was compelled to examine other aspects of the MA Program to achieve the needed savings. In conducting this review, the Department evaluated proposals that other State Medicaid programs have considered or implemented. These proposals include imposition of provider assessments, changes in recipient eligibility criteria, decreased benefits and reduced provider fees. From among the options that it had not yet pursued, the Department rejected changes in eligibility as inconsistent with its goal of maintaining comprehensive benefit packages for as many individuals as possible. The Department also rejected the wholesale elimination of even some benefits as inconsistent with the same goal as well as counterproductive, since elimination of MA benefits would likely result in increased expenditures for more costly services and the shifting of costs to other programs within the Department and other Commonwealth agencies, such as child welfare and juvenile justice, mental health and mental retardation, the Department of Education or the Department of Aging. Finally, the Department rejected across-the-board provider fee reductions because reductions could cause some providers to discontinue participation in the MA program, which could potentially result in reduced access to needed services.

The Department also solicited and considered cost-containment recommendations submitted by the Medical Assistance Advisory Committee (MAAC) and its subcommittees as well as other advocacy organizations. Of the many suggested proposals, the Department had already implemented several and agreed to pursue others. None of the recommendations would, however, realize the necessary savings in the current fiscal year.

After reviewing the various options available to it, the Department concluded that the changes that would best achieve the goal of containing costs while continuing to make services available to the greatest number of MA recipients were to impose only a few service-specific limits, subject to exceptions in specified circumstances; modify copayments for brand name and generic drugs in the FFS delivery system; and permit its contracted MCOs to impose copayments up to those imposed by the Department in the FFS delivery system. The MCOs that provide services in the Department's voluntary and mandatory managed care programs have the option of imposing the same or lesser physical health service-specific limits. If the MCOs establish service limits, they must also establish an exceptions process. These limited changes to the MA Program will enable the Department to preserve the vital benefits to the greatest number of MA recipients in a fiscally responsible and cost-effective manner.

The Department informed providers and affected recipients of the benefit package and copayment changes, as well as the criteria and process for requesting exceptions to the limits, by individual notice mailed to each recipient household and each provider enrolled in the MA Program. Providers will receive additional information regarding the exception process by means of MA Bulletins and updates to provider handbooks. The Department will also issue paper vouchers to adult MA recipients, to be given to the provider during a visit that is subject to the 18-visit limit, as is the current procedure for adult GA recipients. MCOs that choose to exercise the option of imposing the same or fewer service-specific limits for some services or copayments for certain services will issue individual notice to their members, advising them of the specific benefit package changes and copayments, at least 30 days before the changes become effective. The MCOs will also notify their network providers of the changes they intend to implement.

Service-Specific Limits

The service-specific limits are designed to meet the medical needs of the vast majority of MA recipients. To protect its most vulnerable MA population, the Department imposed the service-specific limits only on adult MA and adult GA recipients, 21 years of age or older, excluding pregnant women. MA and GA recipients under 21 years of age are not affected by this final-omitted rulemaking and remain eligible for all medically necessary services. Likewise, pregnant recipients are not affected by this final-omitted rulemaking and remain eligible for all medically necessary services covered under the categorically needy and medically needy categories of MA and the categorically needy and medically needy only categories of GA.

The Department developed the service-specific limits mindful of the Federal requirement that the amount, duration and scope of each MA service must be sufficient to reasonably achieve its purpose. See 42 CFR 440.230(b) (relating to sufficiency of amount, duration, and scope). Specifically, the limits on inpatient medical rehabilitation and acute care hospital admissions are such that the majority of recipients will not be affected. For example, of

the approximately 760 adult MA and GA recipients in the MA FFS delivery system who were admitted to an inpatient medical rehabilitation hospital during SFY 2002-2003, 84.3% had only one admission. Similarly, of the approximately 3,774 adult GA recipients in the FFS delivery system who were admitted to an inpatient acute care hospital during SFY 2002-2003, 76.5% had only one admission.

The 18-visit limit on office and clinic visits, which has been in place for GA recipients since 1993 (see 22 Pa.B. 5995 (December 12, 1992)), will likewise not affect the majority of recipients. In the first instance, the limit applies only to specified procedures: evaluation and management and consultations by physicians, podiatrists, optometrists and certified registered nurse practitioners; general ophthalmologic services by ophthalmologists and optometrists; examination and manipulation services by chiropractors; and outpatient hospital clinic, independent medical clinic, rural health clinic and Federally qualified health center visits. Of the estimated 66,259 adult MA recipients who used practitioner and clinic visits in the MA FFS delivery system during SFY 2002-2003, 91.6% used 18 or fewer visits. Of the approximately 9,141 adult GA recipients who are currently subject to this limit and needed these services in the FFS delivery system during SFY 2002-2003, only 172 used more than 18 visits during the fiscal year; 98.1% used 18 or fewer visits.

In addition to the service-specific limits established by the Department in this final-omitted rulemaking, sections 2 and 3 of Act 42 imposed limits on inpatient and outpatient psychiatric services in the FFS delivery system, which the Department is also codifying through this final-omitted rulemaking. As with the service limits established by the Department, those enacted in Act 42 are also designed to meet the needs of the most recipients and to maintain the amount, duration and scope of the services to reasonably achieve their purpose.

For example, of the approximately 16,823 adult MA and GA recipients in the MA FFS delivery system who were admitted to a private inpatient psychiatric hospital or psychiatric unit during FY 2002-2003, 93.2% had stays of 30 or fewer days. Similarly, the vast majority of adult MA and GA recipients in the FFS delivery system had fewer than 5 hours of psychotherapy in an outpatient psychiatric clinic in a 30-day period: of the approximately 80,557 adult MA and GA recipients in the MA FFS delivery system who received psychotherapy during FY 2002-2003, 92.4% received 5 or fewer hours. Finally, of the estimated 4,967 adult MA and GA recipients in the FFS delivery system who received psychiatric partial hospitalization services during SFY 2002-2003, 91.3% received 540 or fewer hours.

The impact of the service-specific limits will be further ameliorated by the exceptions to the limits authorized by Act 42. Specifically, sections 443.3(b) and 454(c) of the code, as added by Act 42, authorize the Department to grant exceptions to allow payment for services beyond the established limits and specify the criteria that the Department will use to review exception requests. The Department has codified the exceptions process for both adult MA and adult GA recipients in § 1101.31(f) (relating to scope) to enable it to grant an exception when it determines that: the recipient has a serious chronic systemic illness or other serious health condition and denying the exception will jeopardize the recipient's life or result in the serious deterioration of the recipient's health; granting the exception is a cost-effective alternative for the MA Program; or granting the exception is

necessary to comply with Federal law. The Department will apply the exceptions criteria in substantially the same way that it has applied the existing exceptions criteria for adult GA recipients.

To facilitate review of requests for exceptions to the service-specific limits, the Department will automate approval of several types of exception requests. For example, a request for an exception to the 18-visit service limit to visit a recipient's primary care practitioner (PCP) will be automatically approved. A request for an exception to the 18-visit service limit to visit a specialist on referral from a PCP will likewise be automatically approved. A request for an exception to the acute inpatient limit for adult GA recipients when the admission required care in an intensive care unit will also be automatically approved.

Copayments

The Department evaluated a broad range of potential copayment changes for recipients, which included both new copayments for services that do not currently have a copayment and increases to existing copayments. Rather than having to impose some of the more significant proposals under consideration, the Department is able to limit the copayment changes in the FFS delivery system to a nominal revision to copayments for brand name and generic drugs for MA and GA recipients 18 years of age and older. In addition, the Department is permitting MA MCOs to apply nominal copayments to recipients for the same services and up to the same amounts that are imposed in the FFS delivery system. MA and GA recipients who are under 18 years of age, pregnant or residents in an institution remain exempt from these copayment changes. The Department is making no other changes to recipient copayments.

The copayment for brand name drugs is increased from \$1 for MA recipients and from \$2 for GA recipients to \$3 per prescription or refill for both MA and GA recipients. The copayment for generic drugs is reduced for GA recipients from \$2 to \$1 per prescription or refill and remains at \$1 per prescription or refill for MA recipients. This nominal copayment revision supports the Department's general goal of encouraging the use of cost-effective generic drugs whenever appropriate while imposing limited additional liability on recipients.

DME

Act 42 amended section 443.6(b) of the code to raise the payment limit for DME and surgical supplies from \$100 to \$600 unless prior authorized by the Department and to permit rental of DME for 6 months rather than 3 months before PA is required. The original limits were enacted in 1978 and have not been amended since then. Act 42 amended the limits to account for increases in the cost of DME and medical supplies since 1978. Act 42 also authorizes the Department to continue to require PA for purchase of DME that costs less than \$600 and rental of DME for fewer than 6 months.

Technical Amendments

The Department promulgated regulations published at 22 Pa.B. 5995 to establish a GA Basic Health Care package and to limit dental services for all recipients 21 years of age and older, to be effective on January 1, 1993. The GA Basic Health Care package established certain benefit limits, including a combined maximum of 18 practitioner and clinic visits per fiscal year; 3 prescriptions (including refills) per month in specific drug classes; 30 days of inpatient medical rehabilitation hospital per fiscal year; 30 days of inpatient drug and alcohol care per

fiscal year; 30 home health visits per fiscal year; emergency room care for emergency use only, and ambulance services for emergency transport only. The regulations also established criteria and procedures for requesting an exception to some of the limits.

After the regulations were promulgated but before the effective date, the regulations were enjoined on December 31, 1992, by the United States District Court for the Eastern District of Pennsylvania in *Felix v. Casey*, No. 92-CV-7376 (E. D. Pa.). Under the terms of a court-approved Stipulation of Settlement, the GA Basic Health Care package was modified to increase the prescription limit per month to six and to expand drug coverage to all classes of legend drugs included in the Department's Drug Reference File. Dental benefits were restored with certain limitations for all categories of recipients but limited to inpatient, short procedure unit and ambulatory surgical center settings for the medically needy categories of recipients. See 23 Pa.B. 4583 (September 25, 1993). These policies have been in place since July 1, 1993, and this final-omitted rulemaking amends §§ 1101.31(b) and (e) and 1149.21—1149.24.

Section 1101.31(e) is also amended to conform to a Notice of Rule Change published at 26 Pa.B. 2132 (May 4, 1996), which removed family planning clinic visits from the 18-visit limit on practitioner and clinic services in the GA Basic Health Care package.

Section 1101.31(d) is amended to eliminate the cross-reference to the categorically needy scope of benefits in § 1101.31(b) and restate the State Blind Pension (SBP) scope of benefits, § 1101.31(d). Because the changes to benefit limits and copayments that apply to the adult MA and GA populations do not apply to SBP recipients, the SBP benefit package must now be described separately. These amendments are purely technical in nature and do not alter the current scope of benefits for SBP recipients.

Finally, this final-omitted rulemaking adds § 1101.63(c) (relating to payment in full) to codify the \$150 deductible per fiscal year that applies to adult GA recipients for ambulatory surgical center services and inpatient or outpatient hospital services, excluding laboratory and X-ray services, as currently specified in section 448 of the code.

Requirements

A. *Benefit limits, exceptions, copayments, and conditions for payment.* The final-omitted rulemaking amends the current scope of benefits for categorically and medically needy adult MA recipients and chronically and medically needy only adult GA recipients, codifies the exception criteria and process required under Act 42, amends copayment requirements and codifies conditions of payment for DME as follows:

1. *Practitioners' visits and clinic visits.* Section 1101.31(b)(2) is amended to provide that the Department will pay for up to a combined total of 18 office or home visits per SFY by practitioners and clinics for adult MA recipients.

2. *Inpatient medical rehabilitation hospital admissions.* Section 1101.31(b)(1) and (e)(1)(iv)(B) is amended to provide that the Department will pay for one admission to an inpatient rehabilitation hospital per SFY for both adult MA and adult GA recipients.

3. *Inpatient acute care hospital admissions.* Section 1101.31(e)(1)(iv)(A) is amended to provide that the Department will pay for one admission to an inpatient acute care hospital per SFY for adult GA recipients.

4. *Private inpatient psychiatric hospital care.* Sections 1101.31(b)(7) and (e)(1)(xii), 1151.2, 1151.21(b), 1151.22(b) and 1151.43(a) and (c) are amended to codify that the Department will pay for up to 30 days of inpatient care in a private psychiatric hospital or psychiatric unit per SFY, for both adult MA and adult GA recipients.

5. *Outpatient psychiatric clinic services.* Sections 1101.31(b)(11)(iii) and (e)(1)(xiii)(C) and 1153.53(a)(4) and (b) (relating to limitations on payment) are amended to codify that the Department will pay for psychotherapy provided by outpatient psychiatric clinics, up to 5 hours or 10 1/2 hour sessions every 30-consecutive-day period for both adult MA and adult GA recipients.

6. *Psychiatric partial hospitalization services.* Sections 1101.31(b)(3)(ii) and (e)(1)(viii)(B) and 1153.53(a)(1) and (b) are amended to codify that the Department will pay for psychiatric partial hospitalization, up to 540 hours per SFY, for both adult MA and adult GA recipients.

7. *Exceptions.* Section 1101.31(f) is added to codify the exceptions criteria enacted in Act 42 and to set forth the process for requesting an exception to a service-specific limit. Because the Department's application of the exceptions criteria will not be substantively different from application of the exceptions criteria currently in effect under § 1101.31 for GA recipients, these amendments also delete § 1101.31(e)(4)—(6) and consolidate the current GA exceptions process and the new exceptions process in § 1101.31(f), which applies to both adult MA and adult GA recipients.

8. *Copayments.* Section 1101.63(b)(2)(viii) and (ix) is amended to delete the exclusion of copayments by health maintenance organizations, to permit MCOs to apply nominal recipient copayments in the mandatory and voluntary managed care programs and to delete reference to health insuring organizations, which is an obsolete term. Section 1101.63(b)(5)(i) is amended to modify the copayment required of MA and GA recipients 18 years of age and older for brand name drugs to \$3 per prescription and \$3 per refill. Section 1101.63(b)(6)(i) is amended to modify the copayment required of MA and GA recipients 18 years of age and older for generic drugs to \$1 per prescription and \$1 per refill.

9. *Payment conditions for DME.* Section 1123.60(e) and (f) is amended to codify the payment conditions for DME specified in section 443.6(b) of the code, as amended by Act 42, to raise the payment limit for DME and surgical supplies to a maximum of \$600 unless prior authorized by the Department and the rental of DME to 6 months before PA is required.

B. *Additional technical amendments.* Additional technical amendments in this final-omitted rulemaking are as follows:

1. *Scope of benefits for SBP recipients.* Section 1101.31(d) is amended to set forth the scope of benefits for SBP recipients and eliminate the cross-reference to the categorically needy scope of benefits in § 1101.31(b). This is purely a technical amendment. The scope of benefits for these recipients remains unchanged.

2. *Scope of benefits for GA chronically needy recipients.* Section 1101.31(e)(1) is amended to set forth the scope of benefits for GA chronically needy recipients; eliminate the cross-reference to the categorically needy scope of benefits in § 1101.31(b); codify the existing benefit limits on prescription drugs and dental services; and delete family planning clinic services from the 18-visit limit.

3. *Scope of benefits for MA medically needy and GA medically needy only recipients.* Section 1101.31(c) and

(e)(2) is amended to conform to Chapter 1143 (relating to podiatrists' services) to specify that podiatrists' services are included within the scope of benefits for these recipients.

4. *GA MA Deductible.* Section 1101.63(c) is added to codify the \$150 deductible per fiscal year that applies to adult GA recipients for specified services, as required by section 448 of the code.

5. *Other technical amendments.* The Department is making various minor technical amendments throughout Chapters 1101, 1123, 1149, 1151 and 1153 to define and update terminology, as well as establish and update cross-references between Chapter 1101 and related service-specific chapters for the sole purpose of enhancing the clarity and readability of the regulations.

Affected Individuals and Organizations

Hospitals, including acute care and medical rehabilitation hospitals, private inpatient psychiatric hospitals and units of general hospitals, practitioners, outpatient psychiatric clinics and pharmacies that provide services to adult MA and GA recipients will be affected by the final-omitted rulemaking.

Adult MA and GA recipients except pregnant women who receive services in the FFS delivery system will be affected by the final-omitted rulemaking, which imposes limits on various inpatient and outpatient behavioral and physical health services and increases the copayment for brand name drugs while reducing or maintaining the copayment for generic drugs. Adult MA and GA recipients except pregnant women who receive services in the managed care delivery system could be affected by the final-omitted rulemaking because the MCOs are authorized to impose the physical health service limits and all copayments that are currently imposed in the FFS delivery system.

Accomplishments and Benefits

This final-omitted rulemaking makes limited changes to the MA Program that will enable the Department to preserve the vital benefits to the greatest number of MA recipients in a fiscally responsible and cost-effective manner. The service-specific limits are designed to meet the medical needs of the vast majority of MA recipients. The nominal copayment revisions support the Department's general goal of encouraging the use of cost-effective generic drugs whenever appropriate while imposing limited additional liability on recipients. By implementing these changes, the Department was able to avoid either the elimination of services or the termination of MA recipients from MA coverage.

Fiscal Impact

The revised benefit packages for adult MA and GA recipients will result in reduced payments for inpatient rehabilitation hospital admissions, inpatient acute care hospital admissions, private inpatient psychiatric hospital admissions, outpatient psychiatric clinic and psychiatric partial hospitalization services and practitioner and clinic visits. The Commonwealth expects to realize \$104.727 million (\$ 72.888 million in State funds) in savings in FY 2005-2006. The changes in copayments for brand name and generic drugs will result in savings of \$ 6.517 million (\$ 2.920 million in State funds) in FY 2005-2006.

Paperwork Requirements

There will be no new paperwork requirements as a result of the final-omitted rulemaking. Providers, practitioners and recipients will use the existing Program

Exception process authorized in § 1150.63 (relating to waivers) to request exceptions to the service-specific limits.

Public Process

The Department discussed various proposed service-specific limits and copayment changes at meetings of the MAAC, as well as the Consumer and Fee-for-Service Delivery System Subcommittees of the MAAC, on an ongoing basis since February 24, 2005. Both issues were discussed at the MAAC meetings on February 24, 2005, March 24, 2005, April 28, 2005, and May 26, 2005; at the Consumer Subcommittee meetings on February 23, 2005, March 23, 2005, April 27, 2005, May 25, 2005, and June 22, 2005; and at the Fee-for-Service Delivery System Subcommittee meetings on February 14, 2005, and April 13, 2005. The Department distributed charts describing the various scope of benefit and copayment changes being considered, solicited input and alternative cost-containment strategies and responded to questions.

After Act 42 was enacted, the Department presented the final service-specific limits and copayment revisions at the MAAC meeting on July 28, 2005. The Department also presented a draft of the recipient notice, advising of the benefit package and copayment changes, to the Consumer Subcommittee of the MAAC for review and comment and revised the notice in response to comments received.

Regulatory Review Act

Under section 454 of the code, this final-omitted rulemaking is not subject to review under the Regulatory Review Act.

Findings

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv) because the regulation relates to Commonwealth grants and benefits.

(2) Adoption of this regulation in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

Order

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 1101, 1123, 1149, 1151 and 1153, are amended by amending §§ 1101.21, 1101.31, 1101.63, 1123.21, 1123.24, 1123.60, 1149.2, 1149.21, 1149.22, 1149.23, 1149.24, 1151.2, 1151.21, 1151.22, 1151.24, 1151.43, 1153.53 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel for approval as to legality and form as required by law.

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

(d) This order shall take effect on August 29, 2005.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-500. No fiscal impact; (8) recommends adoption. Implementation of this rulemaking will generate savings to the General Fund beginning in Fiscal Year 2005-2006 of \$75.8 million.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1101. GENERAL PROVISIONS

DEFINITIONS

§ 1101.21. Definitions.

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

Adult—An MA recipient 21 years of age or older.

CRNP—Certified registered nurse practitioner.

Categorically needy—Aged, blind or disabled individuals or families and children who are otherwise eligible for Medicaid and who meet the financial eligibility requirements for TANF, SSI or an optional State supplement.

Complete medical history—A chronological medical record which includes, but is not limited to, major complaints, present medical history, past medical history, family history and social history.

County Assistance Offices or CAOs—The local offices of the Department that administer the MA Program on the local level. They determine recipient eligibility and perform other necessary MA functions such as prior authorization and client referral to a source of medical services.

Covered service—A benefit to which a MA recipient is entitled under the MA Program of the Commonwealth.

Department—The Department of Public Welfare of the Commonwealth or a subagency thereof.

Emergency situation—A condition in which immediate medical care is necessary to prevent the death or serious impairment of health of the individual.

Enroll—The act of becoming eligible to participate in the MA Program by completing the provider enrollment form, entering into or renewing as required a written provider agreement and meeting other participation requirements specified in this chapter and the appropriate separate chapters relating to each provider type.

EPSDT—Early and Periodic Screening, Diagnosis and Treatment Program.

FQHC—Federally qualified health center.

Factor—An individual or an organization, such as a service bureau, that advances money to a provider for accounts receivable that the provider has assigned, sold or transferred to the individual or organization for an added fee or a deduction of a portion of the accounts receivable.

GA—General Assistance—MA funded solely by State funds as authorized under Article IV of the Public Welfare Code (62 P. S. §§ 401—488).

General public—Payors other than Medicaid. The term includes other health insurance plans.

HHS—The United States Department of Health and Human Services or its successor agency, which is given responsibility for implementation of Title XIX of the Social Security Act.

MA—Medical Assistance.

Medicaid—Medical Assistance provided under a State Plan approved by HHS under Title XIX of the Social Security Act.

Medical facility—A licensed or approved hospital, skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, public clinic, shared health facility, rural health clinic, psychiatric clinic, pharmacy, laboratory, drug and alcohol clinic, partial hospitalization facility or family planning clinic.

Medically necessary—A service, item, procedure or level of care that is:

(i) Compensable under the MA Program.

(ii) Necessary to the proper treatment or management of an illness, injury or disability.

(iii) Prescribed, provided or ordered by an appropriate licensed practitioner in accordance with accepted standards of practice.

Medically needy—A term used to refer to aged, blind or disabled individuals or families and children who are otherwise eligible for Medicaid and whose income and resources are above the limits prescribed for the categorically needy but are within limits set under the Medicaid State Plan.

Noncompensable item—A service or supply a provider furnishes for which there is no provision for payment under this part.

Parent/caretaker—The person responsible for the care and control of an unemancipated minor child. This includes mother or father, grandmother or grandfather, stepmother or stepfather or another relative related by blood or marriage.

Postpartum period—The period beginning on the last day of the pregnancy and extending through the end of the month in which the 60-day period following termination of the pregnancy ends.

Practitioner—A medical doctor, doctor of osteopathy, dentist, optometrist, podiatrist, chiropractor or other medical professional licensed by the Commonwealth or by another state who is authorized to participate in the MA Program as a provider.

Prepayment review—Determination of the medical necessity of a service or item before payment is made to the provider. Prepayment review is performed after the service or item is provided and involves an examination of an invoice and related material, when appropriate. Prepayment review is not prior authorization.

Prior authorization—A procedure specifically required or authorized by this title wherein the delivery of an MA item or service is either conditioned upon or delayed by a prior determination by the Department or its agents or employees that an eligible MA recipient is eligible for a particular item or service or that there is medical necessity for a particular item or service or that a particular item or service is suitable to a particular recipient.

Professional Standards Review Organization or PSRO—An organization which HHS has charged with the responsibility for operating professional review systems to determine whether hospital services are medically necessary, provided appropriately, carried out on a timely basis and meet professional standards.

Program—The MA program of the Commonwealth.

Provider—An individual or medical facility which signs an agreement with the Department to participate in the MA program, including, but not limited to: licensed practitioners, pharmacies, hospitals, nursing homes, clinics, home health agencies and medical purveyors.

Public clinic—A health clinic operated by a Federal, State or local governmental agency.

Purveyor—A person other than a practitioner who, directly or indirectly, engages in the business of supplying to patients medical supplies, equipment or services for which reimbursement under the MA program is received, including, but not limited to: clinical laboratory services or supplies, X-ray laboratory services or supplies, inhalation therapy services or equipment, ambulance services, sick room supplies, physical therapy services or equipment, and orthopedic or surgical appliances or supplies.

Recipient—A person or family that is eligible for MA benefits.

School child—A child attending a kindergarten, elementary, grade or high school, either public or private.

Shared health facility—An entity other than a licensed or approved hospital facility, skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, rural health clinic, public clinic or Health Maintenance Organization in which:

- (i) Medical services, either alone or together with support services, are provided at a single location.
- (ii) Services are provided by three or more practitioners, two or more of whom are practicing within different professions.
- (iii) Practitioners share any of the following: common waiting areas, examining rooms, equipment, supporting staff or records.
- (iv) At least one practitioner receives payment on a fee for service basis.

(v) A provider receiving more than \$30,000 in payment from the MA Program during the 12-month period prior to the date of the initial or renewal application of the shared health facility for registration in the MA Program.

State Blind Pension recipient—An individual 21 years of age or older who by virtue of meeting the requirements of Article V of the Public Welfare Code (62 P. S. §§ 501—515) is eligible for pension payments and payments made on his behalf for medical or other health care, with the exception of inpatient hospital care and post-hospital care in the home provided by a hospital. Payment for medical and health care is made solely from Commonwealth funds since these individuals do not meet the criteria for Federal funding of their medical care under Medicaid.

BENEFITS

§ 1101.31. Scope.

(a) *Scope.* The scope of benefits for which MA recipients are eligible differs according to recipients' categories of assistance, as described in this section.

- (1) Recipients under 21 years of age are eligible for all medically necessary services.
- (2) The benefit limits specified in subsections (b), (c), and (e) apply only to adults, with the exception of pregnant women, including throughout the postpartum period.
- (3) Recipients shall exhaust other available medical resources prior to receiving MA benefits.
- (b) *Categorically needy.* The categorically needy are eligible for all of the following benefits:
 - (1) Inpatient hospital services other than services in an institution for mental disease, as specified in Chapter

1163 (relating to inpatient hospital services), including one medical rehabilitation hospital admission per fiscal year.

(2) Up to a combined maximum of 18 clinic, office and home visits per fiscal year by physicians, podiatrists, optometrists, CRNPs, chiropractors, outpatient hospital clinics, independent medical clinics, rural health clinics, and FQHCs.

(3) Outpatient hospital services as follows:

(i) Short procedure unit services as specified in Chapter 1126 (relating to ambulatory surgical center services and hospital short procedure unit services).

(ii) Psychiatric partial hospitalization services as specified in Chapter 1153 (relating to outpatient psychiatric services) up to one hundred and eighty three-hour sessions, 540 total hours, per recipient per fiscal year.

(iii) Outpatient hospital clinic services as specified in Chapter 1221 (relating to clinic and emergency room services) and in paragraph (2).

(iv) Rural health clinic services and FQHC services as specified in Chapter 1129 (relating to rural health clinic services) and in paragraph (2).

(4) Laboratory and X-ray services as specified in Chapter 1243 (relating to outpatient laboratory services) and Chapter 1230 (relating to portable x-ray services).

(5) Nursing facility care as specified in Chapter 1181 (relating to nursing facility care) and Chapter 1187 (relating to nursing facility services).

(6) Intermediate care.

(7) Inpatient psychiatric care as specified in Chapter 1151 (relating to inpatient psychiatric services), up to 30 days per fiscal year.

(8) Physicians' services as specified in Chapter 1141 (relating to physicians' services) and in paragraph (2).

(9) Optometrists' services as specified in Chapter 1147 (relating to optometrists' services) and in paragraph (2).

(10) Home health care as specified in Chapter 1249 (relating to home health agency services).

(11) Clinic services as follows:

(i) Independent medical clinic services as specified in Chapter 1221 (relating to clinic and emergency room services) and in paragraph (2).

(ii) Ambulatory surgical center services as specified in Chapter 1126 (relating to ambulatory surgical center services and hospital short procedure unit services).

