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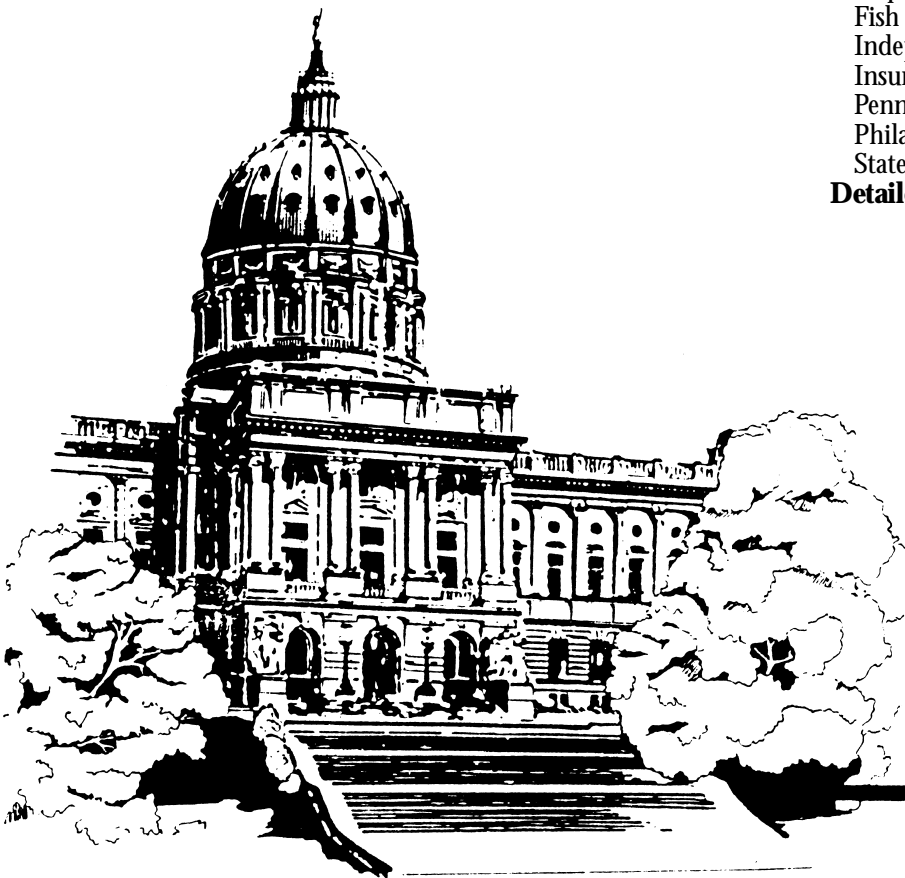
# PENNSYLVANIA BULLETIN

Volume 35  
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Number 37  
Pages 4995—5078

**Agencies in this issue:**

The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Public Welfare  
Department of Revenue  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



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

**No. 370, September 2005**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 25—LOCAL COURT RULES

WESTMORELAND COUNTY  
Adopting Rule WJUV 167; No. 3 of 2005

### Order

*And Now*, this 26th day of August, 2005, *It Is Hereby Ordered* that, pursuant to Pa.R.J.C.P. 167B.(2), Westmoreland County Rule of Juvenile Procedure WJUV167 is adopted.

DANIEL J. ACKERMAN,  
*President Judge*

### Rule WJUV167. Filings and Service of Court Orders and Notices

#### B. Service

The Court of Common Pleas of Westmoreland County shall serve all court notices through the court's Juvenile Probation Office.

[Pa.B. Doc. No. 05-1669. Filed for public inspection September 9, 2005, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 26, 2005, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 25, 2005 for Compliance Group 3 due December 31, 2004.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Ahlijanian, Martin J.  
West Greenwich, RI

Andres Jr., Kenneth G  
Haddonfield, NJ

Bair, Tonia A.  
Silver Spring, MD

Ballentine, Carol E.  
Lutherville Timonium, MD

Bellizaire, Michele Scott  
Manassas, VA

Brekus, Andrew J.  
Cherry Hill, NJ

Cohen, Jay Loring  
Chevy Chase, MD

Connell Jr., Joseph D.  
Cherry Hill, NJ

Crowell, Barry Evan  
Alexandria, VA

DeFilippo Jr, Dominick E.  
Union City, NJ

Garcia, Sheryl E.  
Purchase, NY

Gerber, Samuel  
Haddonfield, NJ

Gray-Knight, Christine Amanda  
Bowie, MD

Greenberg, Robert Aaron  
Cherry Hill, NJ

Johnson, Orlan M.  
Mitchellville, MD

Jones, Kevin Darrow  
Washington, DC

Jones, Mikel D.  
Boca Raton, FL

Kappler, Richard N.  
Rochester, NY

Klock Jr., Joseph P.  
Miami, FL

Kotler, Joel Raymond  
Princeton, NJ

Levine, Edward L.  
Minnetonka, MN

Little, Stefanie Jane  
Elkton, MD

Marth, William Robert  
Watchung, NJ

Maska, Mark Matthew  
Woodbury, NJ

Massinger, Douglas William  
Ocala, FL

McGinley, Patrick C.  
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O'Reilly, Bernadette Rush  
Leesburg, VA

Pustejovsky, Andrea H.  
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[Pa.B. Doc. No. 05-1670. Filed for public inspection September 9, 2005, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

#### Temporary Amendment of the Water Quality Regulations, Water Code and Comprehensive Plan to Designate the Lower Delaware River a Special Protection Water

##### Summary

At its public meeting on January 19, 2005, the Commission temporarily amended the Commission's *Water Quality Regulations, Water Code and Comprehensive Plan* by classifying the Lower Delaware River—the reach between River Mile 209.5, which is the downstream boundary of the Delaware Water Gap National Recreation Area, and River Mile 133.4, which is the head of tide at Trenton, NJ—as Significant Resource Waters. The effect of this action was to make the Lower Delaware River subject to all provisions of the Commission's Special Protection Waters regulations except those that depend for implementation upon the use of numeric values for existing water quality.

##### Dates

This rule is effective immediately, and unless extended by amendment, it shall expire on September 30, 2005. An accompanying notice in today's *Pennsylvania Bulletin* proposes to extend the rule through September 30, 2006, pending a separate notice and comment rulemaking to permanently classify the Lower Delaware. See 35 Pa.B. 5013 (September 10, 2005).

##### Supplementary Information

On September 22, 2004, the Delaware River Basin Commission published on its website a Notice of Proposed Rulemaking to amend the *Water Quality Regulations, Water Code and Comprehensive Plan* to designate the Lower Delaware River a Special Protection Water. Notice was published in the *Federal Register* on September 23, 2004 (69 FR 57008), the *Delaware Register of Regulations* on October 1, 2004, the *New Jersey Register* on October 4, 2004, the *Pennsylvania Bulletin* on October 9, 2004, and the *New York Register* on October 20, 2004. A public hearing was held on October 27, 2004, and the public was invited to comment, either in person at the hearing or in writing through November 30, 2004. During the comment period, the Commission received approximately 250 letters from business, industry, individuals, municipalities and elected officials, including some opposed to designation. It also received between 1,100 and 1,200 letters and petitions in favor of designation. The Commission modified its proposed rule in part based upon comments received on the proposed action and in part based upon the need for additional analysis before all provisions of the Special Protection Waters regulations could be put into effect in the Lower Delaware.

In enacting the amendment, the Commission found on the basis of a series of studies, prior findings, plans and a federal designation, that the Lower Delaware River is characterized by exceptionally high scenic, recreational, and ecological values and water supply uses that require special protection. Before deciding whether or not to

classify certain sections of the Lower Delaware River as Outstanding Basin Waters, as originally proposed, and whether to make the temporary Special Protection Waters designation permanent for some or all of the Lower Delaware River, the Commission wishes to establish numeric values for existing water quality based upon analysis of a 5-year (2000-2004) data set, for which the final year of data only became available late in 2004. The Commission recognized that the process of developing numeric values based upon 5 years of data and subjecting them to public review and comment could take many months. It decided to provide temporary classification in order to protect the exceptional value of the Lower Delaware from degradation during that period. The proposed values for existing water quality in the Lower Delaware River based on the 5-year data set have been compiled and will be the subject of a separate notice and comment rulemaking by the Commission.

##### Further Information, Contacts:

The complete text of Resolution No. 2005-2, temporarily amending the *Water Quality Regulations, Water Code, and Comprehensive Plan* by designating the Lower Delaware River a Special Protection Water, is available on the Commission's website at [www.drbc.net](http://www.drbc.net) or upon request from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360. For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, at (609) 883-9500, Ext. 203.

The final-form rulemaking temporarily amends Article 3, Section 3.10.3.A.2.g.2), listing stream reaches classified as Significant Resource Waters, by the addition of the following subsections 3.10.3.A.2.g.2).(b); 3.10.3.A.2.g.6).; and 3.10.3.A.2.g.7).

(b) The Lower Delaware River between River Miles 209.5 (the downstream boundary of the Delaware Water Gap National Recreation Area) and 133.4 (the Head of Tide at Trenton, NJ);

\* \* \*

6) For the stream reaches listed in Section 3.10.3.A.2.g.2).(b), all provisions of Section 3.10.3.A.2 shall be in effect except those listed below:

- The requirement at Section 3.10.3.A.2.b.2). that “[p]oint and non-point sources from outside the boundaries of stream reaches classified as Significant Resource Waters shall be treated as required and then dispersed in the receiving water so that no measurable change occurs at Boundary and Interstate Special Protection Waters Control Points.”

- The requirement of Section 3.10.3.A.2.b., read in combination with Section 3.10.3A.2.d.6), that new and expanding wastewater treatment projects discharging to Special Protection Waters may be subject to additional treatment requirements, above and beyond the effluent criteria defining Best Demonstrable Technology, as necessary to ensure no measurable change in existing water quality in Special Protection Waters.

- The requirement at Section 3.10.3A.2.f. that state environmental agencies “shall assure to the extent possible, that existing water quality in Special Protection Waters is not measurably changed by pollution discharged into the intrastate tributary watersheds within their jurisdiction.”

Sections 3.10.3.A.2.g.2).(b) and 3.10.3.A.2.g.6). shall expire on September 30, 2005, unless extended by amendment to this rule.

PAMELA M. BUSH, ESQ.,  
*Secretary*

**Fiscal Note:** Fiscal Note 68-43 remains valid for the final adoption of the subject regulation.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART V. DELAWARE RIVER BASIN COMMISSION

#### CHAPTER 901. GENERAL PROVISIONS

#### § 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2005) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2005) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 05-1671. Filed for public inspection September 9, 2005, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CHS. 53 AND 63]

#### General Provisions; Fishing

The Fish and Boat Commission (Commission) has amended Chapters 53 and 63 (relating to Fish and Boat Commission property; and general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking relates to eliminating the requirement that tournaments, as a condition for culling, establish a daily limit of one fish less than the Statewide creel limit.

#### A. Effective Date

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*, not on January 1, 2006, as set forth in the notice of proposed rulemaking.

#### B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, Chief Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The amendments to §§ 53.24 and 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies) are published under the statutory authority of sections 322 and 2102 of the code (relating to rules and regulations).

#### D. Purpose and Background

The final-form rulemaking is designed to improve and update the Commission's regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

#### E. Summary of Changes

As an outgrowth of recent discussions with tournament anglers and sponsors, there was interest in amending the

Commission's current regulations dealing with culling. Accordingly, the Commission has eliminated the requirement that tournament rules establish a daily limit of at least one fish less than the Statewide creel limit. This amendment will not have a negative fisheries impact, and the Commission's Bureau of Law Enforcement does not anticipate any problems. The Commission amended §§ 53.24 and 63.40 to read as set forth in the notice of proposed rulemaking.

As part of the proposed rulemaking package, the Commission also proposed amendments to §§ 51.32, 51.33, 51.35, 63.20 and 65.13. The Commission has not yet considered these proposed amendments on final-form rulemaking.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Involvement

Notice of proposed rulemaking was published at 35 Pa.B. 3419 (June 18, 2005). The Commission did not receive any public comments regarding the proposed amendments to §§ 53.24 and 63.40.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and no comments were received.

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

#### Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 53 and 63, are amended by amending §§ 53.24 and 63.40 to read as set forth at 35 Pa.B. 3419.

(*Editor's Note:* The proposal to amend §§ 51.32, 51.33, 51.35, 63.20 and 65.13, included in the proposal at 35 Pa.B. 3419, has been postponed by the Commission.)

(b) The Executive Director will submit this order and 35 Pa.B. 3419 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 35 Pa.B. 3419 and deposit them with the Legislative Reference Bureau as required by law.

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

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

**Fiscal Note:** Fiscal Note 48A-171 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 05-1672. Filed for public inspection September 9, 2005, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[58 PA. CODE CHS. 61, 65 AND 69]**  
**Fishing**

The Fish and Boat Commission (Commission) amends Chapters 61, 65 and 69 (relating to seasons, sizes and creel limits; special fishing regulations; and fishing in Lake Erie and boundary lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking relates to the seasons, sizes and creel limits for various species in the Delaware River and River Estuary, the West Branch of the Delaware River in Wayne County and the Conowingo Reservoir. The final-form rulemaking also reduces the size limit and increases the number of walleye that may be taken from Lake Erie and its tributaries.

*A. Effective Date*

The final-form rulemaking will go into effect on January 1, 2006.

*B. Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Chief Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The amendments to §§ 61.2, 61.4 and 69.12 (relating to Delaware River and Estuary; Conowingo Reservoir; and seasons sizes and creels limits—Lake Erie and Lake Erie tributaries) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (related to waters limited to specific purposes). The amendment to § 69.33 (relating to use of trap nets) is published under the statutory authority of section 2903 of the code (relating to boats and net licenses for boundary lakes).

*D. Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

*E. Summary of Changes*

(1) *Section 61.2.* Three jurisdictions, New York, New Jersey and the Commonwealth, work in a cooperative fashion in setting regulations for the Delaware River and the West Branch because both are border waters. Differences in the rulemaking processes, license years and fisheries within different reaches may result in regula-

tions being out of synchrony for a year or so. However, the jurisdictions coordinate and attempt to provide consistency for the anglers.

*Northern Pike.* In the past few years, the Commission has become aware of occasional catches of northern pike from the Delaware River, which most likely originate from a few naturalized populations occurring in the drainage. Currently, regulations on northern pike do not exist. While it is not the Commission's intent to foster increases in this esocid in the river, it is likely that a low density northern pike population will persist. The Commission has adopted a 24-inch minimum length limit, a two fish daily creel limit and a year-round season to provide consistency with New Jersey's regulations. For simplification, the Commission has adopted a river wide approach even though pike have not been reported in the West Branch and the upper main stem to any great extent.

*Trout.* New York is seeking a 15-day extension to the trout season as part of refining trout regulations statewide. Currently, the season on the main stem and the West Branch closes at midnight September 30 when a catch-and-release artificial-lures-only begins on the West Branch. The Commission has extended the regular season 15 days on both waterways. This will provide additional angling opportunity with harvest of one trout per day upstream of I-84, five per day downstream of I-84 and two per day on the West Branch.

*Black Bass (largemouth and smallmouth).* Currently a year-round season with a 12-inch minimum length limit and five bass per day creel limit applies to the Delaware River and Estuary. Regulation changes recently adopted and effective January 2005 by New Jersey for the Delaware River are more conservative with respect to harvest during the black bass spawning period. The Commission has adopted amendments regarding the New Jersey/Pennsylvania portion of the river (downstream of I-84) that: (1) impose a catch-and-immediate release season that begins on the first Saturday after April 11 and extends through 12:01 a.m. the first Saturday after June 11; and (2) provide an opportunity for competitive anglers to have "paper" or catch-measure-immediate release tournaments during the catch-and-release season. This change will provide consistency with New Jersey's regulations.

*Striped Bass.* The upstream point of tidal influence at Trenton Falls is used as the boundary for separating freshwater and marine regulations. Use of a more readily identifiable descriptor would be easier for both anglers and law enforcement personnel. Accordingly, the Commission has adopted the Calhoun Street Bridge as a more recognizable limit. The extension is approximately 0.5 mile upstream.

The Commission has amended §§ 61.2 and 65.24 to read as set forth in the notice of proposed rulemaking.

(2) *Section 61.4.* By virtue of an agreement between the State of Maryland and the Commonwealth regarding shared jurisdictional waters, the Commonwealth will establish regulations for the Youghiogheny River Lake and Maryland will do the same for the Conowingo Reservoir. Maryland's fisheries staff recently notified the Commission that the Commonwealth's regulations for the Conowingo Reservoir are not current with Maryland's regulations. Thus, the Commission has amended its regulations pertaining to northern pike, striped bass and striped bass/white bass hybrids, sunfish, crappies, carp, channel catfish, suckers, eels, yellow perch and madtoms

so that they are consistent with Maryland's regulations. The Commission has amended § 61.4 to read as set forth in the notice of proposed rulemaking.

(3) *Sections 69.12 and 69.33.* Currently, an 18-inch minimum length and four per day creel limit are in effect for walleye taken from this Commonwealth waters of Lake Erie, Presque Isle Bay and peninsular waters. This regulation went into effect on January 1, 2004, and was designed to rebuild Lake Erie walleye populations. A relatively strong year class in 2001 was followed by a poor year class in 2002, and protection was needed to ensure that walleye numbers did not reach dangerously low levels.

In 2003, the largest year class of walleyes in 2 decades was produced and those fish will be 3 years of age and reaching average lengths of between 15 and 18 inches in 2006. This will result in a large number of walleyes that would not be harvestable under current regulations and would be subject to increased mortality due to culling. The purpose of the current regulations was to promote the rehabilitation of the walleye fishery. Based on the strength of the 2001 and 2003 year classes, and the sacrifices made by anglers in 2004 and 2005, that objective will have been met. Accordingly, the Commission has lowered the minimum size limit to 15 inches and has restored the creel limit to six per day. The Commission amended §§ 69.12 and 69.33 to read as set forth in the notice of proposed rulemaking. This action will allow Pennsylvania Lake Erie anglers to participate fully in the improving walleye fishery.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Involvement

Notice of proposed rulemaking was published at 35 Pa.B. 2395 (April 23, 2005). The Commission did not receive any public comments regarding the proposed amendments to §§ 61.2, 61.4 and 65.24. Prior to the formal public comment period, the Commission received one public comment opposing the amendments to §§ 69.12 and 69.33. The Commission received one comment opposing these changes following the formal public comment period. Copies of all public comments were provided to the Commissioners.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the comments that were received were considered.

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

#### Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 61, 65 and 69, are amended by amending §§ 61.2, 61.4, 65.24, 69.12 and 69.33 to read as set forth at 35 Pa.B. 2395.

(b) The Executive Director will submit this order and 35 Pa.B. 2395 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 35 Pa.B. 2395 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2006.

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

**Fiscal Note:** Fiscal Note 48A-166 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 05-1673. Filed for public inspection September 9, 2005, 9:00 a.m.]

## FISH AND BOAT COMMISSION [58 PA. CODE CHS. 63 AND 69] Fishing

The Fish and Boat Commission (Commission) amends Chapters 63 and 69 (relating to general fishing regulations; and fishing in Lake Erie and boundary lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking clarifies the definition of "approved trout waters." The final-form rulemaking also eliminates the minimum size limit for recreationally caught yellow perch in Lake Erie and its tributaries during the April 1 through November 30 period and for commercially caught yellow perch and increases the recreational creel limit to 30.

#### A. Effective Date

The amendment to § 63.3 (relating to fishing in approved trout waters) will go into effect on January 1, 2006. The amendments to §§ 69.12 and 69.33 (relating to seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries; and use of trap nets) will go into effect upon publication in the *Pennsylvania Bulletin* and not on January 1, 2006, as set forth in the notice of proposed rulemaking.

#### B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, Chief Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The amendments to §§ 63.3 and 69.12 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendments to § 69.33 are published under the statutory authority of section 2903 of the code (relating to boat and net licenses for boundary lakes).

#### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance, clarify and update the Commission's fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

#### E. Summary of Changes

(1) *Section 63.3.* Prior to late 2002, the Commission's regulations defined the list of approved trout waters as the list contained in the "Summary Book." That definition did not allow the Commission much flexibility in adding and removing waters from the list. Accordingly, the Commission amended its regulations to define the term as "designated waters open to public fishing that are stocked with trout."

It recently has come to the staff's attention that the definition may be read in a manner that is not entirely consistent with the way that the Commission historically has designated waters as approved trout waters. Specifically, the Commission historically has designated entire waters or sections of waters as being approved trout waters even though they may contain parts that are closed to public fishing and therefore are not stocked with trout. These waters or sections, however, are primarily open to the public. To remove the portions that are closed to the public from the list of approved trout waters would create a complicated patchwork of waters that are approved trout waters and those that are not. It would create difficulty in enforcement and would cause confusion among anglers, which was not the intention of the regulatory definition of approved trout waters. To clarify that the definition of "approved trout waters" is consistent with the Commission's historical approach, the Commission amended § 63.3 to read as set forth in the notice of proposed rulemaking.

(2) *Sections 69.12 and 69.33.* Dramatic declines in Lake Erie yellow perch in Commonwealth waters during the 1990s required conservative harvest regulations for the fisheries. In 1996, the daily creel limit was reduced to 20 perch and an 8-inch minimum size limit was implemented to reduce exploitation and enhance spawning stock size. In 2002, the Commission amended its regulations to reduce the minimum size limit from 8 inches to 7 inches during the December 1 through March 31 period, while maintaining the 8-inch minimum size limit during the April 1 through November 30 period. An 8.5-inch minimum size limit is in effect for commercially caught yellow perch in this Commonwealth.

Other jurisdictions have implemented yellow perch conservation measures, but none continue to be as conservative as the Commonwealth. None of the jurisdictions have a recreational minimum size limit. Ohio has a creel limit of 30. Other jurisdictions have creel limits of 50.

By 2004, the Lake Erie perch had recovered to levels of abundance seen in the late 1980s with a 350% increase since the early 1990s. Even more dramatic, the 2004 population will more than double in 2005 due to the very large 2003 year-class. The 2004 boat angler survey estimated Commonwealth anglers harvested over 500,000 perch of the 750,000 perch that were caught. Thus, about 198,000 yellow perch were released because they were undersize. Catch and release mortality can be high because of hydraulic decompressing when there are large numbers of undersize yellow perch. With the very strong 2003 year class growing into the population as 3 year olds in 2006, losses could far exceed those seen in previous years.

The opportunity exists to reduce these losses and allow this Commonwealth's yellow perch anglers to benefit from the large yellow perch populations with an increase in harvest with large yellow perch populations. Appropriate regulatory changes include eliminating the minimum size limit for recreationally caught yellow perch during the April 1 through November 30 period and for commercially caught yellow perch and increasing the recreational creel limit to 30. These actions will reduce the release rate and any associated mortality. The commercial catch will continue to be controlled with a quota set at 30,000 pounds for this Commonwealth for 2005.

The yellow perch population is strong in Lake Erie and this Commonwealth's portion of Lake Erie. The Commission's evaluations suggest that the exceptional fishing should be sustained for several years. Beyond that, fishing quality would depend on yellow perch reproductive success in the coming years. The Commission will continue to be diligent in its assessment of Lake Erie fish stocks and increase the agency's agility in responding to changes in population status.