(iii) Psychiatric clinic services as specified in Chapter 1153 (relating to outpatient psychiatric services), including up to 5 hours or 10 one-half hour sessions of psychotherapy per recipient in a 30 consecutive day period.

(iv) Drug and alcohol clinic services, including methadone maintenance, as specified in Chapter 1223 (relating to outpatient drug and alcohol clinic services).

(12) Ambulance services as specified in Chapter 1245 (relating to ambulance transportation).

(13) Dental services as specified in Chapter 1149 (relating to dentists' services).

(14) Medical equipment, supplies, prostheses, orthoses and appliances as specified in Chapter 1123 (relating to medical supplies).

(15) EPSDT services, for recipients under 21 years of age as specified in Chapter 1241 (relating to early and periodic screening, diagnosis, and treatment program).

(16) Family planning services and supplies as specified in Chapter 1245 (relating to family planning clinic services).

(17) Drugs as specified in Chapter 1121 (relating to pharmaceutical services).

(18) Chiropractic services as specified in Chapter 1145 (relating to chiropractors' services) limited to the visits specified in paragraph (2).

(19) Podiatrists' services as specified in Chapter 1143 (relating to podiatrists' services) and in paragraph (2).

(20) CRNP services as specified in Chapter 1144 (relating to certified registered nurse practitioner services) and in paragraph (2).

(c) *Medically needy.* The medically needy are eligible for the benefits in subsection (b) with the exception of the following:

(1) Medical equipment, supplies, prostheses, orthoses and appliances.

(2) Drugs.

(d) *State Blind Pension.* State Blind Pension recipients are eligible for the following benefits:

(1) Outpatient hospital services as follows:

(i) Psychiatric partial hospitalization services as specified in Chapter 1153 up to 240 three-hour sessions, 720 total hours, per recipient in a 365 consecutive day period.

(ii) Rural health clinic services and FQHC services, as specified in Chapter 1129.

(2) Physicians' services as specified in Chapter 1141.

(3) Optometrists' services as specified in Chapter 1147.

(4) Home health care as specified in Chapter 1249.

(5) Clinic services as follows:

(i) Psychiatric clinic services as specified in Chapter 1153, including up to 7 hours or 14 one-half hour sessions of psychotherapy per recipient in a 30 consecutive day period.

(ii) Drug and alcohol clinic services, including methadone maintenance, as specified in Chapter 1223.

(6) Ambulance services as specified in Chapter 1245.

(7) Dental services as specified in Chapter 1149.

(8) Family planning services and supplies as specified in Chapter 1245.

(9) Drugs as specified in Chapter 1121.

(10) Chiropractors' services as specified in Chapter 1145.

(e) *GA recipients.* GA recipients are eligible for benefits as follows:

(1) GA chronically needy and nonmoney payment recipients are eligible for all of the following benefits:

(i) Up to a combined maximum of 18 clinic, office, and home visits per fiscal year by physicians, podiatrists, optometrists, CRNPs, chiropractors, outpatient hospital clinics, independent medical clinics, rural health clinics and FQHCs.

(ii) Home health care as specified in Chapter 1249, up to a maximum of 30 visits per fiscal year.

(iii) Legend and nonlegend drugs as specified in Chapter 1121 not to exceed a maximum of six prescriptions and refills per month.

(iv) Inpatient hospital services other than services in an institution for mental disease as specified in Chapter 1163, as follows:

(A) One acute care inpatient hospital admission per fiscal year.

(B) One medical rehabilitation hospital admission per fiscal year.

(C) Up to 30 days of drug and alcohol inpatient hospital care per fiscal year.

(v) Outpatient hospital services as follows:

(A) Short procedure unit services as specified in Chapter 1126.

(B) Psychiatric partial hospitalization services as specified in Chapter 1153, up to 180 three-hour sessions, 540 total hours, per recipient per fiscal year.

(C) Outpatient hospital clinic services as specified in Chapter 1221 and in subparagraph (i).

(D) Rural health clinic services and FQHC services as specified in Chapter 1129 and in subparagraph (i).

(vi) Ambulance services as specified in Chapter 1245, for medically necessary emergency transportation and transportation to a nonhospital drug and alcohol detoxification and rehabilitation facility from a hospital when a recipient presents to the hospital for inpatient drug and alcohol treatment and the hospital has determined that the required services are not medically necessary in an inpatient facility.

(vii) Emergency room care as specified in Chapter 1221, limited to emergency situations as defined in §§ 1101.21 and 1150.2 (relating to definitions; and definitions).

(viii) Laboratory and X-ray services as specified in Chapter 1243 and Chapter 1230.

(ix) Nursing facility care as specified in Chapter 1181 and Chapter 1187.

(x) Intermediate care.

(xi) Inpatient psychiatric care as specified in Chapter 1151, up to 30 days per fiscal year.

(xii) Clinic services as follows:

(A) Independent medical clinic services as specified in Chapter 1221 and in subparagraph (i).

(B) Ambulatory surgical center services as specified in Chapter 1126.

(C) Psychiatric clinic services as specified in Chapter 1153, including a total of 5 hours or 10 one-half hour sessions of psychotherapy per recipient in a 30 consecutive day period.

(D) Drug and alcohol clinic services, including methadone maintenance, as specified in Chapter 1223.

(xiii) Physicians' services as specified in Chapter 1141 and in subparagraph (i).

(xiv) Dental services as specified in Chapter 1149.

(xv) Podiatrists' services as specified in Chapter 1143 and in subparagraph (i).

(xvi) Chiropractic services as specified in Chapter 1145 limited to the visits specified in subparagraph (i)

(xvii) CRNP services as specified in Chapter 1144 and in subparagraph (i).

(xviii) Medical equipment, supplies, prostheses, orthoses and appliances as specified in Chapter 1123.

(xix) Family planning services and supplies as specified in Chapter 1225.

(2) GA medically needy only recipients are eligible for the benefits described in paragraph (1) of subsection (e), with the following exceptions:

(i) Medical equipment, supplies, prostheses, orthoses and appliances.

(ii) Drugs.

(3) The Department will inform recipients subject to the limits established in this subsection and medical service providers of these limits and the recipient's current usage of limited services. When the Department determines that a recipient's usage of services is likely to exceed the limits established by this subsection, it will review the case to determine whether the recipient should be referred to the Disability Advocacy Program.

(f) *Exceptions.*

(1) The Department is authorized to grant exceptions to the limits specified in subsections (b) and (e) when it determines that one of the following criteria applies:

(i) The recipient has a serious chronic systemic illness or other serious health condition and denial of the exception will jeopardize the life of or result in the serious deterioration of the health of the recipient.

(ii) Granting the exception is a cost-effective alternative for the MA Program.

(iii) Granting the exception is necessary in order to comply with Federal law.

(2) The process for requesting an exception is as follows:

(i) A recipient or a provider on behalf of a recipient may request an exception.

(ii) A request for an exception may be made to the Department in writing, by telephone, or by facsimile.

(iii) A request for an exception may be made prospectively, before the service has been delivered, or retrospectively, after the service has been delivered.

(iv) The Department will respond to a request for an exception no later than:

(A) For prospective exception requests, within 21 days after the Department receives the request.

(B) For prospective exception requests when the provider indicates an urgent need for quick response, within 48 hours after the Department receives the request.

(C) For retrospective exception requests, within 30 days after the Department receives the request.

(v) A retrospective request for an exception must be submitted no later than 60 days from the date the Department rejects the claim because the service is over the benefit limit. Retrospective exception requests made after 60 days from the claim rejection date will be denied.

(vi) Both the recipient and the provider will receive written notice of the approval or denial of the exception request. For prospective exception requests, if the provider or recipient is not notified of the decision within 21 days of the date the request is received, the exception will be automatically granted.

(vii) Departmental denials of requests for exception are subject to the right of appeal by the recipient in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(viii) A provider may not hold a recipient liable for payment for services rendered in excess of the limits established in subsections (b) and (e) unless both of the following conditions are met:

(A) The provider has requested an exception to the limit and the Department has denied the request.

(B) The provider informed the recipient before the service was rendered that the recipient is liable for the payment as specified in § 1101.63(a) (relating to payment in full) if the exception is not granted.

FEES AND PAYMENTS

§ 1101.63. Payment in full.

(a) *Supplementary payment for a compensable service.* A provider shall accept as payment in full, the amounts paid by the Department plus a copayment required to be paid by a recipient under subsection (b). A provider who seeks or accepts supplementary payment of another kind from the Department, the recipient or another person for a compensable service or item is required to return the supplementary payment. A provider may bill a MA recipient for a noncompensable service or item if the recipient is told before the service is rendered that the program does not cover it.

(b) *Copayments for MA services.*

(1) Recipients receiving services under the MA Program are responsible to pay the provider the applicable copayment amounts set forth in this subsection.

(2) The following services are excluded from the copayment requirement for all categories of recipients:

(i) Services furnished to individuals under 18 years of age.

(ii) Services and items furnished to pregnant women.

(iii) Services furnished to an individual who is a patient in a long term care facility or other medical institution as defined in 42 CFR 435.1009 (relating to definitions relating to institutional status) if the individual is required as a condition of receiving services in the institution, to spend all but a minimal amount of his income for medical care costs.

(iv) Services provided in an emergency situation as defined in § 1101.21 (relating to definitions).

(v) Laboratory services.

(vi) The professional component of diagnostic radiology, nuclear medicine, radiation therapy and medical diagnostic services, when the professional component is billed separately from the technical component.

(vii) Family planning services and supplies.

(viii) Home health agency services.

(ix) Psychiatric partial hospitalization program services.

(x) Services furnished by a funeral director.

(xi) Renal dialysis services.

(xii) Blood and blood products.

(xiii) Oxygen.

(xiv) Ostomy supplies.

(xv) Rental of durable medical equipment.

- (xvi) Outpatient services when the MA fee is under \$2.
- (xvii) Medical examinations when requested by the Department.
- (xviii) Screenings provided under the EPSDT Program.
- (xix) More than one of a series of a specific allergy test provided in a 24-hour period.
- (xx) Targeted case management services.
- (3) The following services are excluded from the copayment requirement for categories of recipients except GA recipients age 21 to 65:
- (i) Drugs, including immunizations, dispensed by a physician.
- (ii) Specific drugs identified by the Department in the following categories:
- (A) Antihypertensive agents.
- (B) Antidiabetic agents.
- (C) Anticonvulsants.
- (D) Cardiovascular preparations.
- (E) Antipsychotic agents, except those that are also schedule C-IV antianxiety agents.
- (F) Antineoplastic agents.
- (G) Antiglaucoma drugs.
- (H) Antiparkinson drugs.
- (I) Drugs whose only approved indication is the treatment of acquired immunodeficiency syndrome (AIDS).
- (4) Except for the exclusions specified in paragraphs (2) and (3), each MA service furnished by a provider to an eligible recipient is subject to copayment requirements.
- (5) The amount of the copayment, which is to be paid to providers by categories of recipients, except GA recipients, and which is deducted from the Commonwealth's MA fee to providers for each service, is as follows:
- (i) For pharmacy services, drugs and over-the-counter medications:
- (A) For recipients other than State Blind Pension recipients, \$1 per prescription and \$1 per refill for generic drugs.
- (B) For recipients other than State Blind Pension recipients, \$3 per prescription and \$3 per refill for brand name drugs.
- (C) For State Blind Pension recipients, \$1 per prescription and \$1 per refill for brand name drugs and generic drugs.
- (ii) For inpatient hospital services, provided in a general hospital, rehabilitation hospital or private psychiatric hospital, the copayment is \$3 per covered day of inpatient care, to an amount not to exceed \$21 per admission.
- (iii) For nonemergency services provided in a hospital emergency room, the copayment on the hospital support component is double the amount shown in subparagraph (vi), if an approved waiver exists from the United States Department of Health and Human Services. If an approved waiver does not exist, the copayment will follow the schedule shown in subparagraph (vi).
- (iv) When the total component or only the technical component of the following services are billed, the copayment is \$1:
- (A) Diagnostic radiology.
- (B) Nuclear medicine.
- (C) Radiation therapy.
- (D) Medical diagnostic services.
- (v) For outpatient psychotherapy services, the copayment is 50¢ per unit of service.
- (vi) For other services, the amount of the copayment is based on the MA fee for the service, using the following schedule:
- (A) If the MA fee is \$2 through \$10, the copayment is 50¢.
- (B) If the MA fee is \$10.01 through \$25, the copayment is \$1.
- (C) If the MA fee is \$25.01 through \$50, the copayment is \$2.
- (D) If the MA fee is \$50.01 or more, the copayment is \$3.
- (6) The amount of the copayment, which is to be paid to providers by GA recipients age 21 to 65, and which is deducted from the Commonwealth's MA fee to providers for each service, is as follows:
- (i) For prescription drugs:
- (A) \$1 per prescription and \$1 per refill for generic drugs.
- (B) \$3 per prescription and \$3 per refill for brand name drugs.
- (ii) For inpatient hospital services, provided in a general hospital, rehabilitation hospital or private psychiatric hospital, the copayment is \$6 per covered day of inpatient care, not to exceed \$42 per admission.
- (iii) When the total component or only the technical component of the following services are billed, the copayment is \$2:
- (A) Diagnostic radiology.
- (B) Nuclear medicine.
- (C) Radiation therapy.
- (D) Medical diagnostic services.
- (iv) For all other services, the amount of the copayment is based on the MA fee for the service, using the following schedule:
- (A) If the MA fee is \$2 through \$10, the copayment is \$1.
- (B) If the MA fee is \$10.01 through \$25, the copayment is \$2.
- (C) If the MA fee is \$25.01 through \$50, the copayment is \$4.
- (D) If the MA fee is \$50.01 or more, the copayment is \$6.
- (7) The Department calculates the amount of copayments paid by a recipient and reimburses GA recipients age 21 to 65 whose MA benefits are funded solely by State funds for copayments in excess of \$180 in a 6-month period. The Department reimburses all other categories of recipients for copayments in excess of \$90 in a 6-month period. This calculation is based on invoices paid by the MA Program and adjudicated between January through June and July through December of each year, which verify that the recipient paid the copayment.
- (8) A provider participating in the program may not deny covered care or services to an eligible MA recipient because of the recipient's inability to pay the copayment amount. This paragraph does not change the fact that the

recipient is liable for the copayment, and it does not prevent the provider from attempting to collect the copayment amount. If a recipient believes that a provider has charged the recipient incorrectly, the recipient shall continue to pay copayments charged by that provider until the Department determines whether the copayment charges are correct.

(9) A provider may not waive the copayment requirement or compensate the recipient for the copayment amount.

(10) If a recipient is covered by a third-party resource and the provider is eligible for an additional payment from MA, the copayment required of the recipient may not exceed the amount of the MA payment for the item or service.

(c) *MA deductible.*

(1) A \$150 deductible per fiscal year shall be applied to adult GA recipients for the following MA compensable services:

- (i) Ambulatory surgical center services.
- (ii) Inpatient hospital services.
- (iii) Outpatient hospital services.

(2) Laboratory and x-ray services are excluded from the deductible requirement.

**CHAPTER 1123. MEDICAL SUPPLIES
SCOPE OF BENEFITS**

§ 1123.21. Scope of benefits for the categorically needy.

Categorically needy recipients are eligible for medically necessary medical supplies covered by the MA Program subject to the conditions and limitations of this chapter and Chapter 1101 (relating to general provisions). See § 1101.31(b) (relating to scope).

§ 1123.24. Scope of benefits for GA recipients.

GA recipients, age 21 to 65, are eligible for medically necessary basic health care benefits as defined in Chapter 1101 (relating to general provisions). See § 1101.31(e) (relating to scope).

PAYMENT FOR MEDICAL SUPPLIES

§ 1123.60. Limitations on payments.

(a) Under no circumstances may the provider be paid an amount that exceeds the price the provider currently charges the self-paying public.

(b) Payment will be made for either orthopedic shoes or orthotic devices but not both.

(c) Payment for orthopedic shoes and orthotic devices is subject to the following limitations:

(1) Four pairs of orthopedic shoes, either with or without an attached leg brace per year for those eligible recipients 20 years of age or younger.

(2) One pair of orthotic devices every 3 years for those eligible recipients 16 years of age or older. These are not compensable, however, if the recipient has received orthopedic shoes in the 365 days prior to provision of the orthotic device.

(3) Four pairs of orthotic devices every 3 years for those eligible recipients under 16 years of age. These are not compensable, however, if the recipient has received orthopedic shoes in the 365 days prior to provision of the orthotic device.

(d) Contact lenses are compensable only when prescribed as prostheses, that is, to replace the lens of the eye.

(e) Payment for durable medical equipment and surgical supplies is limited to a maximum of \$600 unless prior authorized by the Department as specified in § 1101.67 (relating to prior authorization).

(f) Unless a shorter period is specified on the MA Program fee schedule, payment for rental of durable medical equipment is limited to 6 months after which time prior authorization is required from the Department as specified in § 1101.67.

(g) Payment for prescribed or ordered medical supplies shall be limited to those items in the MA program fee schedule.

(h) Only one eyeglass fitting fee will be paid per recipient per year.

(i) Prostheses and orthoses shall be prior authorized as specified in § 1101.67.

**CHAPTER 1149. DENTISTS' SERVICES
GENERAL PROVISIONS**

§ 1149.2. Definitions.

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

Approved institution—A university, college or hospital whose dental school program is approved by the American Dental Association or a Canadian university whose dental school program is recognized by the American Dental Association.

Board certified or Board eligible orthodontist—A dentist who has successfully completed the full curriculum of advanced education in orthodontics at an approved institution or an orthodontic hospital residency program which is accredited by the Commission on Accreditation of Dental and Dental Auxiliary Education Programs of the American Dental Association.

Dental laboratory—A laboratory, comprised of dental technicians, and engaged in the business of constructing, altering, repairing or duplicating dentures, plates, partial plates, bridges, splints and orthodontic or prosthetic appliances.

Dental technician—An individual not licensed to practice dentistry in this Commonwealth but engaged in the business of constructing, altering, repairing or duplicating dentures, plates, partial plates, bridges, splints and orthodontic or prosthetic appliances from a prescription by a dentist.

Dentist—An individual licensed under the laws of the Commonwealth to practice dentistry within the scope of The Dental Law (63 P. S. §§ 120—130g).

Oral and maxillofacial surgeon—A dentist who limits his practice to the part of dental care which deals with the diagnosis, the surgical and adjunctive treatment of diseases, injuries and defects of the oral and maxillofacial region.

Pedodontist—A dentist who limits his practice to the diagnosis and treatment of conditions of the teeth and mouth in children.

SCOPE OF BENEFITS

§ 1149.21. Scope of benefits for the categorically needy.

Categorically needy adult recipients are eligible for all medically necessary dental services, subject to the condi-

tions and limitations established in this chapter, Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies) and the MA Program fee schedule. Categorically needy recipients under 21 years of age are eligible for all medically necessary dental services.

§ 1149.22. Scope of benefits for the medically needy.

Medically needy adult recipients are eligible for medically necessary dental services only when provided in an inpatient, ambulatory surgical center, or short procedure unit setting, and subject to the conditions and limitations established in this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies) and the MA Program fee schedule. Medically needy recipients under 21 years of age are eligible for all medically necessary dental services.

§ 1149.23. Scope of benefits for State Blind Pension recipients.

(a) Except as noted in subsection (b), State Blind Pension recipients are eligible for all medically necessary dental services, subject to the conditions and limitations established in this chapter, Chapters 1101 and 1150 (relating to the general provisions; and MA Program payment policies) and the MA Program fee schedule.

(b) State Blind Pension recipients are not eligible for radiological services or inpatient dental services. State Blind Pension recipients are eligible for radiological services and inpatient surgical procedures and emergency dental services if they qualify as categorically needy or medically needy recipients.

§ 1149.24. Scope of benefits for GA recipients.

(a) GA chronically needy and nonmoney payment recipients, age 21 to 65, are eligible for medically necessary dental services subject to the conditions and limitations established in this chapter, Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies) and the MA Program fee schedule.

(b) GA medically needy only recipients, age 21 to 65, are eligible for medically necessary dental services only when provided in an inpatient, ambulatory surgical center, or short procedure unit setting, and subject to the conditions and limitations established in this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies) and the MA Program fee schedule.

**CHAPTER 1151. INPATIENT PSYCHIATRIC SERVICES
GENERAL PROVISIONS**

§ 1151.2. Definitions.

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

Acute psychiatric services—Psychiatric services rendered in response to a severe psychiatric condition requiring intervention to bring the patient's symptoms under control.

Certified day—A day of inpatient hospital care approved by the Department under this chapter.

Day of inpatient hospital care—Room, board and professional services furnished to a patient on a continuous 24-hour-a-day basis in a semiprivate room of a hospital. The term includes items and services ordinarily furnished by the hospital for the care and treatment of inpatients

provided in an institution other than one maintained primarily for treatment and care of patients with tuberculosis.

Emergency admission—The unscheduled admission of a person with a severe mental disability who requires immediate treatment, to an inpatient psychiatric facility.

Fiscal year—A period of time beginning July 1 and ending June 30 of the following year.

General hospital—A facility licensed as a hospital under 28 Pa. Code Part IV, Subpart A (relating to general and special hospitals) which provides equipment and services primarily for inpatient care to persons who require treatment for injury, illness, disability or pregnancy. The term does not include public or private psychiatric hospitals, general nursing facilities, county-operated nursing facilities, intermediate care facilities for the mentally retarded or psychiatric transitional facilities.

Inpatient psychiatric facility—The term refers to private psychiatric hospitals and distinct part psychiatric units of general hospitals.

Patient pay amount—Income or assets that the CAO has determined to be available to a recipient to meet the cost of medical care. The recipient, not the MA Program, pays this amount toward the cost of care.

Private psychiatric hospital—An institution, other than a general hospital, not directly operated or controlled by the Department that is engaged in providing acute short-term psychiatric services on an inpatient basis.

Public psychiatric hospital—An institution, other than a general hospital, controlled, operated and funded directly by the Department and engaged in providing long-term and short-term inpatient psychiatric services for the diagnosis, treatment and care of individuals with mental diseases.

Recipient under 21 years of age—A recipient who is one of the following:

(i) Under 21 years of age.

(ii) Age 21 and was receiving inpatient psychiatric services in a psychiatric hospital the day preceding the date the recipient reached age 21. This recipient continues to be recognized as a recipient under 21 years of age until the earlier of the date the recipient either:

(A) No longer requires inpatient psychiatric facility services.

(B) Reaches age 22.

Therapeutic leave—A period of absence by a patient from the inpatient psychiatric facility directly related to the treatment of that patient's illness.

SCOPE OF BENEFITS

§ 1151.21. Scope of benefits for the categorically needy.

Categorically needy recipients under 21 years of age as defined in § 1151.2 (relating to definitions) or 65 years of age or older are eligible for medically necessary inpatient psychiatric services provided by a participating inpatient psychiatric facility, subject to this chapter and Chapter 1101 (relating to general provisions).

§ 1151.22. Scope of benefits for the medically needy.

Medically needy recipients under 21 years of age as defined in § 1151.2 (relating to definitions) or age 65 or older are eligible for medically necessary inpatient psychiatric services provided by a participating inpatient psychi-

chiatric facility, subject to this chapter and Chapter 1101 (relating to general provisions).

§ 1151.24. Scope of benefits for GA recipients.

(a) GA recipients, age 21 to 65, are eligible for medically necessary inpatient psychiatric services as described in Chapter 1101 (relating to general provisions). See § 1101.31(e) (relating to scope).

(b) Inpatient psychiatric services are subject to this chapter and Chapter 1101 (relating to general provisions).

PAYMENT FOR INPATIENT PSYCHIATRIC SERVICES

§ 1151.43. Limitations on payment.

(a) For adult recipients, payment for inpatient psychiatric hospital services in a private psychiatric hospital or a distinct part of a psychiatric unit of a general hospital is limited to 30 days per fiscal year.

(b) A recipient is limited to two periods of therapeutic leave per calendar month. Neither of these periods of therapeutic leave may exceed 12 hours in a calendar day.

(c) The Department is authorized to grant an exception to the limits specified in subsection (a) as described in § 1101.31(f) (relating to scope).

CHAPTER 1153. OUTPATIENT PSYCHIATRIC SERVICES

PAYMENT FOR OUTPATIENT PSYCHIATRIC CLINIC AND OUTPATIENT PSYCHIATRIC PARTIAL HOSPITALIZATION SERVICES

§ 1153.53. Limitations on payment.

(a) Payment is subject to the following limitations:

(1) For recipients 21 years of age or older, 180 three-hour sessions, 540 total hours, of psychiatric partial hospitalization in a fiscal year per recipient, except for State Blind Pension recipients, for whom payment is limited to 240 3-hour sessions, 720 total hours, of psychiatric partial hospitalization in a consecutive 365-day period per recipient.

(2) At least 3 hours but no more than 6 hours of psychiatric partial hospitalization per 24-hour period.

(3) Two outpatient psychiatric evaluations in psychiatric clinics per patient per year.

(4) For recipients 21 years of age or older, a total of 5 hours or 10 one-half hour sessions of psychotherapy per recipient per 30-consecutive day period, except for State Blind Pension recipients, for whom payment is limited to a total of 7 hours or 14 one-half hour sessions of psychotherapy per recipient per 30-consecutive day period. This period begins on the first day that an eligible recipient receives an outpatient psychiatric clinic service listed in the MA Program Fee Schedule. Psychotherapy includes the total of individual, group, family, collateral family psychotherapy services and home visits provided per eligible recipient per 30-consecutive day period.

(5) Three psychiatric clinic medication visits per patient per 30-consecutive days in psychiatric outpatient clinics.

(6) One outpatient comprehensive diagnostic psychological evaluation or no more than \$80 worth of individual psychological or intellectual evaluations in psychiatric clinics per patient per 365 consecutive days.

(7) The partial hospitalization fees listed in the MA Program Fee Schedule include payment for all services rendered to the patient during a psychiatric partial

hospitalization session. Separate billings for individual services are not compensable.

(8) Partial hospitalization facilities licensed for adult programs will be reimbursed at the adult rate, regardless of the age of the client receiving treatment.

(9) Partial hospitalization facilities licensed as children and youth programs will be reimbursed at the child rate only when the client receiving treatment is 14 years of age or younger.

(10) Family psychotherapy and collateral family psychotherapy are compensable for only one person per session, regardless of the number of family members who participate in the session or the number of participants who are eligible for psychotherapy.

(11) Psychiatric clinic clozapine monitoring and evaluation visits are limited to five visits per patient per calendar month.

(12) Any combination of psychiatric clinic medication visits and psychiatric clinic clozapine monitoring and evaluation visits is limited to five per patient per calendar month.

(b) The Department is authorized to grant an exception to the limits specified in subsection (a)(1) and (4) as described in § 1101.31(f) (relating to scope).

[Pa.B. Doc. No. 05-1586. Filed for public inspection August 26, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1121]

[Correction]

Pharmaceutical Services; Revisions to the State Maximum Allowable Cost for Pharmaceutical Services

Errors occurred in the document amending §§ 1121.2 and 1121.56 (relating to definitions; and drug cost determination), which appeared at 35 Pa.B. 4727, 4732 and 4733 (August 20, 2005). Amendments to those sections which appeared at 35 Pa.B. 4309 (August 6, 2005) were not incorporated. The correct version of those sections is as follows:

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE

CHAPTER 1121. PHARMACEUTICAL SERVICES

GENERAL PROVISIONS

§ 1121.2. Definitions.

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

AWP—The average wholesale price listed for a drug in one or more available Nationally recognized pricing services.

Brand name—A registered trade name commonly used to identify a drug.

CMS—The Centers for Medicare and Medicaid Services.

CMS multisource drug—A multisource drug identified by CMS for which FFP is limited under 42 CFR 447.331—447.333 (relating to drugs; aggregate upper limits of payment; upper limits for multiple source drugs; state plan requirements, findings and assurances).

Compounded prescription—A prescription that is prepared in the pharmacy by combining two or more ingredients and involves the weighing of at least one solid ingredient which shall be a compensable item or a legend drug in a therapeutic amount.

DESI drug—A drug product for which Federal Financial Participation FFP is not available under 42 CFR 441.25 (relating to less than effective drugs).

EAC—Estimated Acquisition Cost—As defined in 42 CFR 447.301 (relating to definitions).

Experimental drug—A drug or product currently being investigated under licensure by the FDA to determine its safety and effectiveness.

FDA—Food and Drug Administration.

FFP—Federal financial participation.

Federal upper limit—The per unit amount set for a multisource drug which is established by CMS under 42 CFR 447.332.

Generic drug—A drug that is "A-rated" by the FDA as therapeutically equivalent to the counterpart brand name drug.

Legend drug—A drug or product that under Federal law or State law can be dispensed only upon the order of a physician.

Licensed prescriber—A person currently licensed under the law of a state to order medication.

Multisource drug—A drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

Nonlegend drug—A drug or product that can be purchased without a prescription.

OBRA '90—The Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508, 104 Stat. 1388).

Pricing service—A third-party source that compiles and provides drug-specific information needed to maintain the drug reference file under this chapter.

State MAC—The maximum allowable cost established for a multisource drug.

Usual and customary charge—The pharmacy's lowest net charge an MA recipient would pay for a prescription as a non-Medicaid patient at the time of dispensing for the same quantity and strength of a particular drug or product, including applicable discounts, such as special rates to nursing home residents, senior citizens, or other discounts extended to a particular group of patients. This lowest net price does not apply to special in-store rates or discounts extended to charitable organizations, religious groups, store employees and their families, nonprofit organizations, members of the medical profession or other similar non-Medicaid groups.

WAC—Wholesale Acquisition Cost—The manufacturer's list price for a drug to wholesalers or direct purchasers in the United States as listed in one or more available Nationally recognized pricing services.

PAYMENT FOR PHARMACEUTICAL SERVICES

§ 1121.56. Drug cost determination.

(a) The Department will base its drug cost for compensable legend and nonlegend drugs on the lower of:

(1) The EAC established by the Department.

(i) For brand name drugs, the EAC is established by the Department as one of the following:

(A) The lowest WAC listed for the drug in available Nationally recognized pricing services, plus 7%.

(B) If WAC data are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 14%.

(C) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

(ii) For generic drugs, the EAC is established by the Department as one of the following:

(A) The lowest WAC listed for the drug in available Nationally recognized pricing services, plus 66%.

(B) If WAC data are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 25%.

(C) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

(2) The State MAC established by the Department.

(b) The Department will update the EAC for individual drugs on a monthly basis as it appears in available Nationally recognized pricing services.

(c) CMS establishes lists that identify and set Federal upper limits for CMS multisource drugs and provides the listing of these drugs and revisions to the list to the Department through Medicaid manual transmittals on a periodic basis.

(d) The Department will determine the State MAC by one of the following methods:

(1) For multisource drugs, the Department will set the State MAC at the lower of the following:

(i) The upper payment limit established by the CMS.

(ii) Provided that the generic product is available at the price established by the Department from at least two wholesalers:

(A) If the generic product is available from more than one manufacturer, the base price of 150% of the lowest acquisition cost for the generic product, unless 150% of the lowest acquisition cost is not at least 120% of the second lowest acquisition cost, in which case the base price will be set at 120% of the second lowest acquisition cost.

(B) If the generic product is available from only one manufacturer, the base price is 120% of the acquisition cost for the generic product.

(2) For disposable insulin syringes, the Department will set the State MAC at the amount listed in the MA Program Fee Schedule.

(e) The Department will update the State MAC:

(1) If the State MAC for a multisource drug is set at the Federal upper payment limit established by CMS, the

Department will apply the Federal upper limits for CMS multisource drugs to be effective on the date established by CMS and will describe the update to each pharmacy enrolled in the MA Program when it is available.

(2) The Department will apply the price for all other State MAC multisource drugs every 3 months, and will distribute the update to each pharmacy enrolled in the MA Program.

(f) With the exception of the HCFA multisource drugs, the Department will make further additions to the list of State MAC drugs after consultation with the Medical Assistance Advisory Committee as to whether the application of a State MAC is cost effective to the Department for a particular multisource drug. The Department will add the HCFA multisource drugs to the State MAC list effective as of the effective date established by HCFA.

(g) With the exception of disposable insulin syringes, the State MAC does not apply if the conditions are met as described in § 1121.53(b)(1) and (2) (relating to limitations on payment).

(h) The most common package size for the purposes of determining the product cost is one of the following:

(1) For capsules, tablets and liquids available in breakable package sizes:

(i) The listed package size if only one package size is listed.

(ii) The 100 or pint package size if more than one package size is listed.

(iii) The next smaller package size from the 100 or pint size, excluding a drug company's unit-dose package size, if more than one package size is listed other than the 100 or pint package size.

(iv) The package size closest to the 100 or pint package size, excluding a drug company's unit-dose package size, if the next smaller package is the unit-dose package size.

(2) The listed package size for all dosage forms available for all nonlegend drug products.

(3) The smallest package size for all dosage forms available in nonbreakable packages.

[Pa.B. Doc. No. 05-1561. Filed for public inspection August 19, 2005, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 135] Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 28, 2005, meeting, adopted an amendment to § 135.107 (relating to Middle Creek Wildlife Management Area) to permit the Director to designate dates for deer hunting outside of the established seasons and bag limits in the Middle Creek Wildlife Management Area and eliminate redundant language.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 35 Pa.B. 3229 (June 4, 2005).

1. Purpose and Authority

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

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

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

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

vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 135.107 was adopted under this authority.

2. *Regulatory Requirements*

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

3. *Persons Affected*

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

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.107 to read as set forth at 35 Pa.B. 3229.

(b) The Executive Director of the Commission shall certify this order and 35 Pa.B. 3229 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-210 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-1587. Filed for public inspection August 26, 2005, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 28, 2005, meeting, adopted an amendment to Chapter 141, Appendix G (relating to hunting hours) to reflect the annual change in days and subsequent hunting times for the 2005-2006 hunting license year.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 35 Pa.B. 3230 (June 4, 2005).

1. *Purpose and Authority*

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

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

2. *Regulatory Requirements*

The final-form rulemaking amends Appendix G to update the table of hunting hours to accurately reflect the dates and hours of legal hunting for the 2005-2006 hunting year.

3. *Persons Affected*

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

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Appendix G to read as set forth at 35 Pa.B. 3230.

(b) The Executive Director of the Commission shall certify this order and 35 Pa.B. 3230 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-211 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-1588. Filed for public inspection August 26, 2005, 9:00 a.m.]

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 June 28, 2005, meeting, adopted amendments to §§ 143.201 and 143.203 (relating to purpose and scope; and drawing) to correct language recognizing the different classifications of elk licenses available and to make drawing requirements for the different classifications of the elk license more consistent.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 35 Pa.B. 3231 (June 4, 2005).

1. *Purpose and Authority*

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

The new antlered and/or antlerless elk license classification should be available to elk hunters in the near future. However, before this new classification of elk license can be sold, the Commission must amend

§§ 143.201 and 143.203 to correct language recognizing the different classifications of elk licenses available and also to make the drawing requirements for the different classifications of the elk license more consistent. Formerly, § 143.201 only recognizes that the Commission will establish a quantity of tags for antlered and antlerless elk. Since the new classification of elk license permits either antlered or antlerless elk to be harvested, the Commission is adopting this language by inserting “/or” to recognize all classifications of the elk license now currently available.

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

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

2. *Regulatory Requirements*

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

3. *Persons Affected*

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

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. Contact Person

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.201 and 143.203 to read as set forth at 35 Pa.B. 3231.

(b) The Executive Director of the Commission shall certify this order and 35 Pa.B. 3231 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-208 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 05-1589. Filed for public inspection August 26, 2005, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 407 AND 423]
Amendments to Temporary Regulations

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2005-3 REG, entitled Adoption of Temporary Regulations, dated June 16, 2005, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) (Act 71) and to further the intent of Act 71. Therefore, the Board has decided to make editorial changes to the temporary regulations, dated June 16,

2005, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 16, 2005).

Therefore, the Board has deposited with the Bureau amendments to §§ 407.1, 423.2 and 423.4 (relating to case files; application processing; and incomplete applications). The amendments are effective as of August 17, 2005.

(Editor's Note: The temporary regulations of the Board, 58 Pa. Code Chapters 407 and 423, are amended by amending §§ 407.1, 423.2 and 423.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.)

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-3. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart A. GENERAL PROVISIONS
CHAPTER 407. PUBLIC ACCESS TO BOARD RECORDS

§ 407.1. Case files.

(a) *Records.* Formal records in proceedings before the Board shall contain a file for nonconfidential records and a file for confidential records.

* * * * *

Subpart B. LICENSING, REGISTERING AND PERMITTING
CHAPTER 423. APPLICATIONS

§ 423.2. Application processing.

* * * * *

(c) An application submitted under this part and all information obtained by the Board relating to the application shall be part of the evidentiary record of the licensing proceeding. The Board's decision to issue or deny a license shall be based solely on the evidentiary record before the Board.

§ 423.4. Incomplete applications.

* * * * *

(c) Refusal to provide information as requested by the Board, the Bureau, its designees or agents or the Pennsylvania State Police shall result in the immediate denial of a license or permit.

[Pa.B. Doc. No. 05-1590. Filed for public inspection August 26, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 28, 2005, meeting, proposed to amend § 141.22 (relating to small game) to remove regulatory language regarding furbearer hunting from Subchapter B (relating to small game) and relocate this language to the more appropriate Subchapter D (relating to trapping) by adding § 141.67 (relating to furbearer hunting) and also expand this language to permit the use of shot up to #4 buckshot for furbearer hunting with shotguns.

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 June 28, 2005, meeting of the Commission. Comments can be sent until September 30, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, § 141.22 limits the use of shot size for furbearer hunting to shot size no larger than BB lead, size BB Bismuth/tin or size T steel. A number of predator hunters have recently requested that the Commission expand this limiting language to permit the use of shot size no larger than #4 buckshot for furbearer hunting to increase their effectiveness and efficiency while hunting furbearers with shotguns. After consideration of relevant safety and furbearer management issues/concerns, the Commission determined that it is appropriate to accommodate the request of the predator hunters. However, the Commission has also determined that the regulatory language regarding furbearer hunting in § 141.22 would be more appropriately located in another section. The Commission is therefore proposing to delete and relocate this regulatory language from § 141.22 to proposed § 141.67 in Subchapter D, proposed to be renamed "Furbearers."

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating . . . the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code 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 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 § 141.22 and the addition of § 141.67 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.22 by deleting and relocating the regulatory language regarding

furbearer hunting to proposed § 141.67, which will expand this language to permit the use of shot size up to #4 buckshot for furbearer hunting with shotguns.

3. Persons Affected

Persons wishing to hunt furbearers within this Commonwealth with a shotgun will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-214. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) *Unlawful [activities] acts. It is unlawful to:*

* * * * *

(2) [Take furbearers using shot larger than size BB lead, size BB Bismuth/tin or size "T" steel.

(3)] Possess a firearm while hunting with a raptor.

[(4)] (3) * * *

[(5)] (4) * * *

[(6)] (5) * * *

[(7)] (6) * * *

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Subchapter D. [TRAPPING] FURBEARERS

§ 141.67. Furbearer hunting.

It is unlawful to take furbearers using shot larger than #4 buckshot.

[Pa.B. Doc. No. 05-1591. Filed for public inspection August 26, 2005, 9:00 a.m.]

[58 PA. CODE CH. 137]
Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at

its June 28, 2005, meeting, proposed to add § 137.34 (relating to Chronic Wasting Disease and emergency authority of Director).

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 June 28, 2005, meeting of the Commission. Comments can be sent until September 30, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

In light of the recent outbreak of Chronic Wasting Disease (CWD) a short distance across this Commonwealth's northern border in the state of New York, the Commission has been aggressively developing a current CWD response plan to help prevent CWD from entering this Commonwealth or at least slow and restrict the spread of CWD should an outbreak occur within this Commonwealth. As an important step to preventing or slowing the spread of CWD in this Commonwealth, the Commission is proposing to add § 137.34 to give the Director emergency authority to remove protection on certain wildlife, order the disposal of certain wildlife or their parts in designated areas, prohibit the removal of the carcasses or certain parts from designated areas, prohibit the possession or transportation of certain live wildlife from designated areas, prohibit the importation of certain wildlife parts from endemic states or nations and also prohibit the feeding of certain wildlife if the spread of CWD poses a threat to human safety, farm animals, pets or other wildlife within or adjacent to this Commonwealth. The Commission believes that this expanded authority is necessary to more effectively respond to potential outbreaks of CWD, a transmissible disease.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that "The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent agency of the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with this chapter." Section 322(c)(2) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Remove protection, declare an open season or increase, reduce or close a season." Section 322(c)(9) of the code specifically empowers the Commission to "Prohibit the possession, importation, exportation or release of any species of birds or animals which may be considered dangerous or injurious to the general public or to the wildlife of this Commonwealth." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife . . . in this Commonwealth." The addition of § 137.34 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will add § 137.34 to give the Director emergency authority to remove protection on certain wildlife, order the disposal of certain wildlife or their parts in designated areas, prohibit the removal of the carcasses or parts of certain wildlife from designated areas, prohibit the possession or transportation of certain live wildlife from designated areas, prohibit the importa-

tion of certain wildlife parts from endemic states or nations and also prohibit the feeding of certain wildlife if the spread of CWD poses a threat to human safety, farm animals, pets or other wildlife within or adjacent to this Commonwealth.

3. Persons Affected

Persons wishing to hunt or trap, possess or transport certain live wildlife, remove the carcasses or parts of certain wildlife, import certain wildlife parts or feed certain wildlife in designated areas within this Commonwealth when the spread of CWD poses a threat to human safety, farm animals, pets or other wildlife within or adjacent to this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

For further information regarding the proposed 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: 48-212. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.34. Chronic Wasting Disease and emergency authority of Director.

(a) The Director has emergency authority to remove protection on cervids, prohibit any new permits to possess live cervids in containment areas, and order the disposal of certain cervids or their parts in containments areas, if the Director determines the spread of Chronic Wasting Disease (CWD) poses a threat to human safety, farm animals, pets or other cervids within or adjacent to this Commonwealth in accordance with the CWD response plan.

(1) If the Director removes the protection on cervids in containment areas, except for animals or their parts submitted for laboratory analysis, it is unlawful to:

(i) Remove any cervid carcasses or certain parts from the containment areas.

(ii) Possess or transport any live cervids contrary to 3 Pa.C.S. Chapter 23, Subchapter C (relating to detection, containment or eradication of certain diseases) within the containment areas.

(2) Nothing in this subsection prevents removal of dried or cured skins of cervids from the areas where the protection has been removed, only if removal poses no threat to other areas of this Commonwealth.

(b) The Director has emergency authority to control the spread of CWD by banning the importation of certain cervid parts from other states or nations.

(c) The Director has emergency authority to ban the feeding of cervids within the containment area to prevent the congregation or habituation to an area by cervids that could spread CWD.

[Pa.B. Doc. No. 05-1592. Filed for public inspection August 26, 2005, 9:00 a.m.]

**[58 PA. CODE CH. 133]
Wildlife Classification**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 28, 2005, meeting, proposed to amend § 133.21 (relating to classification of birds).

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 June 28, 2005, meeting of the Commission. Comments can be sent until September 30, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

To effectively protect and manage the wildlife resources of this Commonwealth, section 2167 of the code (relating to endangered or threatened species) empowers the Commission to make changes to the Pennsylvania list of native endangered and threatened species. Native birds and mammals determined by the Commission to be endangered or threatened are listed in Chapter 133 (relating to wildlife classification) last amended in February 1999. Commission staff has met with and received recommendations from the scientific technical committees of the Pennsylvania Biological Survey on species classification changes. No classifications were proposed for mammals, however, the Ornithological Technical Committee recommended several changes to the list of threatened and endangered birds that were supported by extensive documentation. The proposed changes to § 133.21 represent two additions to the endangered species list (blackpoll warbler and black-crowned night-heron), three changes from threatened to endangered (dickcissel, sedge wren and yellow-bellied flycatcher) and one change from endangered to threatened (bald eagle).

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Add to or change the classification of any wild bird or wild animal." 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 . . . in this Commonwealth." The amendments to § 133.21 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will update the list of native endangered and threatened species in § 133.21 with current recommendations provided by scientific technical committees of the Pennsylvania Biological Survey.

3. *Persons Affected*

Persons wishing to hunt, trap or otherwise affect certain wildlife (or their habitat) within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

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

6. *Contact Person*

For further information regarding the proposed 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: 48-215. No fiscal impact; (8) recommends adoption.

**Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 133. WILDLIFE CLASSIFICATION
Subchapter B. BIRDS**

§ 133.21. Classification of birds.

The following birds are classified:

(1) *Endangered.*

(i) [**Bald Eagle (*Haliaeetus leucocephalus*)**

(ii)] King Rail (*Rallus elegans*)

[(iii)] (ii) * * *

[(iv)] (iii) * * *

[(v)] (iv) * * *

[(vi)] (v) * * *

[(vii)] (vi) * * *

[(viii)] (vii) * * *

[(ix)] (viii) Great Egret ([*Casmerodius ulbus*]
Ardea alba)

[(x)] (ix) * * *

[(xi)] (x) * * *

(xi) **Blackpoll Warbler (*Dendroica striata*)**

(xii) **Black-crowned Night-Heron (*Nycticorax nycticorax*)**

(xiii) **Dickcissel (*Spiza americana*)**

(xiv) **Sedge Wren (*Cistothorus platensis*)**

(xv) **Yellow-bellied Flycatcher (*Empidonax flaviventris*)**

(2) *Threatened.*

* * * * *

(ii) [**Dickcissel (*Spiza americana*)**] **Bald Eagle (*Haliaeetus leucocephalus*)**

* * * * *

[(iv) Sedge Wren (*Cistothorus platensis*)

(v) Yellow-bellied Flycatcher (*Empidonax flaviventris*)]

[Pa.B. Doc. No. 05-1593. Filed for public inspection August 26, 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 August 16, 2005.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-15-05	F. N. B. Corporation, Hermitage, to acquire 100% of the voting shares of North East Bancshares Inc., North East, and thereby indirectly acquire The National Bank of the North East, North East, under the provisions of section 115 of the Banking Code of 1965	Hermitage	Approved
8-15-05	Putnam, LLC, Boston, MA, to acquire up to 15% of the common stock of Commerce Bancorp, Inc., Cherry Hill, NJ, and thereby acquire up to 15% of the common stock of Commerce Bank/Pennsylvania, N. A., Philadelphia, PA, under the provisions of section 112 of the Banking Code of 1965	Boston, MA	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1594. Filed for public inspection August 26, 2005, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Index Calculation Required by Act 72 of 2004

Under section 333(l) of the Homeowner Tax Relief Act (Act 72 of 2004), the Department of Education (Department) has calculated the index for the 2006-2007 fiscal year.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For the 2006-2007 fiscal year, the base index is 3.9%.

For school districts with a market value/income aid ratio greater than .4000, an individualized index will be posted on the Department's website at www.pde.state.pa.us/proptax by September 30, 2005.

FRANCIS V. BARNES, Ph.D.,
Secretary

[Pa.B. Doc. No. 05-1595. Filed for public inspection August 26, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062219 Major Renewal	Frackville Area Municipal Authority 41 North Lehigh Avenue P. O. Box 471 Frackville, PA 17931	Frackville Borough Schuylkill County	Little Mahanoy Creek 06B	N

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<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>
PA0023469 Major Renewal	Honesdale Borough 985 Main Street Honesdale, PA 18431	Honesdale Borough Wayne County	Lackawaxen River 01B	N
PA0063959	Mr. and Mrs. Edward Beckendorf HC 87, Box 124 3346 Old Route 940 (Locust Ridge Spur) Pocono Lake, PA 18347	Monroe County Tobyhanna Township	Deep Run 02A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0081191 (Sew)	Outdoor World Corporation P. O. Box 447 Bushkill, PA 18324-0447	Lebanon County West Cornwall Township	Chickies Creek/7-G	Y
PA0028894 (Sew)	Fairfield Area School District 4840 Fairfield Road Fairfield, PA 17320-9200	Adams County Hamiltonban Township	Spring Run/13-D	Y
PA0084182 (Sew)	Peters Township Municipal Authority 5000 Steele Avenue P. O. Box 19 Lemasters, PA 17231	Franklin County Peters Township	West Branch Conococheague Creek/13-C	Y
PA0084191 (Sew)	Peters Township Municipal Authority 5000 Steele Avenue P. O. Box 19 Lemasters, PA 17231	Franklin County Peters Township	West Branch Conococheague Creek/13-C	Y
PA0082627 (Sew)	CBM Ministries, Inc. 3741 Joy El Drive Greencastle, PA 17225-9001	Franklin County St. Thomas Township	Back Creek/13-C	Y
PA0088269 (Sew)	Quincy Sewer Authority 7575 Mentzer Gap Road Waynesboro, PA 17268	Franklin County Quincy Township	West Branch Antietam Creek/13-C	Y
PA0080683 (Sew)	Miller's Skyview Sales, Inc. 200 Ridge Road Etters, PA 17319-9110	York County Newberry Township	UNT to Bennett Run/7-H	Y
PA0020249 (Sew)	Roaring Spring Municipal Authority 616 Spang Street Roaring Spring, PA 16673	Blair County Taylor Township	Halter Creek/11-A	Y
PA0081523 (Sew)	Mohammad N. Dowlut Blair Chalet R. R. 1 Box 379 Hollidaysburg, PA 16648-9516	Blair County Blair Township	Frankstown Branch/11-A	Y
PA0086215 (Sew)	Jay R. Peifer Shalako Mobile Home Park P. O. Box 550 Elizabethtown, PA 17022	York County Lower Windsor Township	UNT to Cabin Creek/7-I	Y
PA0088111 (IW)	Carl Avery Fire Chiefs & Fire Fighters Assoc. of York County 330 Emig Road Emigsville, PA 17318	York County Manchester Township	Emigs Run/7-H	Y
PA0086533 (IW)	General Cable Industries, Inc. 3101 Pleasant Valley Blvd. Altoona, PA 16602	Blair County Altoona City	Mill Run/11-A	Y

NOTICES

<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>
PA0081281 (IW)	Calvary Heights, Inc. Mobile Home Sales & Park 2160 Hanover Road Gettysburg, PA 17325	Adams County Mount Pleasant Township	White Run/13-D	Y
PA0033065 (Sew)	Larry King Palm City Park 2379 Brandt Road Annville, PA 17003	Lebanon County Annville Township	Killinger Creek/7-D	Y
PA0009571 (IW)	Fairmonts Products LLC 15 Kishacoquillas Street P. O. Box 977 Belleville, PA 17004-0977	Mifflin County Union Township	Little Kishacoquillas Creek/12-A	Y
PA0085979 (Sew)	Frank Plessinger Guest Farm Village, Inc. P. O. Box 712 McConnellsburg, PA 17233	Franklin County Montgomery Township	UNT Licking Creek/13-C	Y
PA0110361 (Sew)	Freedom Township P. O. Box 156 Municipal Building East Freedom, PA 16637	Blair County Blair Township	Frankstown Branch of the Juniata River/11-A	Y
PA0084328 (Sew)	LWB Refractories Company P. O. Box 1189 York, PA 17405-1189	York County West Manchester Township	Honey Run/7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0228206IW	Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830-2405	Pike Township Clearfield County	Montgomery Creek 8-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0104299	Lutherlyn Camp & Retreat Center P. O. Box 355 Prospect, PA 16052-0355	Connoquenessing Township Butler County	Semiconon Run 20-C	Y
PA0004995	Armstrong Cement & Supply Corp. 10 Clearfield Road Cabot, PA 16023	Winfield Township Butler County	Rough Run 17-F	Y
PA0102431	Cedar Acres Mobile Home Park 1650 Harlansburg Road New Castle, PA 16101	Scott Township Lawrence County	UNT to Slippery Rock Creek 20-C	Y
PA0101974	Gaslight Campground 6297 Emlenton/Clintonville Road Emlenton, PA 16323	Scrubgrass Township Venango County	UNT to Allegheny River 16-G	Y
PA0002461	Dresser Manufacturing Division 41 Fisher Avenue Bradford, PA 16701	Bradford Township McKean County	Tunungwant Creek 16-C	Y
PA0045039	Department of Conservation and Natural Resources Oil Creek State Park 305 State Park Road Oil City, PA 16301-9733	Cornplanter Township Venango County	Oil Creek 16-E	Y

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

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

Application No. PA 0247839, Sewage, **King's River Haven Mobile Home Park and Campsite**, 2379 River Road, Bainbridge, Pennsylvania 17502. This facility is located in Conoy Township, **Lancaster County**.

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

The receiving stream, Snitz Creek, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Columbia Water Company is located on the Susquehanna River, approximately 12 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.01 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NO ₂ -N		Monitor	
NO ₃ -N		Monitor	
TKN		Monitor	
Total Nitrogen		548 lbs per year total annual	
Total Phosphorus		91 lbs per year total annual	
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

Application No. PAS 603504, Stormwater, SIC Code 5015, **Buck Auto Sales & Salvage, Inc.**, 915 Lancaster Pike, Quarryville, PA 17566. This facility is located in Providence Township, **Lancaster County**.

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

The receiving stream, UNT Conowingo Creek, is in Watershed 7-K, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Naval Training Center located on the Susquehanna River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for stormwater are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor
COD	Monitor
Oil and Grease	Monitor
pH	Monitor
TSS	Monitor
TKN	Monitor
Total Phosphorus	Monitor
Total Iron	Monitor

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.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327 3664.

PA0228893, Sewerage SIC, 4952, **Liberty Area Municipal Authority**, P. O. Box 73, Liberty, PA 16930. This proposed facility is located in Liberty Township, **Tioga County**.

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

The receiving stream, Blockhouse Creek, is in the State Water Plan watershed 9A and classified for CWF. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River, 72 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.075 mgd.

Parameter	Concentration mg/l			Mass lbs		
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
CBOD ₅						
(6-4 to 10-31)	20	30		40		
(11-1 to 5-31)	25	40		50		
TSS						
(6-4 to 10-31)	10	15		20		
(11-1 to 5-31)	30	45		60		
Ammonia-N						
(6-4 to 10-31)	6	9		12		
(11-1 to 5-31)	18	27		36		
Total Residual Chlorine	0.50			1.6		
Ammonia-N	Report					
Kjeldahl-N	Report				Report	
Nitrate-N	Report				Report	
Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	
Total Phosphorus	Report				Report	
Fecal Coliforms:						
(5-1 to 9-30)	200 col/100 ml geometric mean			1000 col/100 ml		
(10-1 to 4-30)	2,000 col/100 ml geometric mean			10000 col/100 ml		
pH	within the range of 6.0 to 9.0					

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

PA0000825, Industrial Waste, SIC, 3315 and 3316, **Col-Fin Specialty Steel Corporation**, Front Street, Fallston, PA 15066. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Fallston Plant in Fallston Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Arco Chemical Company, located at Potter Township, 6 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.094 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids	8.5	20	30	70	87.5
Chromium	0.11	0.29	0.4	1.0	1.3
Nickel	0.09	0.26	0.3	0.9	1.1
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: new discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 0.166 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Suspended Solids					
Iron					
Iron, Dissolved					
Lead					
Zinc					
Nickel					
pH	not less than 6.0 nor greater than 9.0				

Outfalls 002 and 005—008: stormwater discharges.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Iron	Monitor and Report				
Iron, Dissolved	Monitor and Report				
Lead	Monitor and Report				
Zinc	Monitor and Report				
Nickel	Monitor and Report				
pH	Monitor and Report				

The EPA waiver is in effect.

PA0004073, Industrial Waste, SIC, 3312, **U.S. Steel Mon Valley Works**, P. O. Box 878, Dravosburg, PA 15034. This application is for renewal of an NPDES permit to discharge treated process water and sewage, noncontact cooling water and stormwater from their Irvin Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Western Pennsylvania Water Company—Pittsburgh District, located at 410 Cooke Lane, Pittsburgh, PA 15234, 4.4 miles below the discharge point.