The Commission amended §§ 69.12 and 69.33 to read as set forth in the notice of proposed rulemaking.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Involvement

A notice of proposed rulemaking was published at 35 Pa.B. 3421 (June 18, 2005). Prior to the formal public comment period, the Commission received one written public comment concerning the proposed amendment to § 63.3. The Commission received one written public comment during the formal public comment period. Both expressed concerns regarding the impact that the proposed rulemaking would have on private property rights and the related economic effects. The Commission also entertained oral comments at several public meetings. With regard to the proposed amendments to §§ 69.12 and 69.33, the Commission received two written public comments. One supported the proposal; the other opposed it. Copies of all public comments were provided to the Commissioners.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the comments that were received were considered.

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

#### Order

The Commission, acting under the authorizing statutes, orders that:



(a) The regulations of the Commission, 58 Pa. Code Chapters 63 and 69, are amended by amending §§ 63.3, 69.12 and 69.33 to read as set forth at 35 Pa.B. 3421.

(b) The Executive Director will submit this order and 35 Pa.B. 3421 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 35 Pa.B. 3421 and deposit them with the Legislative Reference Bureau as required by law.

(d) The amendment to § 63.3 will go into effect on January 1, 2006. The amendments to §§ 69.12 and 69.33 will go into effect upon publication in the *Pennsylvania Bulletin*.

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

**Fiscal Note:** Fiscal Note 48A-167 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 05-1674. Filed for public inspection September 9, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION  
[58 PA. CODE CH. 75]  
Fishing; Endangered Species

The Fish and Boat Commission (Commission) amends Chapter 75 (relating to endangered species). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking adds the eastern spadefoot toad and eastern pearlshell to the list of endangered species, moves the rough green snake from the list of threatened species to the list of endangered species and updates the scientific names of certain listed species.

A. *Effective Date*

The final-form rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Chief Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. *Statutory Authority*

The amendments to §§ 75.1, 75.2 and 75.3 (relating to endangered species; threatened species; and candidate species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

D. *Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to endangered, threatened and candidate species. The specific purpose of the amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

(1) Eastern Spadefoot Toad (*Scaphiopus holbrookii*). The eastern spadefoot toad is an inhabitant of sandy soils along the floodplains of streams and rivers and in temporary depressions in agricultural fields. Reproduction

occurs within one or two nights during and after heavy rain events, concentrated in vernal pools, rain-filled depressions in farm fields and along streams.

Two extant breeding populations of eastern spadefoot toads are currently reported in this Commonwealth in Northumberland and Berks Counties. Several years of herpetological inventory in this Commonwealth have failed to turn up additional records of the toads. Reports of occasional encounters in Franklin County remain unconfirmed. According to Hulse (2003), there were historical unvouchered reports of spadefoot toads in the Delaware Valley from Philadelphia to Monroe County, but these areas have since been heavily developed and industrialized.

The species ranges from southern New England to the Florida Keys and west to eastern Louisiana, but this Commonwealth forms a break between the New England populations and Maryland. The status of the spadefoot toad in the states surrounding this Commonwealth is as follows: it is listed as endangered in Ohio, considered a species of concern in New York, "declining" in New Jersey, rare in West Virginia, threatened in Massachusetts and endangered in Connecticut.

Given that spadefoot toads occur in floodplains and valleys, they are threatened by habitat destruction from residential and industrial development, as well as habitat alteration and changes in water chemistry from agricultural practices. The water in which they breed can be temporary pools, which are not necessarily delineated wetlands. Thus, wetland regulations cannot be relied upon to provide sufficient protection for this species.

The Pennsylvania Biological Survey (PABS) Amphibian and Reptile Technical Committee recommended the eastern spadefoot toad be listed as a State endangered species in 2002. Because there are only two known occurrences of this species in this Commonwealth and current survey efforts have failed to find additional occurrences, the Commission has added the eastern spadefoot toad to the Pennsylvania list of endangered species.

(2) Eastern Pearlshell (*Margaritifera margaritifera*). The eastern pearlshell is a freshwater mussel found in cold water trout streams and small rivers in softwater (acidic) conditions that have low levels of calcium. This is the only species of Pennsylvania mussel that is distributed beyond the North American continent. It occurs in the northeast from this Commonwealth north to Canada, as well as northern Europe.

Historically in the early 1900s, the eastern pearlshell occurred in several tributaries of the Little Schuylkill River, including Locust Creek, Panther Creek, Indian Run and Cold Run. However, impacts to water quality from coal mining in the Little Schuylkill drainage have eradicated the eastern pearlshell from all but Locust Creek, based on Statewide surveys from 1991 to 1995. While the population in Locust Creek is locally abundant, based on a 2003 survey, two dams on the creek restrict the pearlshell to 7 miles of stream with little likelihood of dispersal.

Two large eastern pearlshell mussels were collected in the Delaware River in recent years as part of extensive mussel surveys in the Upper Delaware. This species is documented to live over 100 years, and these specimens were determined to be extremely old. Based on the failure to find additional specimens during the ongoing collection efforts in the Upper Delaware or its tributaries, these specimens appear to represent a remnant population that is no longer reproducing.

The eastern pearlshell is listed as a species of concern in New York, Rhode Island and Connecticut, while it is threatened in Vermont. Additionally, the International Union for Conservation of Nature and Natural Resources has given it endangered status primarily due to threats to the European populations. Primary threats to the persistence of the eastern pearlshell are degradation of water quality, alteration of pH, eutrophication and temperature increases in the streams.

The PABS Bivalve Subcommittee of the Invertebrate Technical Committee recommended the eastern pearlshell be listed as a State endangered species in 2003. The restriction of a reproducing population of the eastern pearlshell mussel to only one small stream in this Commonwealth makes it very vulnerable to extirpation from activities that could adversely impact Locust Creek. Therefore, the Commission has added the eastern pearlshell to the Pennsylvania list of endangered species.

(3) Rough Green Snake (*Opheodrys aestivus*). The rough green snake is an arboreal species most often associated with wetland and riparian areas. The rough green snake is common in southern states from Texas to Florida, with this Commonwealth being the northern limit of its range. It has been known from only two isolated locations in this Commonwealth: Greene and Chester Counties. Thus, the Commission listed the rough green snake as a threatened species in 1979.

Several historic specimens or reports of this species are known from other counties. However, the only known locality of this species that has been confirmed as a reproducing population since 1939 is one in Chester County. The Greene County occurrence has not been seen since 1924 and is presumed extirpated. One additional sighting has been recorded from Lancaster County near the Maryland line, but the identification was not confirmed and no evidence of a population was documented. A Statewide Herpetological Atlas project failed to find any additional populations.

The rough green snake is a species of concern in Ohio and is rare in Delaware and West Virginia. This snake species is threatened primarily by habitat alteration from residential and industrial development.

The PABS Amphibian and Reptile Technical Committee recommended the rough green snake be listed as a state endangered species in 2002. Because there is only one known occurrence of this species in this Commonwealth and current survey efforts have failed to find additional occurrences, the Commission has moved the rough green snake from the list of Pennsylvania threatened species to the list of endangered species.

(4) *Updating Scientific Names*. The Commission has amended § 75.1 to change the name of *Clemmys muhlenbergii* (bog turtle) to *Glyptemys muhlenbergii*. Recent molecular data and genetic studies have resulted in a split in the genus *Clemmys*. Based on morphological data, Holman and Fritz (2001) split *Clemmys* as follows: *Clemmys guttata* was retained as the only member of the genus; *Clemmys insculpta* and *C. muhlenbergii* were placed in the genus *Glyptemys*. An independent analysis by Feldman and Parham (2002) supported this conclusion. Therefore, the species formerly named *Clemmys muhlenbergii* is now assigned to *Glyptemys muhlenbergii*. The name change has been adopted by NatureServe, an international biological conservation group that tracks rare and endangered species, as well as the Center for North American Herpetology (CNAH), the National herpetological group that tracks name changes.

The Commission also has amended § 75.3 to change the name of *Emydoidea blandingii* (Blandings Turtle) to *Emys blandingii*. Recent molecular and genetic studies (Feldman and Parham, 2002) have resulted in a rearrangement of several turtle groups, including the grouping of *Emydoidea blandingii* with *Emys orbicularis* in the genus *Emys*. The name change has been adopted by NatureServe and the CNAH.

The Commission further has amended § 75.1 to change the name of *Rana utricularia* (Coastal Plain Leopard Frog) to *Rana sphenoccephala*. Literature referring to this species from 1974 to 1992 used the old name *Rana utricularia* based on a morphological study by Pace (1974). However, in 1992 the International Commission on Zoological Nomenclature ruled that the name of this frog would return to *Rana sphenoccephala*, which it had been given in more recent references.

On final-form rulemaking, the Commission adopted all of the amendments as set forth in the notice of proposed rulemaking.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no direct adverse fiscal impacts on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new direct costs on the private sector or the general public. It is noted that the direct regulatory significance of designating a species as an endangered or threatened species is limited to prohibiting persons from taking, catching, killing or possessing these species in this Commonwealth. Since none of the species listed have any commercial or recreational significance because of their rarity, there are no direct fiscal impacts from providing these protections.

The private sector and regulated community have asserted that the designation of the eastern spadefoot toad as endangered will have indirect fiscal impacts on the Commonwealth because the Commission will incur additional costs to survey and investigate all areas where the toad may be located. The Commission does not routinely survey for endangered species. However, to the extent that the Commission would conduct biological surveys for this species, the surveys would be geographically based on known locations. As stated in the notice of proposed rulemaking, there currently are only two known breeding locations for the eastern spadefoot toad. Thus, the Commission's surveying costs would be nominal.

The private sector and regulated community also have asserted that the designation of the eastern spadefoot toad as endangered may have indirect fiscal impacts to them and political subdivisions because of the impacts on permitting decisions by the Department of Environmental Protection and other agencies. If an endangered or threatened species is found in an area slated for development, applicants for permits may be required to conduct additional studies or adjust their projects to avoid adverse impacts to this species and its habitat. It has been asserted that as a result, development may be restricted or completely halted, thus resulting in less tax revenue for political subdivisions. These fiscal impacts, however, result from regulatory and statutory authorities under the aegis of agencies other than the Commission.

#### H. *Public Involvement*

Notice of proposed rulemaking containing the proposed amendments was published at 35 Pa.B. 2398 (April 23, 2005). Before the formal public comment period, the Commission received five public comments regarding the proposed rulemaking. Two of the five generally supported the proposed listings; two specifically supported the listings of the eastern spadefoot toad and the rough green snake; and one specifically supported the listing of the eastern pearlshell mussel. During the formal public comment period, the Commission received six public comments. One supported the listing of the eastern pearlshell mussel; two supported the listings of the eastern spadefoot toad and the rough green snake; one supported the listing of the eastern spadefoot toad; and two raised concerns over the listing of the eastern spadefoot toad. After the formal public comment period, the Commission received a letter from the Department of Transportation requesting additional information from the Commission. Copies of all public comments were provided to the Commissioners.

After the conclusion of the public comment period, it was brought to Commission staff's attention that there was an error in the preamble of the notice of proposed rulemaking. The notice of proposed rulemaking erroneously stated that two extant breeding populations of eastern spadefoot toads are currently reported in this Commonwealth in Northumberland and Bucks Counties. The correct counties are Northumberland and Berks Counties. In light of this error, a correction was published at 35 Pa.B. 3425 (June 18, 2005) seeking public comments for an additional 30-day period. Following publication of the correction, the Commission received 21 public comments supporting the addition of the spadefoot toad to the endangered species list. Copies of those public comments were provided to the Commissioners as well.

The Commission did not receive any public comments regarding the proposal to update the scientific names of

the Bog Turtle, Coastal Plain Leopard Frog and Blandings Turtle.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the comments that were received were considered.

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

#### *Order*

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 75, are amended by amending §§ 75.1, 75.2 and 75.3 to read as set forth at 35 Pa.B. 2398.

(b) The Executive Director will submit this order and 35 Pa.B. 2398 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 35 Pa.B. 2398 and deposit them with the Legislative Reference Bureau as required by law.