Outfall 001: average flow of 23 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)			110		30
Oil and Grease			15		
pH	not less than 6.0 nor greater than 9.0				

Monitoring Point 101: an internal sewer monitoring point with a design flow of 0.2 mgd discharging to Outfall 001.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
CBOD ₅			25	50	
Suspended Solids			30	60	
Total Residual Chlorine			1.4	3.3	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2000/100 ml as a geometric average				
pH	not less than 6.0 nor greater than 9.0				

Monitoring Point 201: an internal industrial waste monitoring point with an average flow of 2.16 mgd discharging to Outfall 001.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids	627	1,409	58	132	165
Oil and Grease	211	603	15	30	30
Lead	2.46	7.38	0.22	0.68	0.84
Zinc	3.03	9.07	0.28	0.83	1.04
Naphthalene			0.253		0.022
Tetrachloroethylene			0.38		0.04
Iron (T)			3.5	7.0	8.75
pH	not less than 6.0 and not greater than 10.0				

Monitoring Point 301: an internal industrial waste monitoring point with an average flow of 0.48 mgd discharging to Outfall 001.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Suspended Solids	2,125	5,670	15	40	50
Oil and Grease		1,421	15		30
pH	not less than 6.0 nor greater than 9.0				

Monitoring Point 401: average flow of 0.0288 mgd.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			31	60	75
Oil and Grease			15		30
Nickel			2.38	3.98	5.0
pH	not less than 2.0 nor greater than 9.0				

Outfall 501: new discharge, interim limits.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			Monitor and Report		
Iron			Monitor and Report		
Sulfates			Monitor and Report		
pH	Monitor and Report				

Outfall 501: new discharge, final limits.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron			3		6
Sulfates				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 601: New discharge.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids	2,125	5,670	30	48	60
Oil and Grease		1,421	15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 701: New discharge.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids	2,125	5,670	30	48	60
Oil and Grease		1,421	15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: intake water pumphouse (screen backwash) average flow of 0.002 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
The backwash water from the intake pumphouse shall not include any materials (solids and other debris) removed in the backwash operation.					

Outfall 003: existing discharge to the Monongahela River with an average flow of 0.216 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)				110	
pH	not less than 6.0 nor greater than 9.0				

Outfalls 004 (SW-02) and 005 (SW-01):

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These discharges shall consist of stormwater runoff only.					

The EPA waiver is not in effect.

PA0205222, Industrial Waste, SIC, 3312, **Koppel Steel Corporation**, P. O. Box 750, Beaver Falls, PA 15010. This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from the Koppel Plant in Koppel Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River and UNT to Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Beaver Falls Municipal Authority, located at P. O. Box 400, Beaver Falls, PA 15010, 7.11 miles below the discharge point.

Outfall 001: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Fecal coliform organisms				Monitor and Report	
Iron				Monitor and Report	

The EPA waiver is in effect.

Outfall 102: existing discharge, design flow of 0.114 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids	73	218	25	70	88
Oil and Grease	22	65	10	30	
Lead	0.09	0.26	0.3	0.9	1.13
Zinc	0.13	0.39	0.45	1.35	1.69
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 0.115 mgd (Interim limits).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease					30
Temperature (°F)					110
Fluoride				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

NOTICES

Outfall 002: existing discharge, design flow of 0.115 mgd (final limits).

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Oil and Grease					30
Temperature (°F)					110
Fluoride			1.4		3.5
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.073 mgd.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)					110
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: new stormwater discharge.

<i>Parameter</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</i>
This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility.					

Outfall 005 and 006: new stormwater discharge.

<i>Parameter</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</i>
Oil and Grease			Monitor and Report		
CBOD ₅			Monitor and Report		
COD			Monitor and Report		
Suspended Solids			Monitor and Report		
Total Kjeldahl Nitrogen			Monitor and Report		
Phosphorus			Monitor and Report		
Lead			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

Outfall 007: new stormwater discharge.

<i>Parameter</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</i>
COD			Monitor and Report		
Suspended Solids			Monitor and Report		
Nitrate + Nitrite Nitrogen			Monitor and Report		
Iron			Monitor and Report		
pH			Monitor and Report		

Outfall 009: new stormwater discharge.

<i>Parameter</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</i>
Suspended Solids			Monitor and Report		
Nitrate + Nitrite Nitrogen			Monitor and Report		
Iron			Monitor and Report		
pH			Monitor and Report		

PA0031933, Industrial Waste, SIC, 4911, **Orion Power MidWest, LP**, 121 Champion Way, Canonsburg, PA 15317-5817. This application is for renewal of an NPDES permit to discharge treated process water, sewage and stormwater from Brunot Island Power Station in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Water Authority, located at West View, 2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.53 mgd.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Free Available Chlorine			0.2		0.5
Total Residual Chlorine			0.5		1.0
Zinc			1.0	1.0	
Chromium			0.2	0.2	
Temperature (°F)					110
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing discharge, design flow of 0.0144 mgd.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 301: existing discharge, design flow of 0.018 mgd.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 0.015 mgd.

<i>Parameter</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</i>
Flow (mgd)	0.015				
Total Suspended Solids			30	60	
CBOD ₅			25	50	
Fecal Coliform (5-1 to 10-31) (11-1 to 4-30)			200 #/100 ml 2,000 #/100 ml	400 #/100 ml	
TRC			1.4	3.3	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.026 mgd.

<i>Parameter</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</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge.

<i>Parameter</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</i>
	Debris collected on the intake racks shall not be returned to the stream.				

The EPA waiver is in effect.

PA0218081, Industrial Waste, SIC 3547, **WHEMCO-Steel Castings, Inc.**, 5 Hot Metal Street, Suite 300, Pittsburgh, PA 15203-2351. This application is for renewal PDES permit to discharge treated process water and untreated cooling water and stormwater from the West Homestead Plant (including Hays Heat Treatment Building) in West Homestead Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Streets Run, West Run and Monongahela River, classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA-American Water Company, Becks Run Intake, located at Pittsburgh, PA over 1 1/2 miles below the discharge point.

Outfall 006: existing discharge, design flow of 0.024 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)	110				
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 106: existing discharge, design flow of 0.024 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease				10	
Total Suspended Solids				40	
Iron				3.4	6.8
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfalls 001, 003—005, 007, 008 and 014: existing discharge, stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Daily	Instantaneous Maximum
Zinc	Monitor and Report				
pH (s.u.)	Monitor and Report				

Other Conditions: Solids disposal, stormwater, floating solids, temperature and cooling water, Part II application and identify outfalls.

The EPA waiver is in effect.

PA0032395, Sewage, **Richard T. Patik**, P. O. Box 511, Rumbaugh Avenue, Mt. Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Lakeview MHP STP in Perry Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Virgin 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 McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0090816, Sewage, **51 Park Properties**, 3010 Homestead-Duquesne Boulevard, West Mifflin, PA 15122. This application is for renewal of an NPDES permit to discharge treated sewage from 51 Park Properties STP in Forward Township, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 0.06 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	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.3			4.6
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	0.02			0.05
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0092550, Sewage, **Bradys Bend Township Water & Sewer Authority**, 221A St. Mary's Cemetery Road, East Brady, PA 16028. This application is for renewal of an NPDES permit to discharge treated sewage from the Bradys Bend Sewage Treatment Plant in Bradys Bend Township, **Armstrong County**.

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

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	25.0	37.5		50.0
Suspended Solids	30.0	45.0		60.0
Ammonia Nitrogen				
(5-1 to 10-31)	16.0	24.0		32.0
(11-1 to 4-30)	25.0	37.5		50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0094099, Sewage, **PA District Brethren Church**, 902 Cumberland Highway, Berlin, PA 15530. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Penial Sewage Treatment Plant in Greenville Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Miller Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Waterworks located on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.006 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	8.0			16.0
(11-1 to 4-30)	24.0			48.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
PH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0097691, Sewage, **Richard D. LeClair**, 7 KOA Road, Washington, PA 15301. This application is for renewal of an NPDES permit to discharge treated sewage from Washington KOA Kampgrounds STP in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Chartiers Creek, which are classified as a HQ-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 Western PA Water Company on Little Chartiers Creek.

Outfall 001: existing discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorus	6			12
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.3			3.0
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0205095, Sewage, **John Kowalik, Jr.**, R. D. 3, Box 470, New Alexandria, PA 15670. This application is for renewal of an NPDES permit to discharge treated sewage from John Kowalik, Jr. Single Residence Sewage Treatment Plant in New Alexandria Borough, **Westmoreland County**.

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

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

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

The EPA waiver is in effect.

PA0205460, Sewage, **Loretta Schermock**, Georgetown Heights Mobile Estates, 20215 Sunny Shores Drive, Humble, TX 77346. This application is for renewal of an NPDES permit to discharge treated sewage from the Georgetown Heights Mobile Estates STP in Greene Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Smiths Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of East Liverpool located on the Ohio River at RM 40.2.

Outfall 001: existing discharge, design flow of 0.0185 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 9-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.5
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216666, Sewage, **Cumberland Coal Resources, LP**, 158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from Cumberland Mine in Whiteley Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Whiteley Creek, 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 Masontown Municipal Waterworks—Monongahela River.

Outfall 002: existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
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	0.13			0.3
Dissolved Oxygen	not less than 6.0 mg/l			
PH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218448, Sewage, **Whitethorn Homeowners Association**, 281 Wolf Lake Road, New Alexandria, PA 15670. This application is for renewal of an NPDES permit to discharge treated sewage from Whitethorn Sewage Treatment Plant in Salem Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.011 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	7.5			15.0
(11-1 to 4-30)	22.5			45.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218570, Sewage, **Central Mainline Sewer Authority**, P. O. Box 56, Lilly, PA 15938. This application is for renewal of an NPDES permit to discharge treated sewage from Central Mainline Sewer Authority Wastewater Treatment in Portage Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Conemaugh River, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.35 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)	not less than 6.0 nor greater than 9.0			
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.

PA0239658, Sewage, **Robert J. Mauersburg SFTF**, 27 Gravel Lick Road, Strattanville, PA 16258. This proposed facility is located in Millcreek Township, **Clarion County**.

Description of Proposed Activity: new domestic 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 PA-American Water Company intake located on the Clarion River approximately 4 miles below point of discharge.

The receiving stream, the Dry/Intermittent Tributary to Blyson Run, is in watershed 17-B and classified for EV, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100ml as a geometric average		
UV disinfection	XXX		
pH	6.0 to 9.0 standard units at all times		

XX = Monitor and Report

XXX = Monitor and Report UV intensity on AMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 6705408, Sewerage, **Delta Borough**, 208 Bunker Hill Avenue, Delta, PA 17314. This proposed facility is located in Delta Borough, **York County**.

Description of Proposed Action/Activity: Construction/Operation of Plant Expansion including Phase II.

WQM Permit No. 0691419 Amendment 05-1, Sewerage, **Twin Valley School District**, 4851 Twin Valley Road, Elverson, PA 19520. This proposed facility is located in Caernarvon Township, **Berks County**.

Description of Proposed Action/Activity: Replacement of a portion of the existing sand filter with a new self-cleaning filter.

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

WQM Permit No. 1805402 Sewerage Municipal, **Woodward Township Sewer Authority**, 86 Riverside Terrace, Lock Haven, PA 17745. This proposed facility is located in Woodward Township, **Clinton County**.

Description of Proposed Action/Activity: Reconstruction of the existing Upper Lockport Pump Station in Riverview Park with new wet well, submersible pumps, controls and associated piping.

WQM Permit No. 5905401 Sewage 4952, **Liberty Area Municipal Authority**, P. O. Box 73, Liberty, PA 16930. This proposed facility is located in Liberty Boro/Liberty Township, **Tioga County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewer collection system and a 75,000 gallon per day recirculating sand filter sewage treatment plant; 28,600 feet of the sewer will be a septic tank effluent collection system; 8,700 feet will be conventional gravity sewer. Disinfection will be by UV light with a backup chlorinator during flood stage events. A cascade aerator will increase dissolved oxygen levels prior to discharge to Blockhouse Creek.

WQM Permit No. 1204401, Sewerage 4952, **Mid-Cameron Authority**, 421 North Broad Street, Emporium, PA 15834. This proposed facility is located in Shippen Township, **Cameron County**.

Description of Proposed Action/Activity: Mid-Cameron Authority proposes treatment upgrades and an increase in design flow of their wastewater treatment plant in Shippen Township, Cameron County. The proposed treatment upgrades will provide for the existing needs as identified in the Act 537 Plan, reduce the number of combined sewer overflow events and address the Chesapeake Bay Program nutrient reduction efforts.

WQM Permit No. 0805402, Sewerage Municipal, **Athens Township Authority**, 370 Pennsylvania Avenue, Sayre, PA 18840. This proposed facility is located in Athens Township, **Bradford County**.

Description of Proposed Activity: Modification to two pump stations and a sewer main extension consisting of approximately 11,000 feet of gravity and 2,850 feet of force main.

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

WQM Permit No. 6505406, Sewerage, **Latrobe Municipal Authority**, 104 Gueirrier Street, Latrobe, PA 15650. This proposed facility is located in the City of Latrobe, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a replacement pump station for the existing pump station.

WQM Permit No. 6505404, Sewerage, **Salem Township Supervisors**, 244 Congruity Road, Greensburg, PA 15601. This proposed facility is located in Salem Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer collection facility to connect the existing Oakford Compressor Station into the existing Salem Township sanitary sewer system.

WQG Permit No. WQG016112, Sewerage, **Charter One Mortgage, Inc.**, 10561 Telegraph Road, Glen Allen, VA 23059. This proposed facility is located in West Deer Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-family residence small flow treatment facility to replacement a malfunctioning onlot sewage system.

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

WQM Permit No. WQG018395, Sewerage, **Joseph Bilinski**, 7715 Locust Place, Port Tobacco, MD 20677. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018399, Sewerage, **Michael H. Thomas**, 109 Matthews Run Road, Youngsville, PA 16371. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018386, Sewerage, **Tara Martin**, P. O. Box 386, Columbus, PA 16405. This proposed facility is located in Columbus Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018404, Sewerage, **Jason Spear**, R. D. 2, Box 150, Sugar Grove, PA 16350. This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01011505057	Coventry Self Storage Coventry Self Storage Expansion 583 Old Schuylkill Road Pottstown, PA 19465	Chester	East Coventry Township	UNT Schuylkill River (HQ-TSF)
PAI011505058	LTK Associates, LP The Calvary Chapel of Chester Springs 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	Uwchlan Township	Shamona Creek (HQ-TSF-MF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505059	CMR Development Corporation 3125 Horseshoe Pike Honey Brook, PA 19344	Chester	Caln Township	West Branch Brandywine Creek (HQ)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025404002	George Zambias Tamaqua Associates, LP 300 Market Street Johnstown, PA 15901	Schuylkill	Rush Township	Nesquehoning Creek Watershed HQ-CWF Schuylkill River Watershed 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

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

Permit Application No. 3905503, Public Water Supply.

Applicant	South Whitehall Township Authority South Whitehall Township Lehigh County
Responsible Official	Gerald D. Gasda, Manager South Whitehall Township Municipal Building 4444 Walbert Avenue Allentown, PA 18104-1699 (610) 398-0401
Type of Facility	Community Water System
Consulting Engineer	Steven R. Henning, P. E. The Pidcock Group 2451 Parkwood Drive Allentown, PA 18103 (610) 791-2252
Application Received Date	August 1, 2005
Description of Action	Application for construction of a booster pump station, disinfection facilities and chlorine contact tank to serve the Cedarbrook Nursing Home and Hospital.

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

Application No. 3705501, Major Amendment, Public Water Supply

Applicant	PA American Water Company
Township or Borough	Ellwood City, Lawrence County
Responsible Official	William H. Lage, Project Manager
Type of Facility	PWS
Application Received Date	07/22/2005
Description of Action	Wiley Hill Booster Pump System Upgrade. The upgrade of booster pumps from 250 gpm to 300 gpm to service new elevated water tank.

Application No. 2005501-C1, Minor Amendment

Applicant Conneaut School District
 Township or Borough Spring Township, Crawford County
 Responsible Official Elwood Schell, Supervisor of Maintenance
 Type of Facility NTNC—Elementary School
 Application Received Date 08/15/2005
 Description of Action Addition of a poly/orthophosphate feed to the existing water system to provide corrosion control for lead action level exceedance in existing water system at the Conneautville Elementary School.

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

Application. Minor Amendment

Applicant Beatrice Lane Homeowners Assn.
 East Allen Township
 Northampton
 Responsible Official William H. Jones, Treasurer
 Beatrice Lane Home Owners Assn.
 8641 Beatrice Lane
 Bath, PA 18104
 (610) 837-1796
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date July 25, 2005
 Description of Action Application for transfer of Permit No. 3480020, for the PWS system serving the Beatrice Lane development, from Earl Eberts to Beatrice Lane Homeowners Association.

Application. Minor Amendment

Applicant Aqua PA, Inc.
 Butler Township
 Luzerne County
 Responsible Official Anthony Donatoni, Vice President
 Aqua PA, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 (610) 645-1126 (Michael O'Reilly)
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date July 20, 2005
 Description of Action Application for transfer of Permit No. 4091504-T2, for the PWS system serving the St. Johns Estates development, from Wilbar Reality Water Co., Inc. to Aqua Pennsylvania, Inc.

Application. Minor Amendment

Applicant Aqua PA, Inc.
 Rice Township
 Luzerne County
 Responsible Official Anthony Donatoni, Vice President
 Aqua PA, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 (610) 645-1126 (Michael O'Reilly)
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date July 20, 2005
 Description of Action Application for transfer of Permit No. 2400111, for the PWS system serving the Laurel Lake Village development, from Wilbar Reality Water Co., Inc. to Aqua Pennsylvania, Inc.

Application. Minor Amendment

Applicant Aqua PA, Inc.
 Bear Creek Township
 Luzerne County
 Responsible Official Anthony Donatoni, Vice President
 Aqua PA, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 (610) 645-1126 (Michael O'Reilly)
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date July 20, 2005
 Description of Action Application for transfer of Permit No. 2400078, for the PWS system serving the Forest Park development, from Wilbar Reality Water Co., Inc. to Aqua Pennsylvania, Inc.

Application. Minor Amendment

Applicant Aqua PA, Inc.
 Penn Lake Borough
 Luzerne County
 Responsible Official Anthony Donatoni, Vice President
 Aqua PA, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 (610) 645-1126 (Michael O'Reilly)
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date July 20, 2005
 Description of Action Application for transfer of Permit No. 2400079, for the PWS system serving the Penn Lake development, from Wilbar Reality Water Co., Inc. to Aqua Pennsylvania, Inc.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Aaron Rubin & Sons Company North Property, Susquehanna Township, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 behalf of Aaron Rubin & Sons Company, 3401 North Sixth Street, Harrisburg, PA 17110; L. P.; Realty Group, 500 Fishing Creek Valley Road, Harrisburg, PA 17112; and Deaven Partnership, 105 West Plank Road, Port Matilda, PA 16870, submitted a Notice of Intent to Remediate site soils contaminated with petroleum product and groundwater contaminated with solvents. The applicants intend to demonstrate attainment of the Statewide Health Standard for soils and a combination of the Statewide Health and Site-Specific Standards for groundwater. The site will continue to be utilized for nonresidential, commercial activities.

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 should 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.

35-313-014: Insituform Technologies, Inc. (11511 Phillips Highway, Jacksonville, FL 32256) for construction of a flexible pipeline liner manufacturing process at their facility in Olyphant Borough, **Lackawanna County**.

13-318-007: Kovatch Mobile Equipment Co. (One Industrial Complex, Nesquehoning, PA 18240) for construction of two paint spray booths and associated air cleaning devices at their facility in Nesquehoning Borough, **Carbon County**.

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

01-05022B: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307) for replacing a 23.9 mmBtu/hr boiler with a new 29.5 mmBtu/hr boiler at their Orrtanna fruit processing facility in Hamiltonban Township, **Adams County**.

36-05001C: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) for replacement of the PIF finish paint booth dry filter with a wet filter in East Donegal Township, **Lancaster County**. The replacement should reduce particulate matter emissions.

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

65-00792B: AMI Doduco, Inc. (1003 Corporate Drive, Corporate Park, Export, PA 15632) for installation of degreaser at Plant No. 5 in Murrysville Borough, **Westmoreland County**.

11-00434B: Laurel Sand and Stone, Inc. (P. O. Box 556, 210 East Main Street, Ligonier, PA 15658) for installation of a sandstone crushing and screening facility at Chickaree Quarry in Jackson Township, **Cambria County**.

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

62-032B: Ellwood National Steel (3 Front Street, Irvine, PA 16329) for construction of a new ladle furnace by ENS forge in Brokenstraw Township, **Warren County**. The plan approval is subject to the Prevention of Significant Deterioration requirements for CO.

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

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

15-0015C: Sartomer Co., Inc. (502 Thomas Jones Way, Exton, PA 19341) for installation of a condenser to reduce toluene emissions to less than 10 tons per year at their West Chester facility in West Chester Borough, **Chester County**. This facility is a Title V facility. This installation will result in toluene and other VOC emission decrease. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within applicable air quality requirements.

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

40-303-023: Popple Construction, Inc. (202 Main Street, Laflin, PA 18702) for construction and operation of a batch mix asphalt plant in Plains Township, **Luzerne County**. The facility will utilize No. 2 fuel oil as fuel. Particulate emissions from the plant will be controlled by a baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within applicable air quality requirements.

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

67-05005C: PPL Brunner Island, LLC (Two North Ninth Street, Allentown, PA 18101) to replace an existing electrostatic precipitator (ESP) with a new ESP to enhance the collection of particulate matter emissions from the Unit No. 3 coal-fired boiler in East Manchester Township, **York County**. The installation of the new ESPs is expected to decrease the overall facility emissions of particulate matter by approximately 995 tpy. The Unit No. 3 coal-fired boiler is subject to the compliance assurance monitoring rule, which will require the new ESPs to meet specific monitoring and work practice standards to assure compliance with the applicable standard for particulate matter.

67-05007B: Adhesives Research, Inc. (P. O. Box 100, Glen Rock, PA 17327) for installation of two new coating sources to be controlled together with an existing source by a new regenerative thermal oxidizer at their coating facility in Springfield Township, **York County**. The installation of the new sources and control device will result in approximately 5.75 tons per year of VOCs and 1.7 tpy of hazardous air pollutants. The plant is a major facility and subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F. The sources are subject to 40 CFR Part 60, Subpart RR (related to standards of performance for pressure sensitive tape and label surface coating operations); and 40 CFR Part 63, Subpart JJJJ (relating to national emission standards for hazardous air pollutants from paper and other web coating). The plan approval will contain additional testing, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality regulations.

67-05052B: New York Wire Co. (P. O. Box 1749, York, PA 17405) for installation of a fabric collector to control particulate matter emissions from an existing powder coating line at their Weaving Facility in City of York, **York County**. The source has the potential to emit 3.0 tons PM10 per year. The plan approval and amended

Title V operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality 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.

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

24-00009: Weyerhaeuser Co. (100 Center Street, Johnsonburg, PA 15845) for renewal of their Title V Operating Permit in Johnsonburg Borough, **Elk County**. The initial permit was originally issued on September 5, 2000. Weyerhaeuser owns four boilers, chemical recovery furnace, paper machine effluent diesel pump, raw water treatment lift pump, recovery, utility department back-up diesel pump, kraft mill, starch unloading system, soda unloading system, smelt dissolving tank, lime unloading system, lime kiln, paper machines, wastewater treatment plant, wood chip screening, beach plant, liquor clarifiers, lime mud handling system, dregs handling system and hardwood stock surge chest. As a result of potential emissions of NO_x, the facility is a major source, and is therefore subject to Reasonable Available Control Technology. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. Two sources (Boiler Nos. 6 and 7) at the facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-7584.

V04-002: Newman and Co., Inc. (6101 Tacony St., Philadelphia, PA 19135) for operation of their paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. Newman's air emission sources include a 118 mmBtu/hr boiler, 29 space heaters and 2 power washers. The facility also has a stage II vapor recovery system for a 3,000 gallon gasoline tank, a 973,000 Btu/hr fire pump and a trim waste blower system.

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 Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener (215) 685-9426.

Persons wishing 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.

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 Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

09-00099: Donald R. Kreider, VMD (1501 2nd Street Pike, Southampton, PA 18966-3932) for a non-Title V, State-only, Natural Minor Operating Permit in Upper Southampton Township, **Bucks County**. Donald Kreider owns and operates an animal crematory that uses No. 2 fuel oil as an auxiliary fuel. Opacity, particulate matter emissions and odors are limited in the conditions of this permit. Monitoring, recordkeeping and reporting requirements have been added to the permit to address the applicable limitations.

15-00094: Metallurgical Products Co. (810 Lincoln Avenue, P. O. Box 598, West Chester, PA 19381-0598) for operation of a secondary copper smelting and alloying facility in West Goshen Township, **Chester County**. The permit is for a non-Title V State-only facility. The major source of air emissions is the copper alloying process. This process includes various pieces of equipment, including electric arc furnaces, a phosphorizing station and combustion sources. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

06-03102: City of Reading (815 Washington Street, Reading, PA 19601) for operation of a waste water treatment plant controlled by a ground flare and two pack bed scrubbers in the City of Reading, **Berks County**. The plant is not subject to Title V State-only facility. The permit will include emission restriction, monitoring, testing, work practice, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

28-05009: Borough of Chambersburg (100 South Second Street, Chambersburg, PA 17201) for renewal of synthetic minor operating permit for Diesel Power Plant (Falling Spring Station, 160 North Second Street, Chambersburg, PA 17201) at Chambersburg Borough, **Franklin County**. The facility's major sources of emissions include three dual fuel engine-generators, which primarily emit NO_x. The facility emissions of NO_x shall be limited at less than 50 tons per year. The Synthetic Minor operating permit will contain restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-7584.

S05-006: Ryder Truck Rental, Inc. (9751 Blue Grass Road, Philadelphia, PA 19114) for operation of their truck renting and leasing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a paint booth and a stage II vapor recovery system for a 8,000 gallon UST for gasoline.

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 wishing to file protest or comments on the operating permit must submit the protest or comments

within 30 days from the date of this notice. Any 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.

N05-006: Drexel University—Queen Lane Campus (2900 Queen Lane, Philadelphia PA 19129) for operation of medical college in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 5 boilers, each 225 hp or less, and one 1,500 kW emergency generator.

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 wishing 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—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Envi-

ronmental 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			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas

disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Gilmore and Jackson Townships, **Greene County** to expand the mine and add two NPDES discharge points. Underground acres proposed 4,955.0, SCP acres proposed 4,955.0. Receiving streams: tributary to Toms Run, classified for the following use: TSF and tributary to Blockhouse Run, classified for the following use: WWF. Application received June 15, 2005.

03971301 and NPDES Permit No. PA0215091, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ridge Mine in South Bend Township, **Armstrong County** and Young Township, **Indiana County** to include ponds, coal stockpile, township road T-831 and water flow to sedimentation pond in permit boundary. SCP acres proposed 24.0. No additional discharges. Application received June 20, 2005.

32051301 and NPDES Permit NA, AMFIRE mining Company, LLC (One Energy Place, Latrobe, PA 15650), to operate the Barrett Deep Mine in Buffington Township, **Indiana County** a new underground mine and for discharge of treated mine drainage, surface acres proposed 24.4, underground acres proposed 706.8 and SCP acres proposed 706.8. Receiving stream: Little Yellow Creek, classified for the following uses: HQ and CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority and Yellow Creek, Application received July 6, 2005.

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

56703124 and NPDES No. PA0608114. Diamond T Coal Company, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface-auger mine in Stonycreek Township, **Somerset County**, affecting 568.5 acres. Receiving stream: Lamberts Run, a tributary to Stonycreek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Water Authority. Application received August 9, 2005.