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

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

**Fiscal Note:** Fiscal Note 48A-174 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 05-1675. Filed for public inspection September 9, 2005, 9:00 a.m.]

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

### Proposed Temporary Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Extend the Designation of the Lower Delaware River as a Special Protection Water

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on a proposed amendment to the Commission's *Water Quality Regulations, Water Code, and Comprehensive Plan* to extend the temporary classification of the Lower Delaware River as Significant Resource Waters. The temporary classification was enacted by Commission Resolution No. 2005-2 on January 19, 2005, following notice and comment rulemaking. Its effect was to make the Lower Delaware subject to all applicable provisions of the Commission's Special Protection Waters regulations, except those that depend for implementation upon the use of numeric values for existing water quality. Absent further amendment to extend the classification, it will expire on September 30, 2005. The Commission proposes to extend that date by up to 12 months. The classification would thus expire on September 30, 2006, unless the Commission should either permanently classify the Lower Delaware River or once again extend the temporary classification by rule amendment prior to that date.

The proposed extension is needed because before deciding whether or not to classify certain sections of the Lower Delaware River as Outstanding Basin Waters as originally proposed, and whether to make the temporary Special Protection Waters designation permanent for some or all of the Lower Delaware River, the Commission wishes to fully evaluate implementation options and establish numeric values for existing water quality based upon analysis of a 5-year (2000-2004) data set, for which the final year of data only became available late in 2004. Extension of the temporary designation will protect the exceptional value of the Lower Delaware from degradation during the period required to complete this evaluation and conduct a notice and comment rulemaking process on the numeric values and permanent classification.

#### Dates

The public hearing will be held on Monday, September 26, 2005 at the Commission's regular business meeting, which will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, New Jersey, beginning at 1:30 p.m. Driving directions are available on the Commission's website, [www.drbc.net](http://www.drbc.net). Persons wishing to testify are asked to register in advance with the Commission Secretary, (609) 883-9500, Ext. 203. Written comments will be accepted through the close of the public hearing; however, earlier submittals would be appreciated.

#### Supplementary Information

On September 22, 2004, the Delaware River Basin Commission published on its website a Notice of Proposed Rulemaking to amend the *Water Quality Regulations,*

*Water Code* and *Comprehensive Plan* to designate the Lower Delaware River—the reach between River Mile 209.5, which is the downstream boundary of the Delaware Water Gap National Recreation Area, and River Mile 133.4, which is the head of tide at Trenton, NJ—a Special Protection Water. Notice was published in the *Federal Register* on September 23, 2004 (69 FR 57008), the *Delaware Register of Regulations* on October 1, 2004, the *New Jersey Register* on October 4, 2004, the *Pennsylvania Bulletin* on October 9, 2004, and the *New York Register* on October 20, 2004. A public hearing was held on October 27, 2004, and the public was invited to comment, either in person at the hearing or in writing through November 30, 2004. During the comment period, the Commission received approximately 250 letters from business, industry, individuals, municipalities and elected officials, including some opposed to designation. It also received between 1,100 and 1,200 letters and petitions in favor of designation. The Commission modified its proposed rule in favor of temporary classification of the Lower Delaware as Significant Resource Waters in part based upon comments received on the proposed action and in part based upon the need for additional analysis before all provisions of the Special Protection Waters regulations could be put into effect in the Lower Delaware.

#### Further Information, Contacts

The complete text of Resolution No. 2005-2, temporarily amending the *Water Quality Regulations, Water Code, and Comprehensive Plan* by designating the Lower Delaware River a Special Protection Water, is available on the Commission's website at [www.drbc.net](http://www.drbc.net) or upon request from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360. For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, at (609) 883, 9500, Ext. 203.

It is proposed to amend Section 3.10.3.A.2.g.6) of the *Water Quality Regulations and Water Code* by replacing the last paragraph of that section with the following:

Sections 3.10.3.A.2.g.2).(b) and 3.10.3.A.2.g.6) shall expire on September 30, 2006, unless extended by amendment to this rule.

PAMELA M. BUSH, ESQ.,  
Secretary

**Fiscal Note:** 68-46. No fiscal impact; (8) recommends adoption.

(*Editor's Note:* For a document relating to this proposal, see 35 Pa.B. 5005 (September 10, 2005).)

[Pa.B. Doc. No. 05-1676. Filed for public inspection September 9, 2005, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 249]

### Administration Duties of the Board

The State Employees' Retirement Board (Board) proposes to amend § 249.2 (relating to administrative duties of the Board) to read as set forth in Annex A.

### A. *Effective Date*

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

### B. *Contact Person*

For further information, contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17101, (717) 787-9657; or Salvatore A. Darigo, Jr., Counsel, State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17101, (717) 787-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

### D. *Background and Purpose*

The Board is responsible for implementing the retirement benefit program outlined in 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code) (Retirement Code). Section 249.2(a) provides that the minutes of the Board's meetings will be available for public inspection at the Board's offices during normal working hours. This subsection further provides that the minutes will be the only records made available for public inspection. Section 249.2(a) is being deleted because it directly conflicts with the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-to-Know Law (65 P. S. §§ 66.1—66.4). The purpose of this proposed rulemaking is to remove an outmoded and unenforceable provision that directly conflicts with the Right-to-Know Law.

### E. *Benefits, Costs and Compliance*

#### *Benefits*

This proposed rulemaking would benefit the State Employees' Retirement System (SERS) and its members. Section 249.2(a) is unnecessary, outmoded and unenforceable. Deleting this subsection will avoid confusion on the part of members of SERS and the agency's personnel.

#### *Costs*

There are no additional costs to the Commonwealth, its citizens or State employees associated with this proposed rulemaking.

#### *Compliance Costs*

The proposed rulemaking is not expected to impose any additional compliance costs on State employees.

### F. *Sunset Review*

Sunset review is not applicable in this instance.

### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 25, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory

Review Commission (IRRC) and to the Chairpersons of the House State Government Committee and the Senate Finance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

### H. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, 5th Floor, Harrisburg, PA 17101. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

*Electronic Comments*—Comments may be submitted electronically to the Board at [rgentzel@state.pa.us](mailto:rgentzel@state.pa.us) and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,  
*Chairperson*

**Fiscal Note:** 31-5. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 4. ADMINISTRATION

#### PART X. STATE EMPLOYEES' RETIREMENT BOARD

#### CHAPTER 249. ADMINISTRATION, FUNDS, ACCOUNTS, GENERAL PROVISIONS

#### Subchapter A. ADMINISTRATION

#### § 249.2. Administrative duties of the Board.

**[(a) The minutes of all the Board meetings will be available for public inspection at the offices of the Board during normal working hours. No other records of the Board will be available for inspection by the public.]**

**(b) ] \* \* \***

[Pa.B. Doc. No. 05-1677. Filed for public inspection September 9, 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 30, 2005.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-22-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Cardinal Avenue 3rd Floor George Town Grand Cayman Cayman Islands	Opened
8-22-05	Fulton Bank Lancaster Lancaster County	2747 Century Boulevard Wyomissing Berks County	Opened
8-24-05	Graystone Bank (In Organization) Lancaster Lancaster County	361 West Main Street Leola Lancaster County	Filed
8-24-05	Graystone Bank (In Organization) Lancaster Lancaster County	112 Market Street Harrisburg Dauphin County	Filed
8-26-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Spring House Village Plaza Bethlehem Pike Spring House Montgomery County	Authorization Rescinded

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
8-25-05	Lancaster Postal Employees Credit Union Lancaster Lancaster County	An amendment to Article 8 provides for a change in language from: "employees of the United States Postal Service of Lancaster County, PA;" to: "employees of the United States Postal Service who are supervised or paid from Harrisburg."	Approved and Effective

##### Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-24-05	TruMark Financial Credit Union Trevose Bucks County	515 Old York Road Jenkintown Montgomery County	Filed

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-1678. Filed for public inspection September 9, 2005, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0088226 (Sew)	South Woodbury Township 125 North Road New Enterprise, PA 16664	Bedford County South Woodbury Township	Yellow Creek/11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0045969 IW	Sunoco Partners & Marketing Terminals LP 525 Fritztown Road Sinking Spring, PA 19608	Northumberland County Point Township	UNT to Susquehanna River 5E	Y
PA0112747 SP	Mahaffey Borough P. O. Box 202 Mahaffey, PA 15757-0113	Clearfield County Mahaffey Borough	West Branch Susquehanna River 8B	Y

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

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

**Application No. PA 0087718**, Industrial Waste, SIC Code 2421, **Crystal Springs Hardwood, Inc.**, P. O. Box 34, Crystal Springs, PA 15536. This facility is located in Brush Creek Township, **Fulton County**.

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

The receiving stream, Little Brush Creek, is in Watershed 13-B and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Saxton Municipal Water Authority located on the Raystown Branch Juniata River, approximately 49 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0001 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>
pH	from 6.0 to 9.0 inclusive	
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Total Zinc	Monitor and Report	Monitor and Report
Total Copper	Monitor and Report	Monitor and Report

Individuals may make an appointment to review the Department of Environmental Protection 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.*

**PA0228923**, Sewerage SIC 4952, **Pine Cradle Lake Campground**, P. O. Box 113, Rome, PA 18837. This proposed facility will be located in Rome Township, **Bradford County**.

Description of Proposed Activity: The applicant proposes the construction of a 5,000 gpd sewage treatment plant that will serve the existing 100 campsites, 65 proposed expansion sites and the owner's existing residence. This system will be the replacement for a failed onlot system.

The receiving stream, a UNT to Parks Creek, is in the State Water Plan watershed 4D and is classified for CWF. The nearest downstream public water supply intake is the Danville Municipal Water Authority at Danville located on the Susquehanna River, 138 river miles below the discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 mgd:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10		20
TSS	20		40
pH	within the range of 6.0 to 9.0		
Fecal Coliforms	200 col/100 ml as a geometric mean		

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



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

**PA0216739**, Industrial Waste, SIC, 4953, **Allegheny Ludlum Corporation, Inc.**, 100 River Road, Brackenridge, PA 15014. This application is for renewal of an NPDES permit to discharge groundwater from a residual waste landfill in Allegheny Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, tributary of the Allegheny 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 Harrison Township Water Authority, located at Harrison Township, 3 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 0.020 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30		60
Oil and Grease			15		30
Hexavalent Chromium*			0.012	0.024	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
Nickel				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

\*Hexavalent Chromium will have "Monitor and Report" requirement for the first 3 years of the permit at Outfalls 001 and 002. The numeric limits for Hexavalent Chromium will go into effect 3 years after the effective date of the permit.

*Outfall 002*: existing discharge, design flow of 0.009 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Hexavalent Chromium*			0.013	0.026	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
pH				Monitor and Report	

\*Hexavalent Chromium will have "Monitor and Report" requirement for the first 3 years of the permit at Outfalls 001 and 002. The numeric limits for Hexavalent Chromium will go into effect 3 years after the effective date of the permit.

*Outfall 003*: existing discharge, design flow of 0.005 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Hexavalent Chromium			0.013	0.026	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
pH				Monitor and Report	

*Outfall 004*: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Hexavalent Chromium				Monitor and Report	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
pH				Monitor and Report	

The EPA waiver is in effect.

**PA0217573**, Industrial Waste, SIC, 5311, **Oxford Development Company**, 120 Fifth Avenue, 2nd Floor, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge untreated cooling water from Penn Avenue Place in City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, of Allegheny 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 Municipal Authority, located at Neville Island, 5.33 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 1.728 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				

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. 3605408**, Sewerage, **East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Application for the construction/operation of a submersible pumping station and approximately 1,900 linear feet of 4-inch diameter epoxy lined ductile iron force main. This proposed project will collect and convey wastewater from the proposed Cheltenham Subdivision.