56000104 and NPDES No. PA0235270. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Brothersvalley Township, **Somerset County**, affecting 147.2 acres. Receiving streams: UNTs to Tubs Run and Tubs Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 9, 2005.

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

65050101 and NPDES Permit No. PA0250775. Amerikohl Mining, Inc. (P. O. Box 260, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Derry and Ligonier Townships, **Westmoreland County**, affecting 551.1 acres. Receiving streams: Loyalhanna Creek and UNTs to Loyalhanna Creek, classified for the following use: TSF. The first potable water supply intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. Application received: July 29, 2005.

02880102 and NPDES Permit No. PA0591190. William J. Kisow (82 South Petrie Road, Coraopolis, PA

15108). Renewal application for continued mining and reclamation of an existing bituminous surface mine, located in Kennedy and Robinson Townships, **Allegheny County**, affecting 116.1 acres. Receiving stream: Chartiers Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 4, 2005.

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

16050109 and NPDES Permit No. PA0257966. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Commencement, operation, and restoration of a bituminous surface strip and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 85.0 acres. Receiving streams: Two UNTs to the Clarion River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 4, 2005.

5974-16050109-E-1. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Application for stream encroachment to temporarily remove and reconstruct a section of UNT to the Clarion River No. 1 for the purpose of mining on pre-act spoil in Perry Township, **Clarion County** affecting 85.0 acres. Receiving streams: Two UNTs to the Clarion River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 4, 2005.

5974-16050109-E-2. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Application for stream encroachment to temporarily remove and reconstruct a section of UNT to the Clarion River No. 2 for the purpose of mining on pre-act spoil in Perry Township, **Clarion County** affecting 85.0 acres. Receiving streams: two UNTs to the Clarion River, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 4, 2005.

5974-16050109-E-3. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Application for stream encroachment to upgrade an existing stream crossing on an UNT to Clarion River No. 1 in Perry Township, **Clarion County** affecting 85.0 acres. Receiving streams: two UNTs to the Clarion River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 4, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8100.

17030119 and NPDES Permit No. PA 0243655. AMFIRE Mining Co. LLC (One Energy Place, Latrobe, PA 15650), permit revision for the addition of coal ash to the backfill as a beneficial use in Bloom Township, **Clearfield County** affecting 75.5 acres. Receiving streams: UNT to Little Anderson Creek to Little Anderson Creek to Anderson Creek to the West Branch of the Susquehanna River classified for the following use: CWF. Application received July 25, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA)

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

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users 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.

E51-214. Venice Lofts Associates, LP, 3180 Chestnut Street, Philadelphia, PA 19104, City of Philadelphia and **County of Philadelphia**, ACOE Philadelphia District.

To redevelop an abandoned industrial building and to construct and maintain 160 residential apartment units at the same site, in and along the 100-year floodplain of the Schuylkill River and the Manayunk Canal. The site is located at 4601 Flat Rock Road, near the intersection of Leverington Avenue and Main Street. (Germantown, PA USGS Quadrangle; N: 5.25 inches; W: 14.75 inches).

E09-886. Flamingo Enterprises, 3655 Middleburg Drive, Wellington, FL 33414, Solebury Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a single crossing and associated utilities across Aquetong Creek for a single-family residential crossing. The site is located east of the intersection of Aquetong Road and Upper Mountain Road (Buckingham, PA Quadrangle, N: 19.5 inches; W: 1.2 inches).

E15-740. Department of Transportation, 7000 Geerdes boulevard, King of Prussia, PA 19406-1525, Uwchlan Township, **Chester County**, ACOE Philadelphia District.

The project proposes to undertake construction activities to improve three segments of SR 0100, SR 0113 and T-542 (Sheree Boulevard), which will involve water obstruction and encroachments that will impact an unnamed tributary to Shamona Creek (HQ-TSF, MF), Shamona Creek and adjacent wetlands. Specific water obstructions and encroachment associated with this project are:

1. To relocate approximately 695 linear feet of a UNT to Shamona Creek.

2. To fill approximately 0.946 acre of wetlands and temporarily impact 0.102 acre to accommodate roadway widening and auxiliary construction works which are associated with the interchange construction improvement.

3. To extend the existing 72-inch diameter culvert carrying Shamona Creek under the SR 100 to facilitate roadway widening and associated construction improvements.

4. To perform minor grading and filling activities within the floodway associated with roadway approach widening.

The project will temporarily impact 0.102 acre and permanently affect 0.946 acre of wetlands, while impacting approximately 695 linear feet of stream. The site is located across approximately 3,462 feet along SR 0100 in Uwchlan Township commencing at the intersection of SR 0100 and SR 0113, Chester County, (Downingtown, PA Quadrangle starting point N: 10.12 inches; W: 3.38 inches, end point N: 11.67 inches; W: 6.48 inches).

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

E01-256: Links at Gettysburg Land Co., 601 Mason Dixon Road, Gettysburg, PA 17325 in Mount Joy Township, **Adams County**, ACOE Baltimore District

To construct and maintain: 1) a 63-foot multi-span corrugated metal arch culvert with a length of 40 feet; 2) two 8-inch water lines; 3) a 15-inch and 18-inch outfall pipe 4) an 8-inch sanitary sewer line; 5) a footbridge; 6) a 6-inch intake pipe all associated with Lousy Run (WWF); 7) a 36-inch reinforced concrete pipe culvert with a length of 95 feet; 8) two 8-inch water lines; 9) two 8-inch sanitary sewer lines; 10) a 112-inch by 75-inch corrugated metal pie arch culvert with a length of 60 feet; 11) a 6-inch outfall pipe all associated with a UNT to Lousy Run (WWF); 12) a 6-inch intake pipe associated with Rock Creek (WWF); 13) two footbridges over UNTs to Rock Creek located in Mount Joy Township, **Adams County**. The project will temporarily impact 0.03 acre of palustrine emergent wetlands.

E05-331: Broad Top Township, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633 in Broad Top Township, **Bedford County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge of 42 feet with a minimum underclearance of 5.48 feet over Sixmile Run (WWF) and associated improvements on SR 7203, Section 551 to improve the safety condition of the road located in the village of Defiance (Saxton, PA Quadrangle N: 6.65 inches; W: 14.0 inches) in Broad Top Township, Bedford County.

E28-323: Cumberland-Franklin Joint Municipal Authority, 725 Municipal Drive, Shippensburg, PA 17257 in Southampton Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 10-inch sanitary sewer line under Furnace Run (CWF) with a Reno mattress cover at a point along SR 696, Olde Scotland Road, (Shippensburg, PA Quadrangle N: 4.6 inches; W: 3.7 inches) in Southampton Township, Franklin County.

E28-325. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Quincy Township, **Franklin County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain: 1) a 21-foot by 6-foot box culvert at the channel of; 2) gabion wall for stream bank protection at the channel of a UNT to West Branch Antietam Creek (CWF) and associated improvements on SR 2019, Section 004, Segment 0060, Offset 2182 to improve the safety condition of the road located in the village of Five Forks (Waynesboro, PA Quadrangle N: 9.3 inches; W: 15.3 inches) in Quincy Township, Franklin County.

E31-204. Dudley Carbon Coalmont Joint Municipal Authority, P. O. Box 276, Dudley, PA 16634 in Carbon Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 40.78 feet, a width of 21 feet, and an average underclearance of 12.95 feet on Shoup Run (WWF) at a point (Saxton, PA Quadrangle Latitude: 40°13'22", Longitude: 78°12'55") approximately 110 feet downstream of the old railroad bridge crossing of Shoup Run in Carbon Township, Huntingdon County.

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

E08-428. Ridgebury Township, R. R. 3 Box 246A, Gillett, PA 16925. Cowell Hill Tributary Stabilization Project from 3,000 feet U/S from confluence with Bentley Creek, in Ridgebury Township, **Bradford County**, ACOE Baltimore District (Bentley Creek, PA Quadrangle N: 18. inches; W: 12.2 inches).

To realign the stream channel and to construct, operate and maintain 48 rock barbs, 3 rock sills and 8 rootwads for grade control or stabilization of Cowell Hill tributary: a WWF. The channel relocation and stream restoration project shall be limited to a maximum length of 3,000 feet in Cowell Hill Tributary. The rock barb structures shall be constructed of a minimum of R-6 rock. The restoration project will impact 3,000 feet of Cowell Hill Tributary that is located along the eastern and western right-of-way of Cowell Hill Road immediately north of SR 4024 and Cowell Hill Road intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams

and stockpiles in and along Cowell Hill Tributary. Temporary facilities used for project construction shall be removed from floodplain areas upon project completion, areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impacts to the wetlands adjacent to project area.

E12-157. Shippen Township, 1681 Rich Valley Road, Emporium, PA 15834 T-389 Bridge Replacement, Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 2.2 inches; W: 11.4 inches).

To remove an existing bridge and to construct, operate and maintain a single span concrete box beam bridge to carry T-389 (Jenks Run Road) across Jenks Run (HQ-CWF). The bridge across Jenks shall be constructed with a minimum span of 30 feet, underclearance of 5.3 feet and skew of 90°. Construction and future repair work shall be completed during stream low flow. In-stream structures shall be constructed in dry work conditions by dams and pumping or fluming stream flow around work areas. The bridge will permanently impact 15-square feet of wetland and 75 feet of Jenks Run that is located along the southern right-of-way SR 4004 approximately 2.8 miles west of T-389 and SR 4004 intersection.

E14-481. Kirslund Camp & Conference Center, P. O. Box 116, Madisonburg, PA 16852. Kirslund camp bridge, in Walker Township, **Centre County**, ACOE Baltimore District (Madisonburg, PA Quadrangle N: 11.46 inches; W: 10.12 inches).

The applicant is proposing to construct a single span bridge crossing over Roaring Run with a span of 33 feet, width of 14 feet and an underclearance of 1.03 feet. The bridge structure is intended to be constructed on precast concrete block abutments, having steel I-Beam substructure and a timber superstructure. Overall impacts to Roaring Run are intended to be 495 square feet and this project does not propose any wetland impacts.

E17-410. Muddy Run Regional Authority, P. O. Box 474, Madera, PA 16661-0474. Muddy Run Regional Authority Wastewater Treatment Facility and Collection System, Beccaria Township, Bigler Township, Gulich Township and Ramey Borough, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 15.25 inches; W: 9.20 inches).

To construct, operate and maintain 250,000 linear feet of wastewater collection and conveyance lines within a 30-foot right-of-way for the treatment of municipal wastewater. Construction of the new wastewater collection and conveyance lines system will result in 32 wetland and 66 stream crossings that are as follows:

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Clearfield Creek	WWF	40°49'43.00"	78°26'11.70"
Japling Run	CWF	40°49'45.00"	78°26'10.00"
Japling Run	CWF	40°49'45.00"	78°26'10.30"
Alexander Run	CWF	40°49'44.20"	78°25'50.10"
Alexander Run	CWF	40°49'46.00"	78°25'47.30"
Alexander Run	CWF	40°49'51.00"	78°25'40.80"
Alexander Run	CWF	40°49'55.00"	78°25'38.70"
UNT-Alexander	CWF	40°50'08.80"	78°25'41.40"
UNT-Alexander	CWF	40°50'13.10"	78°25'40.80"
UNT-Alexander	CWF	40°50'08.70"	78°25'31.20"
UNT-Alexander	CWF	40°50'09.30"	78°24'56.60"
UNT-Alexander	CWF	40°50'09.90"	78°24'48.00"
UNT-Alexander	CWF	40°50'05.10"	78°24'48.60"

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
UNT-Alexander	CWF	40°50'04.60"	78°24'48.60"
UNT-Alexander	CWF	40°50'04.30"	78°24'34.00"
UNT-Morgan Run	CWF	40°50'18.90"	78°24'11.30"
UNT-Morgan Run	CWF	40°50'25.80"	78°24'10.30"
UNT-Morgan Run	CWF	40°50'26.80"	78°24'06.40"
UNT-Morgan Run	CWF	40°50'29.60"	78°23'52.80"
UNT-Morgan Run	CWF	40°50'33.60"	78°23'49.00"
UNT-Morgan Run	CWF	40°50'41.10"	78°23'43.40"
UNT-Morgan Run	CWF	40°50'40.50"	78°23'39.90"
UNT-Muddy Run	CWF	40°49'08.40"	78°26'07.40"
UNT-Muddy Run	CWF	40°48'44.20"	78°26'08.40"
UNT-Muddy Run	CWF	40°48'02.50"	78°26'02.40"
UNT-Muddy Run	CWF	40°48'09.10"	78°25'26.25"
UNT-Muddy Run	CWF	40°48'09.00"	78°26'59.00"
Clearfield Creek	WWF	40°50'05.20"	78°26'35.20"
UNT-Little Muddy	CWF	40°47'49.80"	78°23'54.60"
UNT-Little Muddy	CWF	40°47'51.30"	78°24'02.10"
UNT-Little Muddy	CWF	40°47'53.90"	78°24'09.00"
UNT-Little Muddy	CWF	40°47'53.80"	78°24'11.40"
UNT-Little Muddy	CWF	40°48'02.50"	78°24'24.20"
UNT-Little Muddy	CWF	40°48'35.00"	78°24'22.10"
UNT-Little Muddy	CWF	40°48'09.90"	78°24'19.40"
UNT-Little Muddy	CWF	40°48'14.40"	78°24'18.70"
UNT-Little Muddy	CWF	40°48'17.90"	78°24'18.10"
UNT-Little Muddy	CWF	40°48'11.70"	78°24'09.10"
UNT-Little Muddy	CWF	40°48'10.40"	78°23'33.90"
Muddy Run	CWF	40°48'06.50"	78°25'58.40"
UNT-Muddy Run	CWF	40°47'55.00"	78°25'42.50"
UNT-Muddy Run	CWF	40°47'48.90"	78°25'40.70"
UNT-Muddy Run	CWF	40°47'48.10"	78°25'40.70"
UNT-Muddy Run	CWF	40°47'47.50"	78°25'42.10"
UNT-Muddy Run	CWF	40°47'37.40"	78°26'00.80"
UNT-Muddy Run	CWF	40°47'36.30"	78°26'03.60"
UNT-Muddy Run	CWF	40°47'34.40"	78°26'08.40"
UNT-Muddy Run	CWF	40°47'33.10"	78°26'13.20"
UNT-Muddy Run	CWF	40°47'26.40"	78°26'23.20"
UNT-Muddy Run	CWF	40°47'22.20"	78°26'28.50"
UNT-Muddy Run	CWF	40°47'21.00"	78°26'32.80"
UNT-Muddy Run	CWF	40°47'19.30"	78°26'28.50"
UNT-Muddy Run	CWF	40°46'54.90"	78°26'28.50"
UNT-Muddy Run	CWF	40°46'52.20"	78°26'28.00"
UNT-Muddy Run	CWF	40°46'47.70"	78°26'25.70"
UNT-Muddy Run	CWF	40°46'45.30"	78°26'26.60"
UNT-Muddy Run	CWF	40°46'42.70"	78°26'27.80"
UNT-Muddy Run	CWF	40°46'18.40"	78°26'50.00"
UNT-Muddy Run	CWF	40°46'12.60"	78°26'52.80"
UNT-Muddy Run	CWF	40°46'10.30"	78°26'52.90"
Muddy Run	CWF	40°46'08.30"	78°26'50.90"
UNT-Muddy Run	CWF	40°46'39.00"	78°26'20.60"
LittleMuddyRun	CWF	40°45'39.10"	78°25'28.90"
LittleMuddyRun	CWF	40°45'38.20"	78°25'28.40"
UNT-Little Muddy	CWF	40°45'37.00"	78°25'27.70"
UNT-Little Muddy	CWF	40°45'34.20"	78°25'28.60"
UNT-Little Muddy	CWF	40°45'19.60"	78°25'55.50"
UNT-Little Muddy	CWF	40°45'22.40"	78°25'32.70"
UNT-Little Muddy	CWF	40°46'04.10"	78°24'58.50"
UNT-Little Muddy	CWF	40°46'09.10"	78°24'52.30"
UNT-Little Muddy	CWF	40°46'29.00"	78°23'46.10"
UNT-Little Muddy	CWF	40°45'59.1"	78°24'08.90"
UNT-Little Muddy	CWF	40°45'38.50"	78°23'57.60"
UNT-Little Muddy	CWF	40°45'37.40"	78°23'50.80"
UNT-Little Muddy	CWF	40°45'30.50"	78°23'45.00"
UNT-Little Muddy	CWF	40°45'44.00"	78°23'20.90"
UNT-Little Muddy	CWF	40°45'47.40"	78°23'15.80"
UNT-Little Muddy	CWF	40°46'18.00"	78°22'53.40"
Wetland A	CWF	40°49'33.00"	78°26'24.00"
Wetland B	CWF	40°50'00.60"	78°25'37.10"
Wetland C	CWF	40°50'17.90"	78°25'35.10"

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Wetland D	CWF	40°50'06.20"	78°24'50.70"
Wetland E	CWF	40°50'05.80"	78°24'27.20"
Wetland F	CWF	40°50'32.60"	78°23'49.40"
Wetland G	CWF	40°50'48.70"	78°26'10.70"
Wetland H	CWF	40°50'48.70"	78°26'02.70"
Wetland DD	CWF	40°48'03.50"	78°24'23.20"
Wetland EE	CWF	40°48'07.90"	78°23'50.20"
Wetland FF	CWF	40°48'10.50"	78°23'34.60"
Wetland I	CWF	40°48'07.10"	78°25'58.90"
Wetland J	CWF	40°47'58.40"	78°25'42.40"
Wetland K	CWF	40°47'56.00"	78°25'42.20"
Wetland L	CWF	40°47'47.90"	78°25'41.40"
Wetland M	CWF	40°47'42.60"	78°25'48.20"
Wetland N	CWF	40°47'22.10"	78°26'20.70"
Wetland O	CWF	40°46'55.00"	78°26'25.30"
Wetland P	CWF	40°46'52.20"	78°26'28.00"
Wetland Q	CWF	40°47'05.46"	78°26'19.40"
Wetland R	CWF	40°46'42.70"	78°26'27.80"
Wetland S	CWF	40°46'36.10"	78°26'30.10"
Wetland T	CWF	40°46'04.50"	78°26'46.60"
Wetland U	CWF	40°45'51.60"	78°26'40.00"
Wetland V	CWF	40°45'50.40"	78°26'39.70"
Wetland W	CWF	40°45'35.70"	78°26'19.10"
Wetland X	CWF	40°45'33.70"	78°26'11.60"
Wetland Y	CWF	40°45'32.30"	78°26'12.30"
Wetland Z	CWF	40°45'19.60"	78°25'55.50"
Wetland AA	CWF	40°45'59.50"	78°24'11.50"
Wetland BB	CWF	40°45'50.30"	78°24'02.10"
Wetland CC	CWF	40°45'47.40"	78°23'15.80"

Wastewater collection and conveyance lines shall be installed 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 or concrete encased. 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 1.9 acres of wetland while permanently impacting 0.50 acre of wetland and 1,319 linear feet of waterways. The project is located along the eastern and western right-of-way of SR 0453 with a project centroid approximately at the intersection of SR 4002 and SR 0453 in the village of Smoke Run.

E17-411. PPL Gas Utilities Corporation, 555 Camargo Road, Quarryville, PA 17566, Cornell Correction Gas Pipeline Project, Decatur Township, **Clearfield County**, ACOE Baltimore District (Philipsburg, PA Quadrangle N: 7.32 inches; W: 16.82 inches).

To construct, operate and maintain a 6-inch diameter steel gas transmission pipeline to convey natural gas beneath Laurel Run (CWF) and its associated wetlands. A maximum length of 900 feet of the 6-inch diameter steel shall be installed by directional drilling to avoid direct stream and wetland impacts. The project is located along the northern right-of-way of SR 0322 at the intersection of T-676 and SR 0322.

E18-397. Bryan Hicks, 1105 5th Avenue, Jersey Shore, PA 17740. Bryan's New Garage, in Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 11.22 inches; W: 6.22 inches).

To remove an existing 16-foot by 20-foot wooden garage, then to construct and maintain a 20-foot by 48-foot metal sheeting sided pole-barn like garage with ten 1 square-foot flood vents in the garage walls to allow flood water to enter the garage since it is located in the right 100-year

floodway of Pine Creek located 100 feet northwest of the intersection of 5th Avenue and T-461. This project should not directly impact any stream channel or wetlands.

E60-175. Lewisburg American Youth Soccer Association, 69 Ridge Road, Lewisburg, PA 17837. Riverwoods Soccer Complex, in Kelly Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 20.0 inches; W: 11.4 inches).

To construct and maintain 5 acres of earth moving, with balanced cut and fills, for youth soccer fields with the associated at-grade roadways and parking lots in the right floodway of the West Branch Susquehanna River and left floodway of Buffalo Creek located immediately northwest of the SR 1005 (Hospital Drive) bridge over Buffalo Creek. This project has been designed to minimize or avoid archeological significant areas and to stay out of identified wetlands on the property.

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

E25-701. International Paper, Uniflow Center Room D, 1525 East Lake Road, Erie, PA 16511. Scott Run Cleanup and Wetland Restoration, in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 12.6 inches; W: 8.9 inches).

The applicant proposes to temporarily impact approximately 0.55 acre of PEM and PSS wetland, approximately 400 feet of the floodplain of Scott Run and to permanently impact three bodies of water of anthropogenic origin (0.13 acre total area) by voluntarily removing 3,500 cubic yards of mercury containing material in Highmeyer Park (Harborcreek, PA Quadrangle N: 12.6 inches; W: 8.9 inches) in Harborcreek Township, Erie County approximately 0.5 mile SW of the intersection of SR 5 and

Highmeyer Road. The project includes: 1) temporary wetland crossings to access the site during the project; 2) filling in the three bodies of water of anthropogenic origin (total 0.13 acre); and 3) restoration of the temporarily impacted wetlands and creation of an additional 0.13 acre of PEM and PSS wetlands. The project proposes to temporarily impact 0.55 acre of PEM and PSS wetlands, permanently impact three bodies of water of anthropogenic origin (0.13 acre total), and remove 2,000 cubic yards of mercury-contaminated material from 0.82 acre within the FEMA floodplain.

E33-225, Robert Lindberg, 157 Waterford Pike, Brookville, PA 15825. Lindberg Furniture Expansion, in Brookville Borough, **Jefferson County**, ACOE Pittsburgh District (Brookville, PA Quadrangle N: 7.3 inches; W: 13.6 inches).

To fill 0.37 acre of PEM wetlands for the construction of additional warehouse space and a loading/unloading dock associated with the existing furniture store located on Route 36 approximately 500 feet west of the intersection of Route 36 and Route 322. Applicant is proposing to pay into the Pennsylvania Wetland Replacement Fund.

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>
PAS102804R	Fulton County Business Park 536 East Poplar Street McConnellsburg, PA 17233	Fulton County Ayr Township	Big Cove Creek CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020800	White Deer Township Sewer Authority P. O. Box 90 West Milton, PA 17886	White Deer Township Union County	UNT to West Branch Susquehanna River (SWP 10C)	Y
PA0112941 IW	Pro American Manufacturing Corp. P. O. Box 391 221 East Second Street Emporium, PA 15834	Cameron Emporium Borough	Driftwood Branch Sinnemahoning Creek 8A	Y

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

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

NPDES Permit No. PA0054895, Industrial Waste, **Palmer International, Inc.**, P. O. Box 315, 2036 Lucon Road, Skippack, PA 19474. This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of a permit to discharge into an UNT to Skippack Creek in Watersheds 3E.

NPDES Permit No. PA0054950, Industrial Waste, Pilgrim's Pride Corporation, 471 Harleysville Pike, P. O. Box 8, Franconia, PA 18924-0008. This proposed facility is located in or Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of a permit to discharge into an UNT to Indian Creek in Watershed 3E.

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

NPDES Permit No. PA0035157, Industrial Waste, **Farmer's Pride, Inc.**, West Main Street, P. O. Box 39, Fredericksburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to the Deep Run Creek in Watershed 7-D.

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

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

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

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
TSS	30	45		60
Total C ₁₂ Residual	0.78			4.0
Ammonia-N	Report			
Kjeldahl-N	Report			
Nitrate-N	Report			
Nitrite-N	Report			
Total Nitrogen	Report			
Total Phosphorus	Report			
Fecal Coliforms: (5/1-9/30)	200 col/100 ml as a geometric mean			
(10/1-4/30)	2000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

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

1. Permit condition for the operation, and implementation of a pretreatment program.
2. Requirements applicable to stormwater outfalls.
3. Whole Effluent Toxicity Tests.

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

NPDES Permit No. PA0252905, CAFO, **MEC PA Racing, Inc.**, P. O. Box 449, Racetrack Road, Meadow Lands, PA 15347-0449. This proposed facility is located in North Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Individual NPDES permit for existing CAFO known as The Meadows Racetrack.

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

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

WQM Permit No. 1504407, Sewerage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station.

WQM Permit No. 1503409 Amendment No. 2, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Action/Activity: Increased operating capacity of Robins Cove PS No. 2 from 52,775 gpd to 139,401 gpd.

WQM Permit No. 4605407, Sewerage, **Franconia Township Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station and force main to serve a 10 lot subdivision.

WQM Permit No. 0905407, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pump station and gravity main for land development.

WQM Permit No. 1505413, Sewerage, **London Grove Township**, 372 Rosehill Road, Suite 300, West Grove, PA 19390. This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station and force main.

WQM Permit No. 0905406, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976-1413. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a raw sewage pumping station and a 6" diameter force main.

WQM Permit No. 4600414 Amendment No. 1, Sewerage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Action/Activity: A rerate of the permitted organic loading rate, from 12,870 lbs/day of BOD to 22,300 lbs/day of BOD.

WQM Permit No. 4699404 Amendment No. 1, Sewerage, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936. This proposed facility is located in Montgomery Township, **Montgomery County**.

Description of Action/Activity: This amendment approves the construction and operation of sewerage facilities consisting of 1 pump station and associated force main.

WQM Permit No. 2305403, Sewerage, **Upper Providence Township Sewer Authority**, 935 N. Providence Road, Media, PA 19063-1403. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewage pump station for a development of 11 single family homes.

WQM Permit No. 0987488, Transfer Sewerage, **Princeton Research Lands, Inc.** 195 Nassau Street, Princeton, NJ 08542. This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: Permit Transfer.

WQM Permit NO. 4605401, Sewerage, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464. This proposed facility is located in Borough of Pottstown, **Montgomery County**.

Description of Action/Activity: Sludge dewatering and drying.

WQM Permit No. 0980438 Amendment No. 1, Sewerage, **Melody Lakes Estates**, 1045 North West End Boulevard, Lot 600, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Action/Activity: Replacement of an existing equalization tank.

WQM Permit No. 1502419 Amendment No. 1, Sewerage, **Pennsylvania American Water**, 100 Cheshire Court, Suite 204, Coatesville, PA 19320. This proposed facility is located in City of Coatesville, **Chester County**.

Description of Action/Activity: Modifications of sewerage facilities consisting of construction and operation of a 10" force main and a 15" gravity sewer.

WQM Permit No. 0905409, Sewerage, **Falls Township Water and Sewer Department**, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Action/Activity: Abandonment of existing "can" type pump station and the construction of a new submersible pump station.

WQM Permit NO. 1505410, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station and 4" force main for 21 single family residents.

WQM Permit NO. 1505411, Sewerage, **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341-1940. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Action/Activity: Construction and operation of a low pressure sanitary sewer system.

WQM Permit No. 1505413, Sewerage, **London Grove Township Municipal Authority**, 372 Rosehill Road, Suite 300, West Grove, PA 19390. This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station and force main.

WQM Permit No. 0905407, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pumping station, force main and gravity main for land development.

WQM Permit No. 0905401, Sewerage, **Warrington Township Water and Sewer Department**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage grinder pump for a lot residential subdivision.

WQM Permit No. 1505403, Sewerage, **New Garden Township**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of a new force main for existing PS No. 4 to divert sewage from Shangri-LA to East End WWTP.

WQM Permit No. 1505404, Sewerage, **New Garden Township**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of a new pump in the irrigation wet well at the existing East End WWTP and a new force main at the Kennett Square treatment plant.

WQM Permit No. 4605407, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station and force main to serve a 10 lot subdivision.

WQM Permit No. 4605408, Sewerage, **Lower Salford Township Sewer Authority**, P. O. Box 243, Mainland, PA 19451. This proposed facility is located in Skippack and Lower Salford Townships, **Mongtomery County**.

Description of Action/Activity: Construction and operation of a sewage pump station for a 22 single residential development.

WQM Permit No. 1500421-G Amendment, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Modifications of 135,000 gpd 21.1 acre treated wastewater effluent spray system and a 62,000 gpd pump station.

WQM Permit No. 1505418, Sewerage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: Construction and operation of a residential wastewater grinder pump station to serve an apartment and mushroom house.

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

WQM Permit No. 1990404-T1, Sewerage, 4952, **Robert J. Baker**, P. O. Box 256, Benton, PA 17814. This facility is located in Benton Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of a WQM Part II Permit for small flow sewage treatment facilities serving a single residence.

WQM Permit No. 1705405, Sewerage, **Marita W. Davis**, 100 Industrial Park Road, Clearfield, PA 16830. This proposed facility is located in Bigler Township, **Clearfield County**.

Description of Proposed Action/Activity: This permit is for the construction of a single residence sewage treatment system. The plant will be a septic tank, sand filter, chlorinator and contact tank. The system will discharge to a UNT to Porter Run.

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

WQM Permit No. 0478210-A1, Industrial Waste, **Koppel Steel Corporation**, P. O. Box 750, Beaver Falls, PA 15010. This proposed facility is located in Koppel Borough, **Beaver County**.

Description of Proposed Action/Activity: Construction and operation of an industrial treatment facility.

WQM Permit No. 0270413-A3, Sewerage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108-4307. This proposed facility is located in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction and operation of a replacement swing diffuser aeration assemblies in the aeration tanks of Montour Run STP with an aeration grid system of fine bubble ceramic disc diffusers.

WQM Permit No. 1169401-A2, Sewerage, **Johnstown Redevelopment Authority**, Public Safety Building, 4th Floor, 401 Washington Street, Johnstown, PA 15901. This proposed facility is located in West Taylor Township, **Cambria County**.

Description of Proposed Action/Activity: Installation and operation of a mechanically cleaned bar screen to replace two inoperable comminutors at the Johnstown-Dornick Point STP.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505002	Downingtown Area School District Pickering Valley Elementary School 126 Wallace Avenue Downingtown, PA 19335	Chester	Upper Uwchland Township	Pickering Creek (HQ)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304007	Jim Thorpe Area School District 140 West 10th St. Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Robertson Run HQ-CWF
PAI023904035	Fox Funding LLC 1 Fox Chase Drive Watchung, NJ 07069	Lehigh	Lower Macungie Township	Spring Creek HQ-CWF
PAI020004001	Columbia Gas Transmission Corporation 1700 MacCorkle Avenue, SE. Charleston, WV 25314	Northampton, Monroe and Pike	Forks Lower Mt. Bethel Washington Upper Mt. Bethel Smithfield Middle Smithfield Lehman Delaware and Dingman Townships	Mud Run CWF Martins Creek TSF, MF Little Martins Creek CWF Oughoughton Creek CWF East Fork Martins Creek CWF Jacoby Creek CWF Slateford Creek EV Cherry Creek HQ-CWF, MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304007	Jim Thorpe Area School District 140 West 10th St. Jim Thorpe, PA 18229 (continued)	Carbon	Jim Thorpe Borough	Brodhead Creek TSF, MF Marshalls Creek HQ-CWF Pond Creek HQ-CWF Bush Kill HQ-CWF Little Bush Kill EV Tributaries to Delaware River HQ-CWF Toms Creek EV Hornbecks Creek HQ-CWF Dingmans Creek HQ-CWF Adams Creek EV Long Meadow Brook EV Conashaugh Creek HQ-CWF and/or their tributaries
PAI024805006	Meadow View Homes, Inc. 619 East Lawn Road Nazareth, PA 18064	Northampton	Bushkill Township	Tributary to Bushkill Creek HQ-CWF
PAI024805013	Recreation Concepts Development Corporation 4733 Hanoverville Rd. Bethlehem, PA 18020	Northampton	Lower Nazareth and Bethlehem Townships	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045705001	R. Bruce Smay Muncy Creek Watershed Assoc. P. O. Box 47 Muncy, PA 17756	Sullivan	LaPorte and Davidson Townships	Muncy Creek CWF

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

Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050205005	Echo Real Estate Services Co. 701 Alpha Drive Pittsburgh, PA 15238	Allegheny	O'Hara Township	Squaw Run (HQ-WWF) and Allegheny River (WWF)
PAI050205006	Anthony J. Tomasello 1208 Canterbury Circle Libertyville, IL 60048	Allegheny	Sewickley Heights Borough	Little Sewickley Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056505001	James Yokopenic Unity Land Management, LLC R. D. 8, Box 532 Greensburg, PA 15601	Westmoreland	Unity Township	UNT to Sewickley Creek (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064205001	Dominion Transmission, Inc. (DTI) 445 West Main Street Clarksburg, WV 26301	McKean and Potter Counties	Eldred Borough Ceres Township McKean County Oswayo Township Sharon Township Shinglehouse Borough Potter County	Butter Creek Plank Creek Honeoye Creek Seely Hollow Karr Hollow Oswayo Creek Horse Run Bell Run Champlin Hollow Kings Run Allegheny River Indian Creek and North Branch Indian Creek Barden Brook HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Fallowfield Township Chester County	PAG200011505024	David and Linda Thomas 1 Warner Road Coatesville, PA 19320	Buck Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Nottingham Township Chester County	PAG200011504097	Enox Land, LP P. O. Box 187 Fort Washington, PA 19034	Tweed Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002305004	M & M Management 1400 Conchester Highway Boothwyn, PA 19061	Webb Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Pottstown Borough Montgomery County	PAG20046045109	County of Montgomery Schuylkill River Trail Seg A-1 P. O. Box 311 Norristown, PA 19401	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604106	Wawa, Inc. Proposed Wawa 260 West Baltimore Pike Wawa, PA 19063	Perkiomen Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004604228	Perkiomen Township Betcher Road Relocation 1 Trappe Road Collegeville, PA 19426	Schoolhouse Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004605129	Salvatore Moscariello Montella's Crossing III 101 Cowpath Road Lansdale, PA 19446	UNT Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004604135	Heritage Building Group, Inc. Seneko/Marzuk Tracts 3326 Old York Road Suite A-100 Furlong, PA 18925	West Branch Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004605052	Providence Ridge Associates The Court at Upper Providence 1030 West Germantown Pike Fairview Village, PA 19409	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Mahoning Township Carbon County	PAG2001305002	William Grant Grant Realty SR 209 Brodheads ville, PA 18322	Mahoning Creek CWF	Carbon Co. Cons. Dist. (610) 377-4894
Jessup Borough Lackawanna County	PAG2003505016	Michael Hillebrand MTL Inc. 1325 Mellow Dr. Jessup, PA 18434	UNT to Sterry Creek CWF	Lackawanna Co. Cons. Dist (570) 281-9495
Exeter Borough Luzerne County	PAG2004005022	Wyoming Area School Dist. 20 Memorial St. Exeter, PA 18643	Susquehanna River WWF	Luzerne Co. Cons. Dist. (570) 674-7991
Waynesboro Borough Franklin County	PAG002805050	Joseph J. Daniels Quail Run Land Development 11438 Orange Blossum Ct. Smithsburg, MD 21704	E. Branch of Antietam CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Ayr Township Fulton County	PAG2002905001	My Father's House c/o William Chilcote P. O. Box 269 McConnellsburg, PA 17233	Big Cove Creek (WWF)	Fulton County Conservation District 216 North Second Street McConnellsburg, PA 17233 (717) 485-3547, Ext. 121
Cromwell Township Huntingdon County	PAG2003105006	Randy Runk R. R. 1, Box 6060 Shirleysburg, PA 17260	Sugar Run CWF	Huntingdon County Conservation District R. D. 1, Box 7C, Rt. 26 S. Huntingdon, PA 16652

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Strasburg Township Lancaster County	PAG2003604096	Chatham Creek LLC 214A Willow Valley Lakes Dr. Willow Street, PA 17584	Pequea Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003604129	Dick Snyder 119 West Lancaster Ave Shillington PA 19607	UNT Charles Run/CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003605045	F O D Inc. 111 E. King St. Lancaster, PA 17602	Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Strasburg Boro Lancaster County	PAG2003605058	Historic Properties Partners P. O. Box 129 Strasburg, PA 17579	UNT Pequea Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003605071	James T Hanselman 6418 Elizabethtown Rd. Manheim, PA 17545	Chiques Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003605082	Randall L Hess 2547 Lititz Pike Lancaster, PA 17601	Mill Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003605084	Schreiber Pediatric Rehab Ctr. 625 Community Way Lancaster, PA 17603	Brubaker Run/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Earl Township Lancaster County	PAG2003605094	JTD Holdings 38 Ruth Circle Suite 1 Malvern, PA 19355	Cocalico Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Colerain Township Lancaster County	PAG2003605096	Stephen Stoltzfus 817 Compass Rd. Honey Brook, PA 17344	Coopers Run/TSF; MF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003605097	Simeral Construction 129 W. Airport Rd. Lititz, PA 17543	Little Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Manheim Township Lancaster County	PAG2003605099	Cedar Golden Triangle 524 Camp Hill Mall Camp Hill, PA 17011	UNT Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Earl Township Lancaster County	PAG2003605101	Gregory T. Kendig 1761 Newport Rd. Ephrata, PA 17522	Cocalico Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Centre County Patton Township	PAG2001404017	Wooded hills Janos Koltay 1836 Waddle Road State College, PA 16803	UNT Big Hollow CWF	Centre County Conservation Dist. 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Tioga County Wellsboro Borough	PAG2005905006	Robwood Consulting 703 South Elmer Ave. Sayre, PA 18840	Kelsey Creek WWF West Br. Susquehanna River WWF	Tioga County Conservation Dist. 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 101
Beaver County Marion Township	PAG2000405001(1)	John R. Lawrence T. S. O. of Ohio, Inc. 115 West Road Fombell, PA 16123	UNT to Connequenessing Creek (WWF)	Beaver County CD (724) 378-1701
Beaver County Center Township	PAG2000405008	Peter Kladias, Jr. Divergent Concepts, LLC 3572 Brodhead Road Monaca, PA 15061	UNT to Moon Run (WWF)	Beaver County CD (724) 378-1701
Cambria County Stonycreek Township	PAG2001105013	John McGregor CDM Cambria Realty LLC 115 Union Avenue Altoona, PA 16602	UNT to Solomon Run (WWF)	Cambria County CD (814) 472-2120
Cambria County Richland Township	PAG2001105017	Andrew Bezek O. A. Leasing Partnership 120 Main Street P. O. Box 580 Johnstown, PA 15907	UNT to Stony Creek River (WWF)	Cambria County CD (814) 472-2120
Cranberry Township, Butler County	PAG2001005009	Martin Dorsch Georgetown Square Associates c/o Kellaur Corporation One Landmark North 20399 Route 19 South Suite 201 Cranberry Township, PA 16066	Brush Creek WWF	Butler Conservation District (724) 284-5270
Adams Township Butler County	PAG2001004014	Ken Reilly 6113 Valencia Road Valencia, PA 16059	Breakneck Creek CWF	Butler Conservation District (724) 284-5270
Zelienople Borough Butler County	PAG2001005010	Rocco Mastrangelo Passavant Retirement Community 401 South Mail Street Zelienople, PA 16053	Connoquenessing Creek CWF	Butler Conservation District (724) 284-5270

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams Township	PAG2001005015	Winfield Manor S & A Custom Built Homes, Inc. 501 Rollingridge Drive Suite 200 State College, PA 16801	UNT to Glade Run WWF	Butler Conservation District (724) 284-5270
Cranberry Township Butler County	PAG20010050018	Cranberry Commons, Lot 11R-2 The Woodmont Company Richard Machak 2100 West 7th Street Fort Worth, TX 76107	Brush Creek WWF	Butler Conservation District (724) 284-5270
New Beaver, Big Beaver Borough, Koppel Borough Lawrence and Beaver Counties	PAG2003705003	PA American Water Company 2736 Ellwood Road New Castle, PA 16101	UNT Beaver River WWF	Lawrence Conservation District (724) 652-4512
Wilmington Township, Lawrence County	PAG2003705004	Covered Bridge Estates David Magee and Scott Fehrs 3132 Wilmington Road New Castle, PA 16105	UNT Neshannock Creek	Lawrence Conservation District (724) 652-4512
Conewango Township Warren County	PAG2006204003	Aldi, Inc. 6000 North Noah Drive Saxonburg, PA 16056	Conewango Creek WWF	Warren Conservation District (814) 563-3117
Youngsville Borough Warren County	PAG2006205001	Beacon Light Behavioral Health System Children's Home of Bradford 800 East Main Street Bradford, PA 16701	Brokenstraw Creek CWF	Warren Conservation District (814) 563-3117

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Goshen Township Chester County	PAR600058	Safety Kleen Systems Inc. 1140 Greenhill Rd. West Chester, PA 19380	UNT to Chester Creek 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Upper Merion Township Montgomery County	PAR230042	Pfizer Inc. 709 Swedeland Rd. King of Prussia, PA 19406	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Archbald Borough, Lackawanna County	PAR802241	General Dynamics Land Systems 175 East Street Eynon, PA 18403	Wildcat Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Cumberland County Camp Hill Borough	PAR123543	Land O'Lakes Purina Feed LLC 475 St. John's Church Road Camp Hill, PA 17011	Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR223514	Dresher, Inc. 915 Woodland View Drive York, PA 17402	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:
Municipality &
County*

<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>
York County York Township	PAR203558	FKI Industries, Inc. 425 Post Road Fairfield, CT 06824	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAR803584	United States Postal Service 1400 Harrisburg Pike Lancaster, PA 17604-9331	Little Conestoga Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Susquehanna Township	PAR803582	United States Postal Service 1425 Crooked Hill Road Harrisburg, PA 17107-9731	UNT to Paxton Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAR803583	United States Postal Service 2100 N. 13th Street Reading, PA 19612-9331	UNT to Schuylkill River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Ridgway Borough Elk County	PAR208352	ARC Metals Corp. 224 River Road Ridgway, PA 15853	Clarion River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location &
Municipality*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bigler Township Clearfield County	PAG045194	Marita W. Davis 100 Industrial Park Rd. Clearfield, PA 16830	UNT to Porter Run CWF	Water Management Program Manager 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Limestone Township Lycoming County	PAR704811	Charles Construction Company 838 East Central Avenue Jersey Shore, PA 17740	Rauchtown Creek (CWF)	NorthCentral Regional Office 208 West Third Street Williamsport, PA 17701-6448 (570) 327-3664
Delaware Township Northumberland County	PAR214809	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	UNT to Muddy Run WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Penn Township Snyder County	PAR214823	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	UNT to Middle Creek CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Lewisburg Borough Union County	PAR214811	Central Builders Supply Company Island Park P. O. Box 152 Sunbury, PA 17801-0152	Storm drain to Limestone Run CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Lawrence Township Clearfield County	PAR804855	Sapp Bros Pa. P. O. Box 1290 Clearfield, PA 16830	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bedford County Monroe Township	PAG043561	Vincent J. Capricci 5202 Elk Lick Road Everett, PA 15537	Clear Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Benton Township Columbia County	PAG044816	Robert J. Baker P. O. Box 256 Benton, PA 17814	Fishing Creek CWF	Water Management Program 208 West Third Street, Williamsport, PA 17701 (570) 327-3664
McKean Township Erie County	PAG049187	Joseph Bilinski 7715 Locust Place Port Tobacco, MD 20677	UNT of Elk Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conewango Township Warren County	PAG048340	Barbara C. and Edward W. McCullough 630 Liberty Street Ext. Warren, PA 16365-3725	UNT to Conewango Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Warren County	PAG049191	Michael H. Thomas 109 Matthews Run Road Youngsville, PA 16371	UNT to Matthews Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG049178	Tara Martin P. O. Box 386 Columbus, PA 16405	UNT to Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township Warren County	PAG048627	Carl E. Sliter P. O. Box 17 Pittsfield, PA 16340-9722	UNT to Little Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Farmington Township Warren County	PAG049196	Jason Spear R. D. 2, Box 150 Sugar Grove, PA 16350	Mud Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Juniata County Delaware Township	PAG083548	Thompstontown Municipal Authority P. O. Box 154 Thompstontown, PA 17094	Thompstontown Municipal Authority Delaware Township Juniata County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Chester County West Sadsbury Township	PAG083584	Christiana Borough P. O. Box 135 Christiana, PA 17509	Christiana Borough West Sadsbury Township Chester County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*Facility Location:
Municipality &
County*

Franklin County
Warren Township

Permit No.

PAG080002
PAG080003
PAG080006
PAG080008
PAG082201
PAG082202
PAG083501
PAG083502
PAG083506
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083825
PAG089903
PAG089904
PAG089905

*Applicant Name &
Address*

SYNAGRO
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

*Site Name &
Location*

Mike Cook Farm

*Contact Office &
Phone No.*

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

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

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

Operations Permit issued to: **Borough of Jim Thorpe**, 421 North Street, Jim Thorpe, PA 18229-2528, PWSID No. 3130044, Jim Thorpe Borough, **Carbon County** on July 29, 2005 for the operation of facilities approved under construction permit No. 1304501.

Permit No. 2450023, Minor Amendment. Public Water Supply.

Applicant	Borough of East Stroudsburg
Borough	East Stroudsburg Borough
County	Monroe
Type of Facility	Public Water Supply
Consulting Engineer	Kirt L. Ervin, P. E., U. S. Engineering, LLC
Permit to Construct Issued	August 3, 2005

Permit No. 4505506, Minor Amendment. Public Water Supply.

Applicant	Borough of East Stroudsburg
Borough	East Stroudsburg Borough
County	Monroe
Type of Facility	Public Water Supply
Consulting Engineer	Russell D. Scott, IV, P. E. R. K. R. Hess Associates, Inc.
Permit to Operate Issued	August 1, 2005

Permit No. 4505505, Minor Amendment. Public Water Supply.

Applicant	Robinwood Village Recreation and Maintenance Fund, Inc.
Township	Chestnuthill Township
County	Monroe

Type of Facility Public Water Supply
 Consulting Engineer Joseph J. Matalavage, P. E.
 Alfred Benesch & Company
 Permit to Operate August 1, 2005
 Issued

Permit No. 5205501, Minor Amendment. Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Township Palmyra Township
 County **Pike**
 Type of Facility Public Water Supply
 Consulting Engineer Douglas E. Berg, P. E.
 Permit to Operate July 27, 2005
 Issued

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

Permit No. M.A.—Construction Public Water Supply.

Applicant **City of Dubois**
 Township or Borough Sandy Township
 County **Clearfield**
 Responsible Official Ronald Trzyna, Manager
 City of Dubois
 16 West Scribner Avenue
 Dubois, PA 15801
 Type of Facility Public Water
 Supply—Construction
 Consulting Engineer Brian Sekula, P. E.
 The EADS Group Inc.
 15392 Route 322
 Clarion, PA 16214
 Permit Issued Date 8/15/05
 Description of Action Construction of a new 240,000
 gallon welded stainless steel
 backwash water storage tank at
 the Dubois Filtration Plant.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Providence Township	200 Mt. Airy Rd. New Providence, PA 17560	Lancaster

Plan Description: The approved plan provides for a retirement community to generate 9,000 gpd in sewage flows to be added to 9,600 gpd in existing sewage flows from an existing commercial development currently served by an onlot system, to be jointly served by a proposed private sewage treatment facility to discharge to Big Beaver Creek. Total flows will be 18,600 gpd. The proposed development is located on the north side of Rt. 372, 3,300 feet west of the intersection with Rt. 222 in Providence and East Drumore Townships, Lancaster Co. The ID number for this plan revision is A3-36946-264-3

and the APS number is 558044. The Department's review of the sewage facilities 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 owner as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Kerr Group, Inc., City of Lancaster, **Lancaster County.** Gannett Fleming, Inc., P. O. Box 10185, Lancaster, PA 17605-0185, on behalf of Kerr Group, Inc., P. O. Box 959, Evansville, IN 47706-0959, submitted a combined Risk Assessment and Remedial Investigation Report concerning remediation of site soils and ground water contaminated with solvents and BTEX. The combined reports are intended to document remediation of the site to the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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 final report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on August 3, 2005.

Former Teledyne Readco Facility, Spring Garden Township, **York County**. MACTEC Engineering and Consulting, 700 North Bell Avenue, Pittsburgh, PA 15106, on behalf of York College of PA, 439 Country Club Road, York, PA 17403 and Readco Holdings, 460 Grim Lane, York, PA 17402, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with chlorinated solvents and inorganics. The final report demonstrated attainment of a combination of the non-residential Statewide Health and Site-Specific Standards, and was approved by the Department on August 4, 2005.

Samuel Miller & Sons, Inc., City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite 3, Ephrata, PA 17522, on behalf of Samuel Miller & Son, Inc, 220 Centerville Road, Lancaster, PA 17601, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with chlorinated and other solvents and petroleum hydrocarbons. The Final Report demonstrated attainment of the Site Specific standard and was approved by the Department on August 11, 2005.

Hofmann Industries Facility, Sinking Spring Borough, **Berks County**. Synergy Environmental Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, on behalf of Hofmann Industries, Inc., 3145 Shillington Road, Sinking Spring, PA 19608, submitted a Final Report concerning remediation of site soils contaminated with metals. The final report demonstrated attainment of the residential Statewide Health standard, and was approved by the Department on August 12, 2005.

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 the remediation of groundwater and surface water contaminated with No. 2 fuel oil, leaded and unleaded gasoline. The final report demonstrated attainment of the residential Statewide Health standard, and was approved by the Department on July 28, 2005. Site soils will be addressed in a separate report. This corrects a notice that was published August 13, 2005.

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

International Paper, City of Erie, Erie County, William Staph, Atlantic Env. Group, Inc., 20990 Neiltown Road, Pleasantville PA 16341 on behalf of Patrick Arneault, Presque Isle Downs, inc., Rt. 2, P. O. Box 358, Chester WV 26034 has submitted a Final Report for the Main Site concerning the remediation of site soil and groundwater contaminated with VOCs, semi-VOCs, diesel fuel, No. 2 fuel oil, inorganics, leaded and unleaded gasoline, PAHs and PCBs. The Report is intended to document remediation of the site to meet the Statewide Health Standards. This is a correction of submission published at 35 Pa.B. 4656 (August 13, 2005).

RESIDUAL WASTE GENERAL PERMITS

Permits reissued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Mu-

nicipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

General Permit No. WMGR028M009A. Dunbar Asphalt, LLC, 3766 Sharon-New Castle Road, West Middlesex, PA 16159.

General Permit No. WMGR028M009A was originally issued to Foster Grading Company, 999 Franklin Road, Jackson Center, PA 16133-9617 for the beneficial use of baghouse fines and scrubber pond precipitates, generated at Foster Grading Company, Plant No. 2, located in Sadsbury Township, **Crawford County**, PA as soil additive or soil amendment.

Based on a notification of a change of ownership, the beneficial use of baghouse fines and scrubber pond precipitates produced at this plant is now under the ownership and management of Dunbar Asphalt, LLC. Notice is hereby given of the reissuance of the General Permit No. WMGR028M009A granting Dunbar Asphalt, LLC the beneficial use of baghouse fines and scrubber pond precipitates generated at the plant as specified in the general permit. Central Office approved the reissuance of this general permit on August 4, 2005.

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

AIR QUALITY

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

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

GP7-36-03121B: Cadmus Communications (3575 Hempland Road, Lancaster, PA 17604) on August 12, 2005, for a sheetfed offset lithographic printing press under GP7 in West Hempfield Township, **Lancaster County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

46-0037X: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on August 10, 2005, to operate a powder packaging unit in Douglass Township, **Montgomery County**.

23-0093: Bryn Hill Industries, Inc. (Price and Pine Streets, Holmes, PA 19043) on August 10, 2005, to operate a foam product line in Ridley Township, **Delaware County**.

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

06-03113B: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on August 12, 2005, to construct additional nonmetallic mineral crushing equipment controlled by a wet suppression system and two fabric collectors in Robeson Township, **Berks County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-7584.

AMS 04237: Sunoco Inc.—R and M (3144 Passyunk Avenue, Philadelphia, PA 19145) on August 12, 2005, to modify their 865 Hydrodesulfurization Plant to produce ultra low sulfur diesel fuel in the City of Philadelphia, **Philadelphia County**. The modifications include changes to two catalyst bed feed distribution systems and the installation and replacement of various components including pipelines, heater tubes, heat exchangers and pumps in the City of Philadelphia, **Philadelphia County**.

AMS 01026 and 05104: SunGard Availability Services, Inc. (401 North Broad Street, Suite 600, Philadelphia, PA 19108) on August 10, 2005, to install three 2036 kW and two 2060 kW emergency generators in the City of Philadelphia, **Philadelphia County**.

AMS 04281: E. I. DuPont de Nemours and Co. (3401 Grays Ferry Ave., Philadelphia, PA 19146) on August 16, 2005, to install four new spray booths to replace three existing spray booths, three ≤ 1.2 mmBtu/hr natural gas fired air handling units to replace three existing units, replacement of an exhaust fan, and the establishment of a facility-wide VOC emission cap of 3 tons/month and 18 tons/year for all spray booths in the City of Philadelphia, **Philadelphia County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0122: Arkema Inc. (2000 Market Street, Philadelphia, PA 19103) on August 9, 2005, to operate a thermal oxidizer in Bristol Township, **Bucks County**.

09-0122A: Arkema Inc. (2000 Market Street, Philadelphia, PA 19103) on August 9, 2005, to operate a B66 thermal oxidizer in Bristol Township, **Bucks County**.

23-0001V: Sunoco, Inc. (R and M) (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on August 10, 2005, to operate a FCC unit in Marcus Hook Borough, **Delaware County**.

09-0050C: Hanson Aggregates BMC, Inc. (P. O. Box 231, Easton, PA 18044) on August 10, 2005, to operate an asphalt batch plant in Wrightstown Township, **Bucks County**.

09-0123: Hanson Aggregates BMC Inc. (P. O. Box 231, Easton, PA 18044) on August 12, 2005, to operate a batch asphalt plant in Nockamixon Township, **Bucks County**.

09-0124B: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 12, 2005, to operate a combined cycle combustion turbines in Falls Township, **Bucks County**.

23-0001S: Sunoco, Inc.—R and M (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on August 12, 2005, to operate a boiler and heater in Marcus Hook Borough, **Delaware County**.

46-0026C: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) on August 15, 2005, to operate two flexographic printing press in Upper Providence Township, **Montgomery County**.

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

17-305-020A: Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16833) on August 8, 2005, to operate a coal processing plant on a temporary basis until December 6, 2005, at Leslie Tipple in Decatur Township, **Clearfield County**. This plan approval has been extended.

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

11-00506A: Ebensburg Power Co. (P. O. Box 845, 2840 New Germany Road, Ebensburg, PA 15931) on August 5, 2005, to complete construction at their Nanty Glo West Refuse Site in Nanty Glo Borough, **Cambria County**. This plan approval was extended.

03-00023A: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on August 9, 2005, to allow additional time to prepare an amendment to the Title V Operating Permit in Washington Township, **Armstrong County**. This plan approval was extended.

03-00062A: Freeport Terminals Inc. (P. O. Box 29, Butler, PA 16003) on August 9 2005, to allow applicant additional time to meet the conditions of the Plan Approval at the Freeport Facility located in Freeport Borough, **Armstrong County**. This plan approval was extended.

03-00237A: Rosebud Mining Co. (302 Market Street, Kittanning, PA 15601) on August 9, 2005, to allow additional time to conduct an inspection and submit a permit application at the Keystone East Mine located in Plumcreek Township, **Armstrong County**. This plan approval was extended.