**WQM Permit No. 0105201**, Sewerage, **Oxford Township**, 780 Hanover Street, New Oxford, PA 17350. This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Application for the construction/operation of a new pump station to the New Oxford Municipal Authority sewage treatment plant.

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

**WQM Permit No. 0805401**, Sewerage SIC 4952, **Pine Cradle Lake Campground**, P. O. Box 113, Rome, PA 18837. This proposed facility will be located in Rome Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes the construction of a 5,000 gallon per day sewage treatment plant that will serve the existing 100 campsites, 65 proposed expansion sites and the owner's existing residence. This system will be the replacement for a failed onlot system.

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

**WQM Permit No. 0405403**, Sewerage, **Michael P. Baycura**, 131 Cardinal Drive, New Brighton, PA 15066. This proposed facility is located in Daugherty Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence, small flow sewage treatment facility.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805020	Ashley Development Corp. 559 Main Street Bethlehem, PA 18018	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S0581R	Pocono Mts. Industries, Inc. 556 Main St. Stroudsburg, PA 18360	Monroe	Coolbaugh Township and Mt. Pocono Borough	Red Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036705001	Thomas H. Gemmill 21577 Barrens Road South Stewartstown, PA 17363	York	Hopewell Township	UNT to Leibs Creek/HQ-CWF
PAI032805008	Grove Manitowac Crane Group 1565 Buchanan Trail East Greencastle PA 17225	Franklin	Antrim Township	Muddy Run/ HQ/CWF

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

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 2904502, Public Water Supply.**

Applicant	<b>Leisure Living Retirement Home</b>
Municipality	Dublin Township
County	<b>Fulton</b>
Responsible Official	Clyde White, Owner HC 75 Box 244 Fort Littleton, PA 17223
Type of Facility	Public Water Supply
Consulting Engineer	Lance S. Kegerreis, P. E. Dennis E. Black Engineering Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Application Received Date	9/14/2004
Description of Action	Permit is for existing unpermitted water system serving the retirement home.

**Application No. 0605512 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Muhlenberg Township Authority</b>
Municipality	Muhlenberg Township
County	<b>Berks</b>
Responsible Official	Robert Walborn, Manager 2840 Kutztown Road Hyde Park Reading, PA 19605
Type of Facility	Public Water Supply
Consulting Engineer	James C. Elliot, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100

Application Received Date	6/10/2005
Description of Action	Project modifies the disinfection at Well Nos. 1, 2 and 6. Well Nos. 1 and 2 will switch from gas chlorine to sodium hypochlorite for disinfection. Well No. 6 will retain the gas chlorine disinfection and install a leak detection system for operator safety.

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

**Application No. 3007226-MA6, Minor Amendment**

Applicant	<b>Zelienople Borough</b>
Township or Borough	Zelienople Borough, <b>Butler County</b>
Responsible Official	Jill Stedina, Assistant Borough Manager
Type of Facility	PWS
Application Received Date	8/24/2005
Description of Action	Installation of a second meter to allow recording of flow from Marion Township.

## 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.*

**Sneider Residence**, Millersburg Borough, **Dauphin County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of the Estate of Jean Sneider, c/o Benjamin B. Schmick, 675 Saint Johns Drive, Camp Hill, PA 17011-1304, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 heating oil. The applicant proposes to remediate the site to the Statewide Health Standard. Future use of the site will continue to be used as a residential property.

**Drumheller Property**, Oley Township, **Berks County**. American Resource Consultants, Inc., 1000 West Broad Street, Quakertown, PA 18951, on behalf of Ethel Drumheller, 552 Bertolet Mill Road, Oley, PA 19547, and J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422, submitted a Notice of Intent to Remediate site soils contaminated with leaded gasoline from an unregulated storage tank. The applicant proposes to remediate the site to the Statewide Health Standard. Future use of the site will likely be nonresidential.

## 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.*

**40-305-026: Lang Filter Media** (603 South Church Street, Hazleton, PA 18201) for construction of a coal processing plant and associated air cleaning device at their facility in Hazleton, **Luzerne County**.

**58-310-007: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for construction of a stone crushing plant and associated air cleaning device at their Clifford Plant, on Route 374, P. O. Box 280, Clifford Township, **Susquehanna County**.

**48-313-096: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) for construction of a blending and grinding mill and granular system and the associated air cleaning devices at their facility in Easton, **Northampton County**.

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

**19-320-005: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) for construction

of a heatset web offset lithographic printing press in Scott Township, **Columbia County**.

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

**26-00559A: Marwas Steel Co.** (18 Mount Pleasant Road, Scottdale, PA 15683) for installation of heavy duty steel grating process dip tank at Laurel Steel Division in Everson Borough, **Fayette County**.

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

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

**15-0094A: Metallurgical Products Co.** (810 Lincoln Avenue, West Chester, PA 19381) for installation of a fiber bed filter mist eliminator in West Goshen Township, **Chester County**. This installation of the fiber bed filter mist eliminator may result in the emissions of 15.02 tons per year of particulate matter and 7.21 tons per year of phosphoric acid. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within applicable air quality requirements.

**PA-09-0174: Liberty Coating Co., LLC.** (21 South Steel Road, Morrisville, Falls Township, **Bucks County**) for installation of a surface coating operation at an existing facility. This facility is a minor for NOx and VOC. Total VOC emissions are 12.9 tpy and PM emissions are 0.034 tpy controlled by a dust collector. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and 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.*

**PA No. 13-302-024: Altadis USA** (1000 Tresckow Road, McAdoo, PA 18237) for installation and operation of a 1,500 hp Johnston Boiler for their facility in Banks Township, **Carbon County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval No. 13-302-024 to Altadis USA, 1000 Tresckow Road, McAdoo, PA 18237 for their facility in Banks Township, Carbon County. This plan approval will be incorporated into the Title V operating permit No. 13-00005 through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan approval No. 13-302-024 is for the installation and operation of 1,500 hp Johnston Boiler. The designed rated heat input to each boiler will be 62.76 mmBtu/hr. The boiler will fire No. 6 fuel oil as a primary fuel using a forced draft low NOx burner.

The facility is located in an area designated as a marginal nonattainment area for O<sub>3</sub>. The project area is also included in the northeast Ozone Transport Region. The facility is currently a major source for SOx emissions only. The proposed net emission increases from the facility will be 39.9 tpy of NOx emissions, which is below

the NSR applicability triggering thresholds from the proposed new source. Thus, the addition of new boiler will not subject the facility to the provisions of NA NSR for NO<sub>x</sub>. Emissions of SO<sub>2</sub>, CO, NO<sub>x</sub> TSP, PM<sub>10</sub>, lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds associated with the proposed project will be below the PSD significant emission rates, and thus are not subject to PSD review. The following emission limitations are set for new boiler.

NO<sub>x</sub> emissions—From BAT, 300 PPM @ 3%O<sub>2</sub> when firing with No. 6 fuel oil.

CO emission—From BAT, 100 PPM at 3% O<sub>2</sub>.

Additionally the sulfur contained in fuel oil will be limited to 0.5 % by weight.

The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons who wish to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed permit No. 13-302-024; and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines that notification by the telephone is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejkszner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after publication date.

**PA No. 40-399-055: Cascade Tissue Group, PA, Inc.** (901 Sathers Drive, Voglebacher Industrial Park, Pittston, PA 18640) for their plant in Pittston Township, **Luzerne County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval No. 40-399-055 to Cascade Tissue Group, PA Inc., 901 Sathers Drive, Voglebacher Industrial Park, Pittston, PA 18640 for their plant located in Pittston Township, Luzerne County. The facility currently has Title V Permit No. 40-00019. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

The company has proposed to obtain a Plantwide Applicability Limit (PAL) in accordance with the requirements of 40 CFR 51.165 and Federally Enforceable Emission Cap (FEEC) for the criteria pollutant from the facility.

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

1. Under the requirements of 40 CFR 52.21(aa) the following PAL is established for emissions of pollutants from all sources at the facility.

a. PAL Emission Limitation for VOCs from the facility is 62.29 tpy expressed as a 12-month rolling sum, calculated monthly.

2. This Plan Approval establishes a FEEC for emissions of VOCs from all sources at the facility in accordance with 25 Pa. Code § 127.448.

3. The total actual emissions from sources at the facility shall not exceed the FEEC of 62.29 tpy of VOCs on a 12-month rolling sum. Any change that would result in an increase over the FEEC would be subject to the NSR requirements specified in 25 Pa. Code Chapter 127, Subchapter E.

4. The company shall show that the sum of the monthly emissions from each source including emissions from startup, shutdowns and malfunctions under the PAL and FEEC for the previous 12-consecutive months is less than the PAL or FEEC (12-month sum, rolled monthly) respectively. To determine the compliance with the PAL or FEEC, the calculated pollutants emissions for the month shall be added to the previous 11 months calculated pollutants emissions for the total facility.

5. The facility is not subject to the major NSR requirements of 25 Pa. Code Chapter 127, Subchapter E for VOC emissions so long as the permittee complies with the terms and conditions specified for the FEEC in this Plan Approval. Any increase in VOC emissions above this FEEC will subject the facility to the major NSR requirements.

6. The issuance of this Plan Approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act or the Air Pollution Control Act, or to achieve or maintain ambient air quality standards. The issuance of this Plan Approval shall not be construed to limit the Department's enforcement authority.

7. In accordance with 25 Pa. Code §§ 127.448(a) and 127.448(d)(1), the permittee shall notify the Department in writing at least 7 days prior to making any changes or modifications to sources at the facility, which result in an emission trade. This 7-day notice requirement applies to any changes or modifications, which do not subject the facility to major NSR requirements under Title I of the Federal Clean Air Act. In addition to the written notification requirements in 25 Pa. Code § 127.448(b), the notice shall also indicate how the proposed emission increases and decreases will comply with the terms and conditions in the plan approval.

8. The permittee may not construct or modify a new source at the facility unless the "new source," as defined in 25 Pa. Code § 121.1, meets the Best Available Technology requirements established by the Department under section 6.6(c) of the Air Pollution Control Act and 25 Pa. Code § 127.11.

9. At no time (during or after the PAL and FEEC effective period) are emissions reductions of a PAL and FEEC pollutant, which occur during the PAL and FEEC effective period, creditable as decreases for purposes of offsets unless the level of the PAL and FEEC are reduced

by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL and FEEC.

10. The affected sources subject to VOC ERCs is Source Id No. 105 (Corrugated Box Printer).

11. Cascade Tissue group is granted 0.11 ton of VOC ERCs from the shutdown of corrugated box printer.

12. The ERCs generated in this approval shall expire if not consumed within 10 years after the sources ceased emitting the ERC generating emissions.

13. Cascade Tissue group and any subsequent user of these credits shall comply with the requirements of 25 Pa. Code §§ 127.206—127.208 regarding ERC use and transfer requirements.

14. Any future VOC emission from this facility must comply with the New Source Review regulations under 25 Pa. Code Chapter 127, Subchapter E.

15. (a) A person may not permit the emission into the outdoor atmosphere of VOCs from a rotogravure or flexographic printing press subject to this section and must meet the following limitation:

(1) The volatile fraction of the ink, as applied to the substrate, contains 25% or less by volume of VOC and 75% or more by volume of water.

16. The permittee shall maintain records in accordance with recordkeeping requirements of 25 Pa. Code § 129.95, except that these records shall be retained in accordance with General Title V Requirement. The permittee shall keep on hand and make available to the Department upon request the following:

(1) Chemical composition data for all of the material used at the facility, to include all materials used in the flexographic printing process.

(2) The permittee shall keep comprehensive records indicating VOC materials used at the facility. Specifically for the flexographic printing process and adhesives converting lines and core machines. These records shall be in a format showing compliance with emission limitation, for flexographic printing, and indicate VOC emissions for the entire facility on a 12-month rolling sum basis.

(3) The permittee shall keep on hand all calculations to clearly demonstrate that the requirements of 25 Pa. Code §§ 129.91—129.94 are met. The file shall include, but not be limited to: a record of all VOC containing compounds used at the facility as well as calculations on the entire facility's VOC emissions updated on a 12-month rolling sum.

17. The company shall maintain a file containing all records and other data that are required to be collected under the various provisions of this plan approval. The file shall include, but not be limited to: all air pollution control systems performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this plan approval. All measurements, records and other data required to be maintained by the company, including a determination of each emissions unit 12-month rolling total emissions and other records required by 40 CFR 52.21(aa)(13), shall be retained for at least 5 years following the date on which the measurements, records or data are recorded.

18. The company shall comply with the recordkeeping and certification requirements in accordance with 40 CFR 60.46c(e), 60.42c(h) and 60.48c(f)(1). Reports shall be submitted on a quarterly basis unless no excess emissions

occurred. If there are no excess emissions, the company shall semiannually report that no excess emissions occurred during the semi-annual reporting period.

19. The company shall maintain an emission tracking system to document compliance with the PAL and FEEC for the facility, as specified in Condition No. 002 of this Plan Approval. The tracking system shall record on a monthly basis fuel usage, emission rates and total monthly emissions for the pollutants from all the sources at the facility. Compliance with the PAL and FEEC shall be determined through the use of total monthly ink/adhesive usage multiplying with VOC content in each ink/adhesive.

20. The company shall maintain adequate records of changes made to the sources at the facility under this Plan Approval so as to ensure proper recordkeeping and reporting and shall update the facility emitting source list at the time of permit renewal.

21. The permittee shall maintain records demonstrating compliance with the emission limit of this source group. The records shall include the monthly VOC emissions, all calculation, chemical composition data for all the inks used in each process, and shall record on a daily basis the amount of these inks and any VOC solvent usage for each process. The records shall be kept on hand for a period of no less than 5 years and be made available to the Department upon request.

22. The permittee will report on a quarterly basis the total facility VOC emissions based on a 12-month rolling sum. This report will be in a format showing the 12-month rolling sum of VOC emissions from the flexographic operations, adhesives converting lines, adhesive core machines, and any other material which contains VOCs. The report is due within 1 month of the end of each quarter. (April, July, October, January).

23. The company must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in this permit.

24. The company shall report unauthorized, accidental or emergency releases of air pollutants; malfunctions of equipment, the maintenance of which is necessary to meet plan approval requirements or emission limitations; instances of exceeding permit terms or conditions or regulatory requirements found during routine plant maintenance, whether or not the Department is aware of the situation; instances of exceeding permit terms or conditions or regulatory requirements recorded by continuous monitoring equipment; or other departures from the requirements of the act, regulations adopted under the act, terms or conditions of operating permits or plan approvals, or Department orders within 1 hour of having knowledge of the occurrence of such an event. The reporting of an event shall include the probable cause of the events and corrective actions or preventive measures taken to address the events. A written report describing the event and the preventative or corrective actions taken to address the event shall be submitted to the Department within 5 working days following the event. The Department may take enforcement action for any violations of the applicable provisions of the Air Pollution Control Act, regulations adopted under the Act, terms or conditions of operating permits or plan approvals and Department orders. This reporting requirement in no way supercedes or eliminates any other applicable Federal or State reporting requirements.

25. Any changes in the location of the source, or any changes in the process or control equipment would be considered a modification and would require the submittal of an amended application for plan approval in accordance with the provisions of 25 Pa. Code §§ 127.11 and 127.12.

26. The company shall submit semi-annual report to the Department within 30 days of the end of each reporting period. This report shall contain the following:

(A) The identification of owner and operator and the permit number.

(B) Total annual emissions (tons/year) based on a 12-month rolling sum for each month in the reporting period.

(C) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(D) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(E) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

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

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

27. Any deviation shall be reported as per the requirements of 40 CFR 52.21(14)(ii).

28. Under the requirement of 40 CFR 52.21(14)(iii) the company shall submit to the Department the results of any revalidation test or method within 3 months after completion of the test or method.

29. Any notification as a result of any condition herein should be directed to Thomas A. DiLazaro, Air Quality Program Manager, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

30. The company shall maintain and operates sources in accordance with the manufacturer specification and with good engineering practice.

31. The permittee shall maintain and operate equipment in accordance with accepted industry practices to optimize efficiency and good air pollution control practices.

32. The company shall not impose conditions upon or otherwise restrict the Department's access to the sources and/or any associated air cleaning devices and shall allow the Department to have access at any time to said sources and associated air cleaning devices with the measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act.

33. PAL is effective from the date of issuance of this plan approval and expires after 10 years from the date of issuance of this approval. The company shall submit an

application to renew the PAL at least 6 month prior to, but not earlier than 18 months from, the date of expiration of the PAL. If the renewal application is submitted within this time period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until the Department issues a revised PAL permit. The renewal application shall be submitted in accordance with the requirement of 40 CFR 52.21(aa)(10).

34. During the effective period, the Department may reopen the permit to:

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

(2) Reduce the PAL and FEEC if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets.

(3) Revise the PAL and FEEC to reflect an increase in the PAL and FEEC.

(4) Reduce the PAL and FEEC to reflect newly applicable Federal requirements with compliance dates after the PAL and FEEC effective date.

(5) Reduce the PAL and FEEC consistent with any other requirement, that is enforceable as a practical matter, and that the Department may impose on the major stationary source.

(6) Reduce the PAL and FEEC if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public. Except for the permit reopening for the correction of typographical/calculation errors, all other reopening shall be carried out in accordance with the public participation requirements of 40 CFR 52.21(aa)(5).

35. If the PAL expires and is not renewed, the company shall submit an application to comply with the requirement listed in 40 CFR 52.21(aa)(9) to the Department for review and approval.

36. To increase the PAL during effective period, the company shall submit an application to comply with the requirement listed in 40 CFR 52.21(aa)(11) to the Department for review and approval.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons who wish to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments; identification of the proposed permit No. 40-399-055; and concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the



*Pennsylvania Bulletin* or by telephone when the Department determines that notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejkszner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after publication date.

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

**47-00001B: PPL Montour LLC** (P. O. Box 128, Washingtonville, PA 17884) for the installation of flue gas desulfurization systems on two bituminous coal-fired electric utility boilers (Units 1 and 2) and the construction of two 500 horsepower diesel-fired engines at the Montour Steam Electric Station in Derry Township, **Montour County**.

A Title V operating permit (No. 47-00001) has been issued for this facility.

The proposed flue gas desulfurization systems will have the ability to remove 70% to 97% of the SO<sub>x</sub> generated by the respective boilers, depending upon boiler load. This will not however necessarily result in a 70% to 97% reduction in the current level of SO<sub>x</sub> emissions from the respective boilers (126,978.1 tons in 2004 for both boilers combined) due to the fact that the existence of the flue gas desulfurization systems will allow the use of higher sulfur coal in the boilers than can currently be used.

No change is expected in the emission rate of any other air contaminant from the boilers as a result of the flue gas desulfurization system installations.

PPL Montour LLC will also be constructing a new exhaust stack for the boilers, the exit of which will be no less than 540 feet above grade.

The air contaminant emissions from the proposed 500 horsepower diesel-fired engines are not expected to exceed 3.8 tons of NO<sub>x</sub>, 1.1 tons of CO, .56 ton of total hydrocarbons, .42 ton of SO<sub>x</sub> and .22 ton of particulate matter, including PM<sub>10</sub> per year.

The Department of Environmental Protection's (Department) review of the information submitted by PPL Montour LLC indicates that the boilers should comply with applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the proposed flue gas desulfurization systems. Likewise, the Department has determined that the proposed diesel-fired engines should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology provision of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue plan approval for the installation of the flue gas desulfurization systems on the respective boilers as well as for the construction of the proposed diesel-fired engines. Additionally, if the boilers and flue gas desulfurization systems are subsequently determined by the Department to be operating in compliance with all applicable plan approval conditions and regulatory requirements following flue gas desulfurization system installation and if the diesel-fired engines are also subsequently determined by the Department to be operating in compliance with all applicable plan approval conditions and regulatory requirements following their construction, the conditions of the plan approval will be incorporated into Title V Operating Permit 47-00001 by means of administrative

amendment in accordance with the requirements specified in 25 Pa. Code § 127.450.

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

1. The emission of SO<sub>x</sub> (expressed as sulfur dioxide) from Unit 1 shall not exceed .85 pound per million Btu of heat input (3-hour block average) once a flue gas desulfurization system has been installed on Unit 1.

2. The emission of SO<sub>x</sub> (expressed as SO<sub>2</sub>) from Unit 2 shall not exceed .85 pound per million Btu of heat input (3-hour block average) once a flue gas desulfurization system has been installed on Unit 2.

3. Following the installation of a flue gas desulfurization system on Unit 1 or Unit 2, the respective boiler shall exhaust to the atmosphere at a height of no less than 540 feet above grade. Additionally, the inside diameter of the flue for each of these two units shall be no greater than 30.68 feet at the point of exhaust.

4. The permittee shall install, certify, maintain and operate continuous monitoring systems for NO<sub>x</sub> emissions (expressed as NO<sub>2</sub>) and sulfur oxides emissions (expressed as SO<sub>2</sub>) and volumetric flow on the exhaust of Unit 1 and on the exhaust of Unit 2 in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual."

5. The continuous emission monitoring and flow monitoring systems associated with each of the two units (Units 1 and 2) shall be installed and capable of operation before startup of the flue gas desulfurization system on the respective unit and before the respective unit is exhausted to the atmosphere through its new stack. No new continuous emission monitoring system or flow monitoring system may however be installed unless Phase I approval has first been obtained from the Department.

6. The permittee shall submit a Phase I application to the Department for all new continuous emission and flow monitoring systems to be associated with each of the two units (Unit 1 and Unit 2) at least 6 months before the startup of the flue gas desulfurization system on the respective unit.

7. The NO<sub>x</sub> and SO<sub>x</sub> emission monitoring systems shall be capable of monitoring the NO<sub>x</sub> and SO<sub>x</sub> emission rates expressed in pounds per million btu of heat input as well as in pounds per hour. They shall also be capable of monitoring the total emission of the respective air contaminant from the respective unit in any 12-consecutive month period (expressed in tons per year).

8. Neither Unit 1 nor Unit 2 shall be exhausted to the new stack for any reason unless the NO<sub>x</sub> and SO<sub>x</sub> continuous emission monitoring systems and flow monitoring system associated with the respective unit has received Phase I approval from the Department and has subsequently been installed and made operational in accordance with the conditions of this plan approval. Furthermore, the continuous emission monitoring systems and flow monitoring system associated with each unit shall be operated in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139, as well as with all the applicable requirements specified in the Department's "Continuous Source Monitoring Manual," any time the respective unit is operating.

9. Relative accuracy testing shall be completed on the continuous emission monitoring systems and flow moni-

toring system associated with a unit, and the respective monitoring systems shall be fully certified, in accordance with all applicable requirements specified in the Department's "Continuous Source Monitoring Manual" within 180 days of startup of the flue gas desulfurization system on the respective unit.

10. The air contaminant emissions from each of the diesel-fired engines shall not exceed 6.9 grams of NO<sub>x</sub> (expressed as NO<sub>2</sub>) per brake horsepower-hour and 1.9 tons in any 12-consecutive month period, 2.0 grams of CO per brake horsepower-hour and .55 ton in any 12-consecutive month period, 1.0 gram of total hydrocarbons per brake horsepower-hour and .28 ton in any 12-consecutive month period, and .4 gram of particulate matter, including PM<sub>10</sub> per brake horsepower-hour and .11 ton in any 12-consecutive month period.