04-721A: Beaver Valley Asphalt (6010 Woodlawn Road, Aliquippa, PA 15001) on August 15 2005, to complete stack testing at their Asphalt Plant in Aliquippa Borough, **Armstrong County**. This plan approval was extended.

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

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

01-05007: Schindler Elevator Corp. (1200 Biglerville Road, Gettysburg, PA 17325-4449) on August 4, 2005, to manufacture elevators and moving stairways in Cumberland Township, **Adams County**. This is a renewal of the Title V Operating Permit.

31-05011: U. S. Silica Co. (RR 1, Box 1885, Mapleton Depot, PA 17052-9700) on August 10, 2005, silica sand quarried, processed for industrial use and loaded for shipping in Brady Township, **Huntingdon County**. This is a renewal of their Title V Operating Permit

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

49-00009: Mohawk Flush Doors, Inc. (Box 112, Northumberland, PA 17857) on July 27, 2005, to operate a wood door manufacturing facility in Point Township, **Northumberland County**.

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

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

46-00249: Pfizer, Inc. (801 River Road, Conshohocken, PA 19428) on August 5, 2005, to operate a pharmaceutical preparations Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**.

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

25-00268: American Sterilizer Co.—Steris Corp. (2424 West 23rd Street, Erie, PA 16506) on August 9, 2005, to reissue a Natural Minor operating permit for the manufacturing of sterilization equipment in Millcreek Township, **Erie County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, 215-685-7584.

S04-021: Cenveo, Inc. (7625 Suffolk Avenue, Philadelphia, PA 19153) on August 12, 2005, to operate 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.

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.

Permit No. 56030102 and NPDES Permit No. PA0249424. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit revision—land use change on Linda Croner & Gregory Croner property from Woodland to Pastureland in Brothersvalley Township, **Somerset County**, affecting 7.9 acres. Receiving streams: UNTs to/and Hays Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on June 14, 2005. Permit issued: August 9, 2005.

11950201 and NPDES No. PA0213021. Ridge Energy Company, 265 Swamp Road, Clymer, PA 15728, permit renewal for reclamation only of a bituminous surface coal refuse reprocessing and coal refuse disposal mine in West Carroll Township, **Cambria County**, affecting 18.0 acres. Receiving streams: UNT to West Branch Susquehanna River and West Branch Susquehanna River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 20, 2005. Permit issued August 11, 2005.

32990105 and NPDES Permit No. PA0235083. Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774, revision of an existing bituminous surface and auger mine to add 10.3 additional acres for mining in Burrell Township, **Indiana County**, affecting 210.3 acres. Receiving streams: UNTs to Tom's Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 11, 2005. Permit issued August 11, 2005.

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

16990105 and NPDES Permit No. PA0241661. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface strip operation in Clarion Township, **Clarion County** affecting 132.3 acres. Receiving streams: Two UNTs to Little Mill Creek. Application received March 18, 2005. Permit issued August 10, 2005

Noncoal Permits Actions

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

26950401 and NPDES Permit No. PA0201294. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued operation and reclamation of a noncoal surface mine located in Springfield Township, **Fayette County**, affecting 570 acres. Receiving streams: UNT to Clay Run, Clay Run to Mill Run to Indian Creek to Youghiogheny River. UNT to Buck Run to Buck Run to Laurel Run to Indian Creek to Youghiogheny River. Application received: June 23, 2005. Permit renewal issued: August 8, 2005.

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

58050829. Paul A. Kelly (25 Public Avenue, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 3.0 acres. Receiving stream: Wyalusing Creek. Application received June 3, 2005. Permit issued August 8, 2005.

58040840. Maurice Diaz (R. D. 1, Box 79-A, New Milford, PA 18834), commencement, operation and resto-

ration of a quarry operation in Dimock Township, **Susquehanna County** affecting 2.0 acres. Receiving stream: White Creek. Application received June 30, 2004. Permit issued August 9, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

03054001. Joseph Vaccarello Jr., Inc. (50 Arch Street, Carnegie, PA 15106). Permit issued for Department of Transportation construction of Limeback Slide, SR 1031 Section 551, located in Boggs Township, **Armstrong County**, with an expected duration of 1 year. Permit issued: August 9, 2005.

02054003. Summit Ridge Development (1426 Council Road, Jefferson Hills, PA 15025-3173). Permit issued for construction at Steven Richard Plan of Lots, located in Jefferson Hills, **Allegheny County**, with an expected duration of 6 months. Permit issued: August 9, 2005.

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

62054001. Minard Run Oil Co. (609 South Avenue, P. O. Box 18, Bradford, PA 16701-3977). Blasting activity permit to blast to improve and extend gas and oil roads in Mead Township, **Warren County**. This blasting activity permit will expire on December 11, 2005. Application received: August 11, 2005. Application issued: August 11, 2005.

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

14054018. Ameron Construction Co., Inc. (2501 North Atherton St., State College, PA 16803), blasting for sewer and utility lines for the Fieldstone subdivision, College Township, **Centre County**. Permit issued August 9, 2005. Permit expiration date is July 29, 2006.

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

21054152. R & M Excavating, (403 Hilltop Road, Newburg, PA 17240), construction blasting for a home in Penn Township, **Cumberland County** with an expiration date of December 1, 2005. Permit issued August 5, 2005.

21054153. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Geneva Greens in Upper Allen Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued August 8, 2005.

21054154. Hall Explosives, Inc., (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Glaze Orchard in Upper Allen Township, **Cumberland County** with an expiration date of August 30, 2006. Permit issued August 8, 2005.

21054155. Hall Explosives, Inc., (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Geneva Greens in Upper Allen Township, **Cumberland County** with an expiration date of August 30, 2006. Permit issued August 8, 2005.

22054111. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for High Pointe Commons in Swatara Township, **Dauphin County** with an expiration date of June 30, 2006. Permit issued August 8, 2005.

28054146. David H. Martin Excavating, Inc., (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Franklin County Prison, Letterkenney Job in Greene Township, **Franklin County** with an expiration date of August 1, 2006. Permit issued August 8, 2005.

28054147. David H. Martin Excavating, Inc., (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Rhine Manor in Greene Township, **Franklin County** with an expiration date of August 1, 2006. Permit issued August 8, 2005.

36054141. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Penn Embryo Project in Ephrata Township, **Lancaster County** with an expiration date of July 31, 2006. Permit issued August 8, 2005.

36054142. Gerlach's Drilling & Blasting, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Crooked Oak Office Development in Manheim Township, **Lancaster County** with an expiration date of August 1, 2006. Permit issued August 8, 2005.

38054119. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Rocky Ridge Furniture in Jackson Township, **Lebanon County** with an expiration date of July 30, 2006. Permit issued August 8, 2005.

46054127. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for The Stables in Worcester Township, **Montgomery County** with an expiration date of August 2, 2006. Permit issued August 8, 2005.

46054128. Allan A. Myers, Inc., (P. O. Box 98, Worcester, PA 19490), construction blasting for Neiffer Woods in Limerick Township, **Montgomery County** with an expiration date of July 13, 2006. Permit issued August 8, 2005.

46054129. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Opperman Tract in Skippack Township, **Montgomery County** with an expiration date of December 31, 2006. Permit issued August 8, 2005.

67054125. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for County Club Heights in Paradise Township, **York County** with an expiration date of July 30, 2006. Permit issued August 8, 2005.

67054127. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Fountain Stone Development in Dover Township, **York County** with an expiration date of August 31, 2006. Permit issued August 8, 2005.

36054022. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting at Veranda Phase II & III in East Hempfield Township, **Lancaster County** with an expiration date of August 1, 2006. Permit issued August 10, 2005.

46054130. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Red Fox Run in Limerick Township, **Montgomery**

County with an expiration date of December 31, 2006. Permit issued August 10, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E22-434: Steelton Borough, 123 North Front Street, Steelton, PA 17113 in Steelton Borough, **Dauphin County** in ACOE Baltimore District.

To remove the existing boat launching ramp and then to construct and maintain a new boat launching ramp, a boat mooring ramp, and a fishing ramp at the channel of a club house and its associated parking lots and walk-

ways, and other associated improvements within the left bank's floodway and floodplain of the Susquehanna River (WWF), located immediately downstream of the Pennsylvania Turnpike (I-76) bridge (Steelton, PA Quadrangle N: 15.15 inches; W: 7.1 inches) in Steelton Borough, Dauphin County.

E22-489: Borough of Middletown, 60 West Emaus Street, Middletown in Middletown Borough, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 66-inch by 43-inch corrugated metal squash pipe outfall at the right bank of Swatara Creek (WWF) to improve the drainage system located just upstream of Keystone Street bridge (Middletown, PA Quadrangle N: 11.7 inches; W: 15.1 inches) in Middletown Borough, Dauphin County.

E22-493: Marlene Furhman, 941 Stoney Creek Road, Dauphin, PA 17018 in Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To remove the existing and then construct and maintain concrete columns to support and to rebuild a home which was damaged by fire located within the 100-year floodway and floodplain of Stoney Creek (CWF), with an address of 941 Stoney Creek Road (Halifax, PA Quadrangle N: 1.0 inch; W: 3.5 inches) in Middle Paxton Township, Dauphin County.

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

E02-1493. Allegheny County Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To construct a bridge in West Elizabeth Borough, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 4.4 inches; W: 4.3 inches and Latitude: 40° 16' 30"—Longitude: 79° 54' 30"). To remove the existing structures and to construct and maintain a concrete box culvert (depressed 1' with 8" high baffles) having a span of 10' 0" and an underclearance of 3' 9" for a distance of approximately 118.8 with a concrete apron approximately 17' long and a 5' long R-6 riprap energy dissipater on the downstream side and a concrete apron approximately 5' long and a 5' long R-6 riprap channel on the upstream end in an UNT to the Monongahela River (WWF) locally known as Scotia Run. To construct and maintain a soldier pile lagging wall for 138' on the upstream right bank side of the box culvert with a 15" stormwater outlet located in the wall. The project is located across Scotia Hollow Road approximately 1,500' north of its intersection with State Road in West Elizabeth Borough, Allegheny County.

E11-306. Croyle Township Supervisors, P. O. Box 379, Summerhill, PA 15958. To construct a bridge in Croyle Township, **Cambria County**, Pittsburgh ACOE District (Beaverdale, PA Quadrangle N: 15.9 inches; W: 17.2 inches and Latitude 40° 20' 15"—Longitude: 78° 44' 54"). To remove the existing bridge, to place and maintain fill in a de minimis wetland, approximately 0.04 acres in size and to construct a bridge having a normal span of 34' 10.9" and an underclearance of 8.3' over Laurel Run (CWF). The bridge is located on Plummer Road (TR 330) approximately 2,700' northwest of its intersection with SR 160.

E26-324. Frank J. Kempf, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. To construct the following structures in Menallen and Redstone Townships, **Fayette County**, Pittsburgh ACOE District. To construct the following structures and activities as part of the Mon/Fayette Expressway Section 51D in Menallen and Redstone Townships, Fayette County:

1. A 761-foot long, 6.5-foot diameter RCP stream enclosure (depressed 0.5 feet) in a UNT to Franklin Lake Reservoir (WWF) located at Station 417+50, SR 43 (New Salem PA Quadrangle N: 18.41 inches; W: 8.9 inches; Latitude: 39° 58' 35"; Longitude: 79° 48' 50"). This project includes a channel relocation for a length of 25 feet with 95 linear feet of stream bank stabilization.

2. A 516-foot long, 3.5-foot diameter RCP stream enclosure in a UNT to Franklin Lake located at Station 376+73, SR 43 (New Salem PA Quadrangle N: 16.7 inches; W: 7.86 inches; Latitude: 39° 58' 01"; Longitude 79° 48' 22").

3. A 410-foot long, 3.5-foot diameter RCP stream enclosure in a UNT to Franklin Lake located at Station 435+75, SR 43 (New Salem PA Quadrangle N: 19.02 inches; W: 8.75 inches; Latitude: 39° 58' 47"; Longitude: 79° 48' 45").

4. A 430-foot long, 3.0 foot diameter RCP stream enclosure in a UNT to Fourmile Run (WWF) located at Station 460+65, SR 43 (New Salem PA Quadrangle N: 19.98 inches; W: 10.39 inches; Latitude: 39° 59' 06"; Longitude: 79° 49' 27").

5. The project will impact 0.717 acre PEM wetlands.

6. Four temporary road crossings in accordance with the Department GP-8.

7. To compensate for the stream and wetland impacts, the applicant will provide 2,072 feet of stream mitigation and 0.717 acre of replacement wetlands. These impacts will be mitigated as part of a large mitigation project to be permitted under the Department's permit application E26-324.

ENVIRONMENTAL ASSESSMENTS

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

EA67-012: Martin K. P. Hill, Woodhaven Development, 4175 Hanover Pike, Manchester, MD 21102, West Manheim Township, **York County**, ACOE Baltimore District.

To restore a wetland and reconnect a UNT to South Branch Conewago Creek to its floodway by reconfiguring a partially breached farm pond located adjacent to Musselman Road in West Manheim Township, York County (Manchester, MD-PA Quadrangle N: 19.7 inches; 6.95 inches).

[Pa.B. Doc. No. 05-1596. Filed for public inspection August 26, 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—Minor Revision

DEP ID: 580-3000-002. Title: Bureau of Deep Mine Safety Compliance and Enforcement Procedures. Description: This document has been revised in accordance with the Department's standards to clarify what is a reasonable amount of time (no more than 180 days) to allow for correcting a violation by a compliance order rather than alternative enforcement. Effective Date: August 27, 2005. Contact: Alison Gaida, Bureau of Deep Mine Safety, (724) 439-7289, agaida@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1597. Filed for public inspection August 26, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, September 7, 2005, from 7:45 a.m. to 12 p.m., in the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA at (717) 787-5251, or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-1598. Filed for public inspection August 26, 2005, 9:00 a.m.]

Posting of Draft Facility Regulations

The Department of Health (Department) has posted draft facility regulations on its website at www.health.state.pa.us/draftregs for review and comment. These draft regulations would amend 28 Pa. Code Chapters 51—54, 101, 103, 105, 107 and 109.

The following chapters will apply to all health care facilities licensed under the Health Care Facilities Act (35 P. S. §§ 448.801—448.904b): Chapter 51 (Overview), Chapter 52 (Patient Safety Improvement), Chapter 53 (Public Health Preparedness) and Chapter 54 (Other Requirements).

The following chapters will apply to all acute care facilities, both inpatient and outpatient: Chapter 101 (Governance Organization Management), Chapter 103 (Patient Rights), Chapter 105 (Admission Care Planning Discharge), Chapter 107 (Clinical Medical Staff) and Chapter 109 (Nursing).

The draft regulations are posted in Adobe Acrobat pdf and Microsoft Excel files. The Department requests that comments be submitted through use of Excel. This will assist the Department in insuring that relevant comments are appropriately reviewed.

Comments on the draft regulations must be submitted by October 15, 2005. Note that these chapters are being posted as draft only and are still undergoing internal review. Some chapters may be revised in whole or in part following further review and input received as a result of this posting.

Questions regarding this notice should be directed to James T. Steele, Jr., Deputy Chief Counsel, at (717) 783-2500. Persons with a disability who require an alternative format of this document should contact the following: V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

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

[Pa.B. Doc. No. 05-1599. Filed for public inspection August 26, 2005, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

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

Stonebridge Health and Rehabilitation Center
102 Chandra Drive
Duncannon, PA 17020
FAC ID 197302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services).

Mercy Jeannette Hospital Skilled Nursing Center
600 Jefferson Avenue
Jeannette, PA 15644
ID 100302

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 Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

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

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

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

[Pa.B. Doc. No. 05-1600. Filed for public inspection August 26, 2005, 9:00 a.m.]

Special Procedures to be Taken Due to Annual Rate of Syphilis in Specified Counties

The Department of Health is publishing this notice, in accordance with 28 Pa. Code § 27.89 (relating to examinations for syphilis), that based on 2004 data, the annual rate of syphilis in the Counties of Allegheny, Bucks, Dauphin, Erie, Lancaster, Lehigh, Luzerne, Montgomery, Northampton, Northumberland, Philadelphia and Westmoreland is at or above the level at which special precautions are to be taken. This notice is in addition to the Statewide requirement for syphilis testing contained in 28 Pa. Code § 27.89(a)(1)(i) that directs a physician who attends, treats or examines a pregnant woman for conditions relating to pregnancy to offer the woman a test for syphilis at the time of first examination.

Women residing in the Counties of Allegheny, Bucks, Dauphin, Erie, Lancaster, Lehigh, Luzerne, Montgomery, Northampton, Northumberland, Philadelphia and Westmoreland are to be offered a test for syphilis in the following situations:

- At the third trimester of pregnancy
- At the delivery of a child
- At the delivery of a stillborn child

If a pregnant woman does not object, the test shall be performed in accordance with 28 Pa. Code § 27.89. If a pregnant woman objects, the regulation requires the person attending the woman to explain to her the need for the test. With respect to a woman who has given birth, information relating to the test or the objection to the test is to be recorded in both the woman's medical record and in the record of the newborn, as regulation states. In addition, physicians in these counties are encouraged to evaluate the need for maintaining special precautions on an individual patient basis.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact James Logue, Acting Director, Bureau of Epidemiology, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-4677 or V/TT: (717) 783-6154 for speech and/or hearing impaired persons 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. 05-1601. Filed for public inspection August 26, 2005, 9:00 a.m.]

Tobacco Use Prevention and Cessation Advisory Committee Public Hearing and Public Meeting

The Tobacco Use Prevention and Cessation Advisory Committee (Committee) of the Department of Health (Department) will hold a public hearing and a public meeting on September 28, 2005, in Room E-100, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA.

The public hearing will be held from 10 a.m. to 12 p.m. Comments must be submitted in writing by 2:30 p.m. on September 23, 2005, to the Department of Health, Bureau of Chronic Diseases and Injury Prevention, Division of Tobacco Prevention and Control, Room 1006, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, fax (717) 214-6690. Written comments must be limited to three typewritten pages. Persons who wish to present written statements orally at the public hearing must contact Brenda Reichert at (717) 783-6600 by 2:30 p.m. on September 23, 2005, to make a reservation for testifying at the hearing. Oral testimony will be limited to 5 minutes. Persons will be scheduled on a first come, first served basis, as time permits.

The public meeting of the Committee will be held from 1 p.m. to 3:30 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State Fiscal Year 2005-06.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information contact Judy Ochs, Director, Division of Tobacco Prevention and Control, or Brenda Reichert, Administrative Assistant, Division of Tobacco Prevention and Control, 1006 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 783-6600.

Persons with a disability who wish to attend the meeting or hearing or would like to submit comments in an alternative format and require an auxiliary aid, service or other accommodation to do so should contact Judy Ochs or Brenda Reichert at (717) 783-6600, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This hearing and meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-1602. Filed for public inspection August 26, 2005, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, September 15, 2005, from 10 a.m. to 3 p.m. in the Susquehanna Dauphin Room, Wyndham Garden Hotel Harrisburg/Hershey, 765 Eisenhower Boulevard, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact

Carolyn S. Cass, Director, Division of Child and Adult Health Services at (717) 783-5436. Speech and/or hearing impaired persons should contact (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-1603. Filed for public inspection August 26, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

2005 Group One Exception Requests; Medical Assistance Long Term Care Participation Review

By this notice, published under 55 Pa. Code § 1187.21a(e)(4) (relating to nursing facility exception requests—statement of policy), the Department of Public Welfare (Department) announces the 2005 Group One Exception Requests covering the submission period of January 1, 2005, through June 30, 2005.

New Facility Requests

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ05001	Mount Airy Health Care Center	Route 611, Paradise Township Mount Pocono, PA 18344	Monroe	90
JJ05004	New Eastwood Care & Rehab Center	2125 Fairview Avenue Easton, PA 18042	Northampton	97

Expansion Requests

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ05002	Frederick Mennonite Community	2849 Big Road P. O. Box 498 Frederick, PA 19435	Montgomery	15
JJ05003	William Penn Care Center	2020 Ader Road Jeanette, PA 15644	Westmoreland	1

Copies of the previously listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

Fiscal Impact

This notice will have no fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Department of Public Welfare, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice. Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 05-1604. Filed for public inspection August 26, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approval of Ignition Interlock Systems

Under 75 Pa.C.S. § 3805(h) (relating to ignition interlock), the following ignition interlock system devices are on the Department of Transportation's current approved list:

Smart Start®, Incorporated's—Model SSI-1000
Guardian Interlock™ Systems—Model AMS 2000
Draeger Interlock®, Incorporated's—XT
Consumer Safety Technology, Incorporated's—Intoxalock™
Alcohol Countermeasure Systems Corporation's—Ignition Interlock Model WR2.

LifeSafer Interlock, Incorporated's—FC100

ALLEN D. BIEHLER P. E.,
Secretary

[Pa.B. Doc. No. 05-1605. Filed for public inspection August 26, 2005, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The parcel, which consists of 5,051 square feet of unimproved ground, is located at 7 and 9 Shoemaker Drive in the Township of Bristol, Bucks County.

Interested public entities are invited to express their interest in purchasing the land within 30 calendar days from the date of publication of this notice to Andrew L. Warren, District Administrator, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1606. Filed for public inspection August 26, 2005, 9:00 a.m.]

Implementation of Act 37 of 2005—Commercial Drivers' License Disqualification Program

By notice published July 16, 2005 (35 Pa.B. 4029), the Department of Transportation (Department), under sections 9 and 10 of the act of July 5, 2005 (P. L. 100, No. 37) (Act 37), Senate Bill 724, Printers No. 868, amending 75 Pa.C.S. (relating to the Vehicle Code) implementing the Federal Motor Carrier Safety Improvement Act of 1999, gave notice that it was prepared to implement the administrative changes required by the aforementioned Act 37 of 2005. That notice was overly broad. Although the Department is prepared to implement most of the provisions of the Act, it is not ready to implement the provisions of section 4107(d)(3) of the Act (relating to penalty) and section 1603 (relating to definitions), insofar as the definition of "serious traffic violation" includes violations of 75 Pa.C.S. § 3309(3), should be excepted from the provisions which the Department is prepared to implement. All other provisions will be implemented as previously noticed.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1607. Filed for public inspection August 26, 2005, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Settlement of NPDES Permit Appeal under 25 Pa. Code § 92.61(g)

PPG Industries, Inc. v. Department of Environmental Protection; EHB Doc. No. 2004-076-R

The previously captioned matter involved the appeal of the National Pollutant Discharge Elimination System Permit No. PA 0001198 (NPDES Permit) issued by the Department of Environmental Protection (Department) to PPG Industries, Inc. (PPG) for its facility in Springdale Borough, Allegheny County (Springdale Facility).

The Department's final action to resolve this NPDES Permit appeal was a settlement as reflected by a July 1, 2005, Consent Order and Agreement entered into by the Department and PPG. The major provisions of the settlement require PPG to permanently cease the discharge of all boiler blowdown, filter backwash and wastewater sources generated in the Boiler Room and to convey these waters to the Allegheny Valley Joint Sewer Authority for treatment. The settlement also called for an amendment

to the NPDES Permit to reflect the elimination of authorization for these flows to be discharged directly from the Springdale Facility. PPG also agreed to pay \$9,000 in penalties for discharges of sources of wastewater that were not authorized by the NPDES Permit and for violations of the effluent limitations for pH at internal monitoring point 103. In addition, PPG agreed to withdraw its appeal before the Environmental Hearing Board (Board).

Copies of the full agreement are in the possession of Bruce M. Herschlag, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262; and R. Timothy Weston, Esquire, Kirkpatrick & Lockhart Nicholson Graham, LLP, Payne-Shoemaker Building, 240 North Third Street, Harrisburg, PA 17101-1507 and may be reviewed by interested persons on request during normal business hours.

Persons believing to be aggrieved by this Consent Order and Agreement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 30 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at (800) 654-5984.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-1608. Filed for public inspection August 26, 2005, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board Meeting Cancellation

The September 20, 2005, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, October 18, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the October 18, 2005, meeting will be available on the Department of Environmental Protection's website: www.dep.state.pa.us (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd at (717) 783-8727 or nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1609. Filed for public inspection August 26, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

AF & L Insurance Company; Long-Term Care Rate Increase; Rate Filing

AF & L Insurance Company is requesting approval to increase the premium for several long-term care policy

forms. AF & L Insurance Company is seeking a 10% increase on residents of this Commonwealth with policy forms LTC-4, LTC-7 and HHC-4; a 20% increase on residents of this Commonwealth with policy form QLTC-97; and a 25% increase on residents of this Commonwealth with policy forms LTC-93 and NHP.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1610. Filed for public inspection August 26, 2005, 9:00 a.m.]

Eligible Surplus Lines Insurer List

Under section 1605(b) of The Insurance Company Law of 1921 (40 P.S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 13, 2005, published at 35 Pa.B. 707 (January 29, 2005).