11. Each diesel-fired engine shall not be operated more than 500 hours in any 12-consecutive month period.

12. The diesel engines shall only be fired on virgin diesel fuel or No. 2 fuel oil to which no reclaimed or reprocessed oil or other waste materials have been added. Additionally, the sulfur content shall not, at any time, exceed .2% (by weight).

13. The permittee shall maintain comprehensive and accurate records of the number of hours that each diesel-fired engine operates each month as well as the amount and type of fuel used in each diesel-fired engine each month.

14. Within 15 days of the selection of specific diesel-fired engines to be constructed at this site, the permittee shall submit specifications for the engines to the Department as well as vendor-supplied, unit-specific air contaminant emission data for the engines.

#### 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.**

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

**23-00071: Giant Construction, Inc.** (260 Bridgewater Road, Aston, PA 19014) for a Non-Title V Facility, State-only, Natural Minor Permit in Montgomery Township, **Montgomery County**. The source of emissions is a concrete plant with a filter vent. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00100: Moyco Precision Abrasives** (200 Commerce Drive, Montgomeryville, PA 18936) for a Non-Title V Facility, State-only, Synthetic Minor Permit in Montgomery Township, **Montgomery County**. The sources of emissions are space heaters, surface coating operations and thermal oxidizer. The facility has a potential to emit VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00077: Hanson Aggregates—Downingtown formerly Milestone Materials** (1609 Sullivan Trail, Easton, PA 18044) for a Non-Title V Facility, State-only, Natural Minor Permit in East Caln Township, **Chester County**. The source of emissions is a stone crushing plant consisting of crushers, screens, conveyors, baghouses and wet suppression system. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**40-00034: Schott Glass Technologies, Inc.—Duryea Plant** (400 York Avenue, Duryea, PA 18642) for operation of nine continuous melting furnaces, melting pots, presses, silos, space heaters, water heaters, various bins and their associated air-cleaning devices at their facility in Duryea, **Luzerne County**. The major emission is of NO<sub>x</sub>. This action is for the Title V Operating Permit to be issued.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**08-00003: CraftMaster Manufacturing, Inc.** (Shiner Road, P. O. Box 311, Towanda, PA 18848) for their facility in Wysox Township, **Bradford County**. The respective facility is a major facility for which a Title V operating permit (TVOP 08-00003) has been issued. Under 25 Pa. Code §§ 127.521 and 127.541 (Significant Operating Permit Modification), the Department of Environmental Protection (Department) intends to issue a revised Title V operating permit incorporating the requirements of the following plan approvals: 08-302-039, 08-00004A, 08-316-014, 08-318-024A and 08-316-013A. The plan approvals have been issued for the construction or modification of the following sources: construction of a 242.4 mmBtu/hr wood/natural gas fired boiler and associated multicyclone, electrostatic precipitator and wood fuel handling equipment, a throughput increase to coating line No. 2, increased production from the die form press, construction of a resin blending facility and associated fabric collector and two cyclones and modification of the line No. 2 press to allow for the production of trimboard affecting the board saws, board-forming line and lap siding surface coating line. The revision also incorporates the following insignificant emissions sources exempted from the Department's plan approval requirements: two-side sander; trim surface coating brush machine and associated fabric collector; a die form coating wetting booth; an A-1 tool machine; and associated brush machine. There is no increase in air contaminant emissions as a result of this significant operating permit modification.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling Kathy Arndt, (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

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

**40-00091: America's Body Co., Inc.** (275 West Union Street, Nanticoke, PA 18634) for motor vehicle and car painting plant in the City of Nanticoke, **Luzerne County**. The facility's main sources of emissions include two spray paint booths and one spray gun parts washer. The potential to emit PM, VOCs, HAPs, NO<sub>x</sub>, SO<sub>x</sub> and

CO are below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

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

**18-00025: Moriarty-Dutcavich Funeral Home** (112 East Church Street, Lock Haven, PA 17745) for operation of a crematory facility in the City of Lock Haven, **Clinton County**.

The crematory facility incorporates a crematory incinerator in which human remains are incinerated. The incinerator is equipped with an integral secondary combustion chamber which is used to minimize air contaminant emissions. The air contaminant emissions from this facility are not expected to exceed 1.09 tons of NO<sub>x</sub>, .16 ton of CO, .36 ton of SO<sub>x</sub>, .038 ton of total organic compounds and .036 ton of particulate matter including PM<sub>10</sub> per year.

The respective facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously existing in Operating Permit 18-301-009. These previously-existing conditions include a particulate matter emission limitation of .08 grain per dry standard cubic foot of effluent gas (corrected to 7% oxygen), a condition prohibiting the incineration of anything other than human remains and associated containers, a condition requiring a secondary combustion chamber temperature of at least 1,800 F upon any occasion when the incinerator is in use and a condition requiring the secondary combustion chamber temperature to be continuously monitored and recorded whenever the incinerator is in use.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *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 <sup>1</sup>		greater than 6.0;	less than 9.0
alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 mg/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.*

**63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in Amwell Township, **Washington County** to install the South West Mains No. 3 air shaft and boreholes. Surface Acres Proposed 11.8. Receiving stream, Redd Runn, classified for the following use: TSF. Application received July 1, 2005.

**30841320 and NPDES Permit No. PA0213861, Dana Mining Company of PA, Inc.** (P. O. Box 1170, Morgantown, WV 26507), to renew the permit for the Dooley Run Mine in Dunkard Township, **Greene County** and related NPDES permit. No additional discharges. Application received July 29, 2005.

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

**Permit No. 56930104 and NPDES Permit No. PA 0212415. Future Industries Inc.,** P. O. Box 157, Meyersdale, PA 15552, permit revision-land use change on Merrill Enterprises Inc. property from forest to cropland in Brothersvalley Township, **Somerset County**, affecting 129 acres. Receiving streams: UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on August 15, 2005.

**Permit No. 32000109 and NPDES No PA0248827. Britt Energies Inc.,** 2450 Philadelphia St., Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface, auger and sandstone mine in White Township, **Indiana County**, affecting 33.5 acres. Receiving streams: UNTs to/and Yellow Creek, classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received August 17, 2005.

**32000105 and NPDES No. PA0235326. DJ & W Mining, Inc.,** P. O. Box 425, Indiana, PA 15701-0425, permit renewal for the continue operation and restoration of a bituminous surface-auger mine in Washington Township, **Indiana County**, affecting 121.0 acres. Receiving streams: UNTs to/and South Branch of Plum Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Reliant Energy's Keystone Station. Application received August 18, 2005.

**56950110 and NPDES No. PA0213217. Ritchie Trucking & Excavating, Inc.,** 19709 Winner View Terrace, Frostburg, MD 21532, permit renewal for the con-

tinued operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 166.8 acres. Receiving streams: UNT to/and Flag Run; UNT to/and Casselman River, Crab Run classified for the following uses: CWF, CWF; WWF, CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 19, 2005.

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

**03743055 and NPDES Permit No. PA061690. Terry Reddinger** (Box 58, Distant, PA 16223). Renewal application for NPDES of a bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 96.7 acres. Receiving stream: UNT to Mahoning Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 22, 2005.

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

**16050110 and NPDES Permit No. PA0257982. H. W. Truitt Coal Company, Inc.** (77 Truitt Lane, Fairmount City, PA 16224). Commencement, operation and restoration of a bituminous surface strip and auger operation in Redbank Township, **Clarion County** affecting 67.0 acres. Receiving streams: seven UNTs to Pine Creek and Pine Creek, classified for the following uses: CWF. The first downstream potable water supply intakes from the point of discharge are Hawthorn Municipal Authority and Redbank Valley Municipal Authority. Application to include a land use change from forestland and forestland (now abandoned surface mine) to land occasionally cut for hay on the R. Joseph Truitt and George William Truitt properties. Application received: August 23, 2005.

**33050103 and NPDES Permit No. PA0257991. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 63.5 acres. Receiving streams: Nicely Run and UNTs, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 23, 2005.

**1380-33050103-E-1. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Application for a stream encroachment to conduct mining and construct erosion and sedimentation controls within a 100-foot stream barrier of Nicely Run in Perry Township, **Jefferson County**. Receiving streams: Nicely Run and UNTs, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 23, 2005.

*Noncoal Applications Received*

*Effluent Limits*

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

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

<sup>1</sup> The parameter is applicable at all times.

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

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

**50890301C4 and NPDES Permit No. PA0594431. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Buffalo Township, **Perry County**, receiving streams: UNT to Susquehanna River, classified for the following use: WWF. Application received August 24, 2005.

**6875SM5C2 and NPDES Permit No. PA0595128. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oliver Township, **Mifflin County**, receiving streams: UNT to Strodes Run, classified for the following use: CWF. Application received August 24, 2005.

**6174SM5A2C9 and NPDES Permit No. PA0594423. Meckley's Limestone Products, Inc.** (R. R. 1 Box 1682, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mahanoy and Jordan Townships, **Northumberland County**, receiving stream: Upper Fiddler Run, classified for the following use: WWF. Application received August 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

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

**E56-337. Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To replace an existing bridge in Jenner Township, **Somerset County**, Pittsburgh ACOE District (Boswell, PA Quadrangle N: 4.1 inches; W: 5.9 inches and Latitude: 40° 08' 51"—Longitude: 79° 02' 33"). The applicant proposes to remove the existing structure and to construct and maintain a bridge having a normal clear span of 68.09 feet and an underclearance of 10.35 feet across Quemahoning Creek (CWF) located on SR 0030, Section 010, Segment 0110, Offset 0000. The project includes construction of a temporary bridge having a clear span of 76 feet and an underclearance of 13.9 feet.

## 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS10C011R1	Fiorino Grande Grande Construction 108 S. Hull St. Sinking Spring, PA 19608	Union Township Berks County	French Creek HQ-CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096971 Industrial Waste	West Carroll Township Water & Sewer Authority P. O. Box 328 Elmora, PA 15737-0374	Cambria County West Carroll Township	Tributary to West Branch Susquehanna River	Y
PA0218367 Industrial Waste	Saint Francis College P. O. Box 600 Loretto, PA 15940-0600	Cambria County Loretto Borough	UNT to Chest Creek	Y

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

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

**NPDES Permit No. PA0252905**, CAFO, **Klejka Dairy**, 381 Deans Road, Somerset, PA 15501. This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Individual NPDES permit for existing CAFO known as Klejka Dairy.

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

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

**WQM Permit No. 4705401**, Sewerage, **Brent A. and Joann Kach**, 205 Liberty Valley Road, Danville, PA 17821. This proposed facility is located in Valley Township, **Montour County**.

Description of Proposed Action/Activity: Single residence small flow treatment facility consisting of a septic tank, sand filter and chlorination disinfection.

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

**WQM Permit No. 0289422-A1**, Sewage, **Collier Township Municipal Authority**, 2418 Hilltop Rd., Presto, PA 15142. This proposed facility is located in Collier Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction and operation of a pump station and force main to serve the Upper Scotts Run Watershed.

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

**WQM Permit No. WQG018401**, Sewerage, **James E. and Teresa M. Morrison**, 3502 Fuller Road, Brookville, PA 15825. This proposed facility is located in Pine Creek Township, **Jefferson County**.

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

#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

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

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

#### **List of NPDES and/or Other General Permit Types**

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

#### *General Permit Type—PAG-2*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington Township Northampton County	PAG20048040361	David Sell Reen Development 1348 Hamilton Blvd. Allentown, PA 18102	Martins Creek TSF-MF	Northampton Co. Cons. Dist. (610) 746-1971
Mahoning Township Carbon County	PAG2001304007	Wal-Mart Stores, Inc. c/o Tom Oppenheim 2001 SE. 10th St. Bentonville, AR 72716	Mahoning Creek CWF and Lehigh River TSF	Carbon Co. Cons. Dist. (610) 377-4894
Hazle Township Luzerne County	PAG2004005014(1)	CAN DO, Inc. 1 South Church St. Hazleton, PA 18201	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991

*Facility Location:  
Municipality &  
County*Eldred Township  
Schuylkill County

Permit No.