Persons who have questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Eligible Surplus Lines Insurer List As of Tuesday, August 16, 2005

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, Great Britain EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
39908	ALEA LONDON LIMITED	THE CORN EXCHANGE 55 MARK LANE LONDON, Great Britain EC3R7NE
40659	ALEA NORTH AMERICA SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
48099	ALLIANZ MARINE & AVIATION VERSICHERUNG AG	GROBER BURSTAH 3 HAMBURG, Germany D-20457
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	2350 EMPIRE AVENUE BURBANK, CA 91504-3350
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
10521	AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	1400 WEST BENSON BOULEVARD SUITE 315 ANCHORAGE, AK 99503
18146	AMERICAN SAFETY INDEMNITY COMPANY	600 BANK OF OKLAHOMA PLAZA 201 ROBERT S. KERR AVENUE OKLAHOMA CITY, OK 73102
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 FIDELITY PLAZA OKLAHOMA CITY, OK 73102
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVENUE JOHNSTON, RI 02919-0500

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10306 REGENCY PARKWAY DRIVE OMAHA, NE 68113
10587	ARCH SPECIALTY INSURANCE COMPANY	300 FIRST STAMFORD PLACE STAMFORD, CT 06902
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
22348	ASSICURAZIONI GENERALI DI TRIESTE	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	LIBERTY INTERNATIONAL 73 FRONT STREET, 3RD FLOOR HAMILTON, Bermuda HM11
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
10526	AUDUBON INDEMNITY COMPANY	C/O CORPORATION SERVICE COMPANY 506 SOUTH PRESIDENT STREET JACKSON, MS 39201
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, France 75009
10536	AXIS SPECIALTY INSURANCE COMPANY	ONE STATE STREET SUITE 1700 HARTFORD, CT 06103
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, Great Britain EC3ABEQ
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
48890	CATLIN INSURANCE COMPANY LTD.	CUMBERLAND HOUSE, 6TH FLOOR 1 VICTORIA STREET HAMILTON, Bermuda HM11
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 CLEVELAND AVENUE WESTERVILLE, OH 43082
22371	CGU INTERNATIONAL INSURANCE PLC	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10532	CHUBB CUSTOM INSURANCE COMPANY	C/O CORPORATE SERVICE COMPANY 2711 CENTERVILLE ROAD WILMINGTON, DE 19808-1645
18617	CLARENDON AMERICA INSURANCE COMPANY	224 WEST STATE STREET TRENTON, NJ 08608
10533	COLONY INSURANCE COMPANY	9201 FOREST HILL AVENUE SUITE 200 RICHMOND, VA 23235-6865
10582	COLONY NATIONAL INSURANCE COMPANY	9201 FOREST HILL AVENUE SUITE 200 RICHMOND, VA 23235-6865
10534	COLUMBIA CASUALTY COMPANY	CNA PLAZA CHICAGO, IL 60685

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22388	COMMONWEALTH INSURANCE COMPANY	595 BURRARD STREET, SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, V7X 1G4
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SHITE 250 PHOENIX, AZ 85018
10600	DARWIN SELECT INSURANCE COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 72201-3525
37001	DISCOVER SPECIALTY INSURANCE COMPANY	500 WEST MADISON SUITE 2600 CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	809 NORTHWEST 36TH STREET OKLAHOMA CITY, OK 73118
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 06070-7683
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	312 WALNUT STREET SUITE 1100 CINCINNATI, OH 45202
10548	FIRST FINANCIAL INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 2740 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10553	GENERAL AGENTS INSURANCE COMPANY OF AMERICA, INC.	115 SOUTHWEST 89TH STREET OKLAHOMA CITY, OK 73139
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	3225 NORTH CENTRAL AVENUE PHOENIX, AZ 20559
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 06904-2354
22411	GENERALI ASSURANCES IARD	7 BOULEVARD HAUSSMAN PARIS, France 75009
10555	GENESIS INDEMNITY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58501
44715	GLENCOE INSURANCE LIMITED	RENAISSANCE HOUSE, 8 EAST BROADWAY PO BOX HM 2527 HAMILTON, Bermuda HM GX
10556	GOTHAM INSURANCE COMPANY	919 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10022
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45204
22412	GREAT LAKES REINSURANCE (UK) PLC	UPPER GROUND FLOOR 1 MINSTER COURT MINCING LANE LONDON, Great Britain EC3R7AA
36489	GUILFORD INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD , IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	201 OLD COUNTRY ROAD MELVILLE, NY 11747
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
37373	HUDSON SPECIALTY INSURANCE COMPANY	17 STATE STREET 29TH FLOOR NEW YORK, NY 10004
45559	IF P & C INSURANCE LIMITED	S-108 60 STOCKHOLM, Sweden
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
10562	INDIAN HARBOR INSURANCE COMPANY	CT CORPORATION SYSTEM 314 EAST THAYER AVENUE BISMARCK, ND 58501
10563	INEX INSURANCE EXCHANGE	1 SOUTH WACKER DRIVE SUITE 2720 CHICAGO, IL 60606-4617
45736	INTEGON SPECIALTY INSURANCE COMPANY	500 WEST FIFTH STREET WINSTON-SALEM, NC 27152
28076	INTERNATIONAL INSURANCE CO OF HANNOVER, LTD	L'AVENIR OPLADEN WAY, BRACKNELL BERKSHIRE, Great Britain UK RG12 OPH
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE CHICAGO, IL 60603
10566	ITT PACIFIC INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
8967	LANDMARK AMERICAN INSURANCE COMPANY	115 S.W. 89TH STREET OKLAHOMA CITY, OK 73139-8501
10567	LANDMARK INSURANCE COMPANY	777 SOUTH FIGUEROA STREET LOS ANGELES, CA 90017
45576	LANTANA INSURANCE LTD.	RENAISSANCE HOUSE 8-12 EAST BROADWAY HAMILTON, Bermuda HM 19
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	4TH FLOOR, ONE MINSTER COURT MINCING LANE LONDON, Great Britain EC3R7AA

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	ONE LIME STREET LONDON, Great Britain EC3M7HA
22417	LONDON AND EDINBURGH INSURANCE COMPANY	LIMITED 8 SURREY STREET NORWICH NR1 3NG ENGLAND, Great Britain EC3M5BT
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, Great Britain EC3A2EA
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10570	MONTICELLO INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 68131-3580
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NIC INSURANCE COMPANY	ONE PENN PLAZA 55TH FLOOR NEW YORK, NY 10119-0002
10537	NOETIC SPECIALTY INSURANCE COMPANY	115 SOUTH LASALLE STREET CHICAGO, IL 60603
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
22420	NORTHERN ASSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10577	NORTHFIELD INSURANCE COMPANY	1270 OFFICE PLAZA DRIVE WEST DES MOINES, IA 50266
10578	NUTMEG INSURANCE COMPANY	HARTFORD PLAZA HARTFORD, CT 06115
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
10580	PACIFIC INSURANCE COMPANY	CNA CENTER 333 S. WABASH AVENUE CHICAGO, IL 60685
58179	PENN-PATRIOT INSURANCE COMPANY	420 SOUTH YORK ROAD HATBORO, PA 19040
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	50 WEST BROADWAY SALT LAKE CITY, UT 84101
22449	QBE INTERNATIONAL INSURANCE LIMITED	CORN EXCHANGE MARK LANE LONDON, Great Britain EC3R7NE

NOTICES

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<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
53074	QUANTA SPECIALTY LINES INSURANCE COMPANY	3500 DEPAUW BOULEVARD SUITE 3050 INDIANAPOLIS, IN 46268
44436	RED MOUNTAIN CASUALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
10588	ROYAL SURPLUS LINES INSURANCE COMPANY	9 FARM SPRINGS ROAD FARMINGTON, CT 06032
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA SEATTLE, WA 98185
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
22453	SR INTERNATIONAL BUSINESS INSURANCE COMPANY LIMITED	30 ST. MARY AXE LONDON, Great Britain EC3A8EP
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	32 LOOCKERMAN SQUARE Suite L-100 DOVER, DE 19901
38980	STARR EXCESS LIABILITY INSURANCE COMPANY, LTD.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19901
10595	STONEWALL INSURANCE COMPANY	C/O CT CORPORATE SYSTEM 441 VINE STREET CINNCINNATI, OH 45202
54486	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION (EURASIA) LIMITED	INTERNATIONAL HOUSE CREECHURCH LANE LONDON, Great Britain EC3A 5BA
10596	TIG SPECIALTY INSURANCE COMPANY	777 ARNOLD DRIVE SUITE 200 MARTINEZ, CA 94553
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
10598	TUDOR INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
10603	UNITED COASTAL INSURANCE COMPANY	40 NORTH CENTRAL AVENUE PHOENIX, AZ 85004
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	5253 HOHMAN AVENUE PO BOX 1150 HAMMOND, IN 46320
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
58119	USF&G SPECIALTY INSURANCE COMPANY	111 SCHILLING ROAD HUNT VALLEY, MD 21031
52712	VICTORIA INSURANCE COMPANY	2301 E.LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	500 COLONIAL CENTER PARKWAY SUITE 200 ROSWELL, GA 30076
10608	WESTERN HERITAGE INSURANCE COMPANY	6263 N. SCOTTSDALE ROAD SUITE 240 SCOTTSDALE, AZ 85250
10610	WESTERN WORLD INSURANCE COMPANY	91 COURT STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
52746	WIND RIVER INSURANCE COMPANY, LTD.	VICTORIA HALL, 11 VICTORIA STREET P. O. BOX HM 1826 HAMILTON, Bermuda HM HX
10604	XL SELECT INSURANCE COMPANY	735 FIRST NATIONAL BUILDING OKLAHOMA CITY, OK 73102
10611	ZC SPECIALTY INSURANCE COMPANY	400 WEST 15TH STREET SUITE 710 AUSTIN, TX 78701
22461	ZURICH INTERNATIONAL (BERMUDA) LIMITED	ZURICH CENTRE, 90 PITT'S BAY ROAD P. O. BOX HM 2268 HAMILTON, Bermuda HMJX
22462	ZURICH SPECIALTIES LONDON LIMITED	THE ZURICH BUILDING 90 FENCHURCH STREET LONDON, Great Britain EC3M4JX

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1611. Filed for public inspection August 26, 2005, 9:00 a.m.]

State Farm Fire and Casualty Company; Private Passenger Automobile Rate Revisions; Rate Filing

On July 29, 2005, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.3% decrease amounting to \$4.632 million annually, to be effective November 14, 2005, for new business and December 14, 2005, for renewal business.

Unless formal administrative action is taken prior to September 27, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is 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 Michael P. McKenney,

Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1612. Filed for public inspection August 26, 2005, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Private Passenger Automobile Rate Revisions; Rate Filing

On July 29, 2005, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 3.0% decrease amounting to \$37.134 million annually, to be effective November 14, 2005, for new business and December 14, 2005, for renewal business.

Unless formal administrative action is taken prior to September 27, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is 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 Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1613. Filed for public inspection August 26, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Dauphin County, Wine & Spirits Shoppe #2216, Scottsdale Plaza, 3350 Paxton Street, Harrisburg, PA 17111.

Lease Expiration Date: August 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 6,000 net useable square feet of new or existing retail commercial space located within 1 mile of the intersections of I 83, US 322 and I 283 in Swatara Township.

Proposals due: September 16, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Franklin County, Wine & Spirits Shoppe #2801, Wayne Plaza, 941 Wayne Avenue, Chambersburg, PA 17201.

Lease Expiration Date: May 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 to 13,000 net useable square feet of new or existing retail commercial space located within the vicinity of Exit 14 of I 81, along SR 316, Chambersburg.

Proposals due: September 16, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3909, 906 Club Avenue, Allentown, PA 18109.

Lease Expiration Date: 90-day status effective August 1, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 to 13,000 net useable square feet of new or existing retail commercial space located within 1/2 mile of the intersection of Club Avenue and Union Boulevard, Allentown.

Proposals due: September 16, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Luzerne County, Wine & Spirits Shoppe #4005, Kingston Plaza, 613 Third Avenue, Kingston, PA 18704.

Lease Expiration Date: August 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,800 net useable square feet of new or existing retail commercial space located within the Borough of Kingston.

Proposals due: September 16, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Matthew L. Sweeney, (717) 657-4228
JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-1614. Filed for public inspection August 26, 2005, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for Milk Marketing Area No. 4

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on October 5, 2005, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2004 and 2005; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-927, evidence and testimony will also be considered regarding the fuel cost adjuster.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons that may be affected by the Board order fixing prices in Area No. 4 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on September 12, 2005, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on September 12, 2005, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on September 14, 2005, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 28, 2005, each party shall file and serve as set forth in paragraph (1) information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 6, 2005.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 05-1615. Filed for public inspection August 26, 2005, 9:00 a.m.]

Hearing and Presubmission Schedule for Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on October 5, 2005, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2004 and 2005; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-927, evidence and testimony will also be considered regarding the fuel cost adjuster.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons that may be affected by the Board order fixing prices in Area No. 3 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on September 12, 2005, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board by 4 p.m. on September 12, 2005, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on September 14, 2005, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 28, 2005, each party shall file and serve as set forth in paragraph (1) information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 6, 2005.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 05-1616. Filed for public inspection August 26, 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, September 12, 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. 05-1617. Filed for public inspection August 26, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rescission Order

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Core Communications, Inc.
(2004.0267); Doc. No. C-20044062; A-310922*

Rescission Order

By the Commission:

On December 14, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against Core Communications,

Inc. (Core Comm. or Respondent), a switched access carrier, facilities based CLEC, and facilities based toll carrier certificated at A-310922, for failure to file its 2003 Annual Report. On March 2, 2005, Respondent filed its 2003 Annual Report, but failed to pay the \$250 late-filing fee. Subsequently, at the July 14, 2005 Public Meeting the Commission adopted a Default Order, entered July 20, 2005, that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order has not yet been published in the *Pennsylvania Bulletin*.

One week after the entry date of the Default Order, Respondent paid the late-filing fee. Respondent filed a letter with its late-filing fee stating that failure to pay the late-filing fee was inadvertent. Respondent apologized for the oversight and requested rescission of the Default Order.

Because Respondent has now filed its delinquent annual report and paid the late-filing fee, we will grant Respondent's request for rescission. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Core Communications, Inc. and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore,*

It Is Ordered That:

1. The Default Order entered July 20, 2005 against Core Communications, Inc. at this docket is hereby rescinded.

2. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1618. Filed for public inspection August 26, 2005, 9:00 a.m.]

Rescission Order

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. IDT America, Corp. (2004.0267);
Doc. No. C-20044051; A-310782*

Rescission Order

By the Commission:

On December 14, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against IDT America, Corp. (Respondent), a non-facilities based reseller of toll service certificated at A-310782, for failure to file its 2003 Annual Report. On January 6, 2005, Respondent paid the \$250 late-filing fee, but failed to file its delinquent report. Subsequently, on July 20, 2005, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate. The notice of the Default Order has not yet been published in the *Pennsylvania Bulletin*.

On August 4, 2005, subsequent to the entry of the Default Order, Respondent filed its 2003 Annual Report along with a request to have the Default Order rescinded. In its request, Respondent apologized for the delinquency and stated that failure to file its 2003 Annual Report was inadvertent. A review of Commission records shows that the instant Complaint was the only Complaint instituted against Respondent by the Commission since the issuance of its certificate in 1998.

Because Respondent has now filed its delinquent annual report and paid the late-filing fee, we will grant Respondent's request for rescission. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts IDT America, Corp. and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore,*

It Is Ordered That:

1. The Default Order entered July 20, 2005 at this docket against IDT America, Corp. is hereby rescinded.

2. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1619. Filed for public inspection August 26, 2005, 9:00 a.m.]

Rescission Order

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Inmate Communications, Corp.
(2004.0267); Doc. No. C-20044049; A-310499*

Rescission Order

By the Commission:

On December 14, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against Inmate Communications Corp. (Respondent), a non-facilities based reseller of toll service carrier certificated at A-310499, for failure to file its 2003 Annual Report. Subsequently, on July 20, 2005, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate. The notice of the Default Order has not yet been published in the *Pennsylvania Bulletin*.

On July 27, 2005, subsequent to the entry of the Default Order, Respondent filed its 2003 Annual Report along with a request to have the Default Order rescinded. Respondent attached the \$250 late-filing fee with its request. In its request, Respondent noted that since the issuance of its certificate in 1997, it has always filed its Commission required reports in a timely manner. In addition, Respondent stated that its failure to file the 2003 Annual Report was inadvertent. Specifically, Respondent stated that in this instance, Respondent confused the filing of its 2003 Assessment Report with the

2003 Annual Report. Respondent also notes that its 2004 Annual Report has been filed in compliance with Commission regulations. A review of Commission records confirms that no other Complaints have been issued against Respondent since the issuance of its certificate.

Because Respondent has now filed its delinquent annual report and paid the late-filing fee, we will grant Respondent's request for rescission. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Inmate Communications, Corp. and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore,*

It Is Ordered That:

1. The Default Order entered July 20, 2005 at this docket against Inmate Communications, Corp. is hereby rescinded.

2. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1620. Filed for public inspection August 26, 2005, 9:00 a.m.]

Rescission Order

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Ken-Man Water Company (2004.0267);
Doc. No. C-20044093; A-211430*

Rescission Order

By the Commission:

On December 23, 2004, Law Bureau Prosecutory Staff filed a Formal Complaint against Ken-Man Water Company (Respondent), a water utility certificated at A-211430, for failure to file its 2003 Annual Report. Subsequently, at the July 14, 2005 Public Meeting, the Commission adopted a Default Order that sustained the complaint and imposed a \$1,000 fine. Notice of the Default Order was published July 30, 2005 at 35 Pa.B. 4275 with a 20-day comment period.

The July 14, 2005 Default Order incorrectly stated that it was issued as a result of Respondent's failure to file its 2003 Annual Report. A review of Commission records reveal that Respondent actually filed its 2003 Annual Report on February 7, 2005, but failed to pay the \$250 late-filing fee. The Default Order was issued as a result of non-payment of the late-filing fee.

On August 1, 2005, Respondent paid the \$250 late-filing fee. Respondent stated that the failure to pay the late-filing penalty was an oversight. A review of Commission records reveal that no other Complaints have been issued against Respondent within the last four years.

Because Respondent has now paid the late-filing fee during the 20-day comment period stated in the Pa. Bulletin, we find it appropriate to rescind the Default Order. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Ken-Man Water Company and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore,*

It Is Ordered That:

1. The Default Order entered July 19, 2005 against Ken-Man Water Company at this docket is hereby rescinded.

2. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1621. Filed for public inspection August 26, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 19, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-00122031. William L. Smith (14 Jordan Drive, Ronks, Lancaster County, PA 17572)—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.

Applications of the following for *amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-00118987, Folder 2. S & S Taxi Co. (400 Eden Park Road, McKeesport, Allegheny County PA 15132)—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle; persons upon call or demand, in the Boroughs of Homestead, West Homestead, Munhall and West Mifflin,

all in Allegheny County; and (1) in the Cities of McKeesport and Duquesne, Allegheny; (2) in the Boroughs of Glassport, Liberty, White Oak, Dravosburg, Port Vue, Versailles and Lincoln and the Townships of Elizabeth and North Versailles, Allegheny County; (3) in the City of Clairton, and the Boroughs of Elizabeth and West Elizabeth, Allegheny County; (4) in the Borough Trafford, Westmoreland and Allegheny Counties; (5) in the Borough of Braddock, Allegheny County; (6) in that portion of the Borough of North Braddock, Allegheny County, located west and south of Braddock Avenue, and north of the body of water known as Turtle Creek; (7) in that portion of the Borough of West Mifflin, Allegheny County, located south and east of Lebanon Church Road, Buttermilk Hollow Road and the boundaries of the City of Pittsburgh, the Borough of Munhall and the Borough of Whitaker; which are held at A-00118987, F.2 and F.2, Am-A.

A-00120423. David D. Chapman (R. R. 2, Box 18, Mifflinburg, Union County, PA 17844)—certificate of public convenience to abandon/discontinue the right to transport, as a common carrier by motor vehicle; persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Union, and from points in said county to points in Pennsylvania, and return, which is held at A-00120423.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1622. Filed for public inspection August 26, 2005, 9:00 a.m.]

Telecommunications

A-311283F7004. ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC. Joint petition for approval of amendment number 1 to the interconnection agreement between ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC under section 252(e) of the Telecommunications Act of 1996.

ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC, by its counsel, filed on August 3, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of amendment number 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the joint petition for amendment with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the ALLTEL Pennsylvania, Inc. and Certainty Tech Telecom, LLC joint petition for amendment 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. 05-1623. Filed for public inspection August 26, 2005, 9:00 a.m.]

Telecommunications

A-311204F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC. Joint petition for approval of amendment number 1 to the master interconnection, collocation and resale agreement between The United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC, by its counsel, filed on August 1, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of amendment number 1 to the master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Granite Telecommunications, LLC joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1624. Filed for public inspection August 26, 2005, 9:00 a.m.]

Telecommunications

A-310183F7001. Verizon North, Inc. and Sprint Communications Company, LP. Joint petition for approval of amendment number 2 to the interconnection agreement between Verizon North, Inc. and Sprint Communications Company, LP under sections 251 and 252 of the Telecommunications Act of 1996.

Verizon North, Inc. and Sprint Communications Company, LP, by its counsel, filed on July 29, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of amendment number 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the joint petition for amendment 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 Sprint Communications Company, LP joint petition for amendment 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. 05-1625. Filed for public inspection August 26, 2005, 9:00 a.m.]

Tentative Order

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

American Broadband and Communications, Inc.
(2005.0104); A-311096

Tentative Order

By the Commission:

American Broadband and Communications, Inc. (American) has failed to file its Annual Report for Calendar Year 2004, as required pursuant to 66 Pa.C.S. § 504. In addition, the Assessment Report Form for 2004 has been returned as "not deliverable as addressed." Finally, Law Bureau Prosecutory Staff has not been successful in making telephone contact with American.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301.

American was granted a certificate of public convenience on May 14, 2001 at A-311096. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke American's certificate without the necessity of first filing a formal complaint. Finally, we are not aware that American has any current customers in Pennsylvania, and the Company is not assigned any NXX Codes.

For these reasons, we tentatively conclude that revocation of American's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if American seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. American Broadband and Communications, Incorporated's certificate of public convenience is hereby revoked.

2. A copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. Absent the filing of adverse public comment 30 days after the publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commonwealth.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by American at A-311096 shall be revoked, and the Company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. A copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advo-

cate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1626. Filed for public inspection August 26, 2005, 9:00 a.m.]

Tentative Order

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

Sonix4u, Inc. (2005.0104); A-311099

Tentative Order

By the Commission:

Sonix4u, Inc. (Sonix4u) has failed to file its Annual Report for Calendar Year 2004, as required pursuant to 66 Pa.C.S. § 504. In addition, the Assessment Report Form for 2004 has been returned as "not deliverable as addressed." Finally, Law Bureau Prosecutory Staff has not been successful in making telephone contact with Sonix4u.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301.

Sonix4u was granted a certificate of public convenience on August 9, 2001 at A-311099. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke Sonix4u's certificate without the necessity of first filing a formal complaint. Finally, we are not aware that Sonix4u has any current customers in Pennsylvania, and the Company is not assigned any NXX Codes.

For these reasons, we tentatively conclude that revocation of Sonix4u's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Sonix4u seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Sonix4u's certificate of public convenience is hereby revoked.

2. A copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. Absent the filing of adverse public comment 30 days after the publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commonwealth.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Sonix4u at A-311099 shall be revoked, and the Company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of

the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. A copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1627. Filed for public inspection August 26, 2005, 9:00 a.m.]

Tentative Order

Public Meeting held
August 11, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

TAC License Corp. (2005.0104); A-311136

Tentative Order

By the Commission:

TAC License Corporation (TAC) has failed to file its Annual Report for Calendar Year 2004, as required pursuant to 66 Pa.C.S. § 504. In addition, the Assessment Report Form for 2004 has been returned as "not deliverable as addressed." Finally, Law Bureau Prosecutory Staff has not been successful in making telephone contact with TAC.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301.

TAC was granted a certificate of public convenience on November 9, 2001 at A-311136. Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke TAC's certificate without the necessity of first filing a formal complaint. Finally, we are not aware that TAC has any current customers in Pennsylvania, and the Company is not assigned any NXX Codes.

For these reasons, we tentatively conclude that revocation of TAC's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if TAC seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. TAC's certificate of public convenience is hereby revoked.

2. A copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

3. Absent the filing of adverse public comment 30 days after the publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commonwealth.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by TAC at A-311136 shall be revoked, and the Company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. A copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1628. Filed for public inspection August 26, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-054.1, Drainage Im-

provements at Packer Avenue Marine Terminal (PAMT), until 2 p.m. on Thursday, September 22, 2005. Bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available September 6, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending the prebid meeting. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on September 15, 2005, at 11 a.m. at PAMT, Columbus Boulevard and Packer Avenue, Service Road at South Gate, 1/2 mile south of Walt Whitman Bridge, Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-1629. Filed for public inspection August 26, 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.

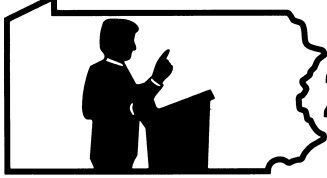
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business)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

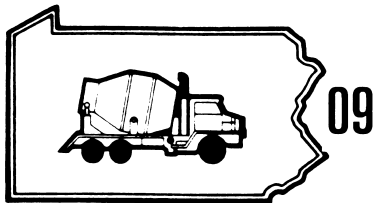
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreasury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

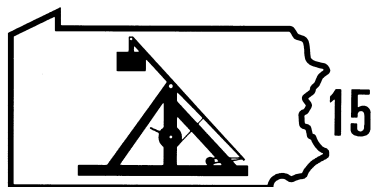
SERVICES



Construction & Construction Maintenance

CPC 05.090 Mercer Tile & Building Accessories: Maintenance & Preservation Cyclical cleaning and routine maintenance of the First Floor Mercer Tile areas and miscellaneous bronze items at the Main Capitol Building, with specific task sets scheduled on a biweekly (each two week period) and a yearly basis. Work includes general cleaning tile floor and perimeter marble base assemblies as well as periodic stripping and reapplication of floor polish/sealer and routine maintenance cleaning of selected bronze work. Project documents will be available for pick up Wednesday, August 31, 2005 from the Capitol Preservation Committee Office: Room 630 Main Capitol Building. A \$100 deposit is required. A MANDATORY pre-proposal meeting and site review is scheduled for Wednesday, September 14, 2005 at 10:00 am. Proposals are due Wednesday, September 28, 2005 at 2:00 pm.

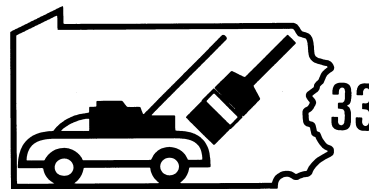
Department: PA Capitol Preservation Committee
Location: Room 630 Main Capitol Building, Harrisburg, PA 17120
Duration: January 1, 2006 - December 31, 2010
Contact: Chris Ellis, (717) 783-6484



Environmental Maintenance Service

OSM 13.40(4699,4121)101.1 Abandoned Mine Reclamation Project, Buck Mountain and Owl Hole. The principal items of work and approximate quantities include Removal of Structures, 1,002 pounds of Bat Gate and One (1) acre of Seeding. This project issues on August 26, 2005 and bids will be opened on September 20, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

Department: Environmental Protection
Location: Laussane and Foster Townships, Carbon and Luzerne Counties
Duration: 60 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820



Property Maintenance

8925 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Mercer Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop D, Mercer Station, 826 Franklin Road, Mercer, PA 16137, phone #724-662-6162
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8933 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Ephrata Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop J, Ephrata Station, 21 Springhouse Road, Ephrata, PA 17522, phone #717-721-7667
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8934 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Philadelphia Headquarters. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop K, Philadelphia Headquarters, 2201 Belmont Avenue, Philadelphia, PA 19131, phone #215-560-6200
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8939 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Northwest Training Center. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Northwest Training Center, 195 Valley View Drive, Meadville, PA 16335, phone #814-332-6888
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8930 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Huntingdon Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop G, Huntingdon Station, R.D. #1, Box 10A, Huntingdon, PA 16652, phone #814-627-3161
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8931 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Rockview Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop G, Rockview Station, 745 South Eagle Valley Road, Bellefonte, PA 16823, phone #814-355-7545
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8928 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Coudersport Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Coudersport Station, 3140 East Second Street, Coudersport, PA 16915, phone #814-274-8690
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8938 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Lima Regional Laboratory. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Lima Regional Laboratory, 350 North Middletown Road, Media, PA 19063, phone # 610-891-6360
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8935 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Trevoise Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop M, Trevoise Station, 3501 Neshaminy Boulevard, Bensalem, PA 19020, phone #215-942-3900
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8923 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Kiski Valley Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop A, Kiski Valley Station, 4451, Route 66, Apollo, PA 15613, phone #724-727-3434
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8926 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Warren Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop E, Warren Station, 2875 Pennsylvania Avenue, West Ext, Warren, PA 16365, phone #814-728-3600
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8936 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Greensburg Consolidated Dispatch Center. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Greensburg CDC, 425 Willow Crossing Road, Greensburg, PA 15601, phone #717-346-5378
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8929 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Emporium Station. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Emporium Station, 12921 Route 120, Emporium, PA 15834, phone #814-486-3321
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8937 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Norristown Consolidated Dispatch Center. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Norristown CDC, Norristown State Hospital Complex, 1399 Sterigere Street, Norristown, PA 19401, phone #610-972-6449
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8924 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Butler Headquarters. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

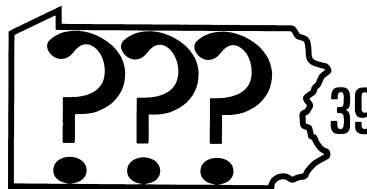
Department: State Police
Location: Troop D, Butler Headquarters, 200 Barracks Road, Butler, PA 16002, phone #724-284-8100
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8927 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Montoursville Headquarters. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Montoursville Headquarters, 899 Cherry Street, Montoursville, PA 17754, phone #570-368-5700
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951

8932 Furnish all labor, materials & equipment for snow removal services from sidewalks, driveways & parking areas at the PA State Police, Lancaster Headquarters. Totals are based on estimated snow removal & granular deicing material in hours/tons. Detailed Work Schedule & Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop J, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602, phone #717-299-7656
Duration: 11/01/05 to 06/30/08
Contact: Sandy Wolfe, (717) 705-5951



Miscellaneous

CN00015998 This Request for Quote (RFQ) is to provide maintenance services for Dynamic Message Sign (DMS) equipment in Engineering District 1-0. Specific manufacturer of the equipment and location of the sites are provided in the "Specifications" of the RFQ.

Department: Transportation
Location: Various locations within District 1-0
Duration: This contract will be for one year with one four year renewal for a total of five years.
Contact: Amy Judson-Burak, (814) 678-7185

[Pa.B. Doc. No. 05-1630. Filed for public inspection August 26, 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.
Secretary