PAG2005405019

*Applicant Name &  
Address*Clark A. Reiner  
Reiner Poultry Farm  
376 Valley Rd.  
Pitman, PA 17964*Receiving  
Water/Use*Little Mahanoy Creek  
CWF*Contact Office &  
Phone No.*Schuylkill Co.  
Cons. Dist.  
(570) 622-3742Dudley-Carbon-  
Coalmont Joint  
Municipal  
Authority—Phase II  
Sanitary Sewer  
Extension  
Little Valley, Risbon  
Hill and Black  
Farm Roads  
Carbon Township  
Huntingdon County

PAG200310401

Mary Gates  
P. O. Box 276  
Dudley, PA 16634House Run  
WWFHuntingdon County  
Conservation District  
R. D. 1, Box 7C  
Rt. 26 S  
Huntingdon, PA 16652Carbon Township,  
Huntingdon County

PAG2003104001

Mary Gates  
P. O. Box 276  
Dudley, PA 16634House Run  
WWFHuntingdon County  
Conservation District  
R. D. 1, Box 7C  
Rt. 26 S  
Huntingdon, PA 16652Straban Township  
Adams County

PAG20001030091

Robert J. Monahan, Jr.  
for Gettysburg Historic  
Holdings, Inc.  
131 Carlisle Street  
Gettysburg, PA 17325UNT to Rock Creek  
WWFAdams County  
Conservation District  
670 Old Harrisburg Rd.  
Suite 201  
Gettysburg, PA 17325  
(717) 334-0636Shippensburg  
Borough  
Cumberland County

PAG2002105024

Schreiber Foods, Inc.  
502 North Madison  
Street  
Green Bay, WI 54301Middle Spring Creek  
CWFCumberland County  
Conservation District  
43 Brookwood Ave.  
Carlisle, PA 17013  
(717) 240-7812Bedford Township  
Bedford County

PAG2000505005

Wal-Mart Stores East,  
LP  
2001 Southeast 10th  
Street  
Bentonville, AR 72716UNT to Dunning Creek  
WWFBedford County  
Conservation District  
702 West Pitt Street  
Suite 4  
Bedford, PA 15522  
(814) 623-7900, Ext 4Clinton County  
Wayne Township

PAG2001805003

First Quality Products  
P. O. Box 270  
McElhattan, PA 17748UNT W. Br.  
Susquehanna River  
CWFClinton County  
Conservation District  
45 Cooperation lane  
Mill Hall, PA 17751  
(570) 726-3798Northumberland  
County  
Point Township

PAG2004904008

Stone School Manor  
Ridge Road  
Northumberland, PA  
17857UNT Johnson's Creek  
CWFNorthumberland County  
Conservation District  
R. R. 3, Box 238C  
Sunbury, PA 17801  
(570) 286-7114, Ext. 4*General Permit Type—PAG-3**Facility Location &  
Municipality*Falls Township  
Bucks County

Permit No.

PAR220002

*Applicant Name &  
Address*Land & Sea Forest  
Products Corp.  
400 Rock Run Rd.  
Fairless Hills, PA 19030*Receiving  
Water/Use*

Rock Run-2E Watershed

*Contact Office &  
Phone No.*Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970City of Philadelphia  
Phila County

PAR600086

Tam T. Ly d/b/a T & E  
Auto Parts  
6912 W. Passyunk Ave.  
Philadelphia, PA 19153Schuylkill River-3F  
WatershedSoutheast Regional Office  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County York City	PAR403503	Envirite of Pennsylvania, Inc. 730 Vogelsong Road York, PA 17404-1725	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Greene Township	PAR10M145R	Terry Wagner Set—Greens Phase VI P. O. Box 400 Scotland, PA 17254	UNT to Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Franklin County Guilford Township	PAR10M222R	Craig Nittershouse WCN-2 2294 Molly Pitcher Hwy. S. Chambersburg, PA 17201	UNT to Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Lancaster County West Lampeter Township	PAR10O481R	Willow Valley Retirement Community 100 Willow Valley Lakes Willow Street, PA 17584	UNT Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Valley Township Montour County	PAG045197	Brent A. and Joann Kach 205 Liberty Valley Road Danville, PA 17821	UNT to Mause Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Westmoreland County Hempfield Township	PAG046221	Paul M. Barr, Jr. 2474 Long Street Greensburg, PA 15601-5552	Tributary to Slate Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Indiana Township	PAG046220	Charles A. Warden Suite 500 336 4th Avenue Pittsburgh, PA 15222	UNT to Little Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Pinecreek Township Jefferson County	PAG049193	James E. and Teresa M. Morrison 3502 Fuller Road Brookville, PA 15825	UNT to Sandy Lake Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Site Name & Location**Contact Office & Phone No.*Lower Towamensing Township  
Carbon CountyPAG082211  
PAG083567  
PAG083565  
PAGB1G9903  
PAG08-2203  
PAG07-0003  
PAG08-0008  
PAG08-0003  
PAG08-3502  
PAG08-3522  
PAG08-3542  
PAG08-3551  
PAG08-0006  
PAG08-3540  
PAG08-9903  
PAG08-9905  
PAG08-2201  
PAG07-0005  
PAG08-3515  
PAG08-3501  
PAG08-3825  
PAG08-0002  
PAG08-3547  
PAG08-3506  
PAG08-3518  
PAG08-3535  
PAG08-9904  
PAG08-3517Synagro Mid-Atlantic  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160Guy Seifert  
Lower Towamensing Township  
Carbon CountyNERO  
2 Public Square  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2511**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 6405501**, Public Water Supply.

Applicant	<b>Fox Ledge, Inc.</b> R. R. 1, Box 522 Honesdale, PA 18431
Borough or Township	Preston Township
County	<b>Wayne County</b>
Type of Facility	Bulk Water Hauling
Consulting Engineer	Michael J. Propst, P. E. Keystone Consulting & Associates
Permit to Construct Issued	August 24, 2005

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

**Operations Permit** issued to: **North Middleton Authority**, 7210049, North Middleton Township & Middlesex Township, **Cumberland County** on 8/24/2005 for the operation of facilities approved under Construction Permit No. 2105506 MA.

**Permit No. 5005501**, Public Water Supply.  
 Applicant **Sherman's Valley LP**  
 Municipality Tyrone Township  
 County **Perry**  
 Type of Facility New public water system for Sherman's Valley Apartments served by a groundwater well.  
 Consulting Engineer Edward M. Lesny, P. E.  
 Hydro-Geo Services, Inc.  
 1542 Bridge St.  
 New Cumberland, PA 17070  
 Permit to Construct Issued: 8/24/2005

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

**Permit No. M.A.—Construction** Public Water Supply.  
 Applicant **Hamilton Township Municipal Authority**  
 Township or Borough Hamilton Township  
 County **Tioga**  
 Responsible Official Ralph Bender  
 P. O. Box 236  
 Morris Run, PA 16939  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer William S. Bray, P. E.  
 Civil Engineering  
 P. O. Box 535  
 Wellsboro, PA 16901  
 Permit Issued Date 8/25/05  
 Description of Action Proposing the chlorine contact piping in the clearwell tank and addition of soda ash, caustic soda, and aqua-mag.

**Permit No. 4496031-Amendment 16—Construction and Operation** Public Water Supply.  
 Applicant **Tulpehocken Spring Water, Inc.**  
 Township or Borough Rockefeller Township  
 County **Northumberland**  
 Responsible Official Gary L. Troutman  
 Tulpehocken Spring Water, Inc.  
 R. R. 1, Box 114T  
 Northumberland, PA 17857  
 Type of Facility Public Water Supply—Construction and Operation  
 Consulting Engineer Louis Vittorio, P. G. and Thomas Pullar, P. E.  
 Earthres Group, Inc.  
 7137 Old Easton Road  
 P. O. Box 468  
 Pipersville, PA 18947  
 Permit Issued Date 8/25/05

Description of Action Authorizing the use of James M. Rodichok's permitted source, Egg Harbor Spring, located in Porter Township, Schuylkill County, as an additional raw water source at the existing Oak Park Bottling Plant.

**Permit No. MA—Operation** Public Water Supply.  
 Applicant **Columbia Investment Corporation**  
 Township or Borough Main Township  
 County **Columbia**  
 Responsible Official Frank Baker  
 Columbia Investment Corporation  
 6009 Columbia Boulevard  
 Bloomsburg, PA 17815-8800  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 8/25/05  
 Description of Action Operation of the ultraviolet light.

**Permit No. MA—Operation** Public Water Supply.  
 Applicant **Columbia Investment Corporation**  
 Township or Borough Main Township  
 County **Columbia**  
 Responsible Official Frank Baker  
 Columbia Investment Corporation  
 6009 Columbia Boulevard  
 Bloomsburg, PA 17815-8800  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 8/25/05  
 Description of Action Operation of the finished water storage tank, transmission lines and booster pumps.

#### 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:

Borough or Township	Borough or Township Address	County
West Manheim Township	31 Fairview Drive Hanover, PA 17331	York

*Plan Description:* High Point at Rojen Farms, Phase I South Section, A3-67964-180-3. The approved plan provides for an 87 lot single-family residential subdivision on 419.639 acres with one residual tract. Total estimated sewage flows are 30,450 gpd, and they will be tributary to public sewer currently being extended to the Oak Hills Drive and Kimberly Drive areas, and ultimately, will flow to the Penn Township Wastewater Treatment Plant. The proposed subdivision is located on the northwestern side of Sunset Drive, behind existing properties on Oak Hills

Drive, and at the ends of Oak Hills Drive and Kimberly Drive in West Manheim Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Montgomery Township	12868 Fort Loudon Rd. Mercersburg, PA 17236	Franklin

*Plan Description:* The approved plan, entitled Whitetail Resort Community, provides for 958 homes, town homes, condominiums, a 150-room hotel and conference center, a 300-room hotel, a 10-room bed and breakfast, a clubhouse and a water park, with total flows of 395,500 gallons per day to be served by a proposed new wastewater treatment plant. The proposed development is located along Blairs Valley Road. Operation and maintenance will be the responsibility of the Whitetail Resort Community Homeowner's Association. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. WQM Permits must be obtained in the name of the Whitetail Resort Community Homeowner's Association.

## 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.*

**PPL Pole No. 35730S27867**, Rapho Township, **Lancaster County**. PPL Services Corporation, Two North Ninth Street, GENTW17, Allentown, PA 18101-1179 submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to the Statewide Health Standard.

**Internet Site**, East Hempfield Township, **Lancaster County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of the County of Lancaster, 50 North Duke Street, Lancaster, PA 17603, has submitted a revised Final Report concerning the remediation of site soils contaminated with heavy metals and PAHs. The report is intended to document remediation of the site to the Site-Specific Standard.

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

**Hull's Landing Restaurant**, 27 SR 442, Muncy, PA 17756, Muncy Creek Township, **Lycoming County**. Earth Tec, 2 Market Plaza Way, Mechanicsburg, PA 17055 has submitted a Final Report concerning groundwater contaminated with benzene, toluene, ethylbenzene, BTEX, MTBE and naphthalene. This Final Report is intended to demonstrate attainment of the Background Standard.

**Former AMP, Inc. Selinsgrove Facility (Tyco Electronics Corp)**, Selinsgrove Borough, **Snyder County**. Science Applications International Corp., has submitted a Final Remedial Investigation/Risk Assessment Report concerning groundwater and soil contaminated with volatile organic compounds. This Final Report is intended to delineate the extent of contamination and determine the potential risk to human health and the environment.

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

**Amer Ref Group Bradford, Crude Tank Farm**, Foster Township, **McKean County**. Dayne Crowley, MACTEC Eng. & Consulting, 700 N. Bell Avenue, Suite 200, Carnegie PA 15106 on behalf of Steve Sherk, American Refining Group, Inc., 77 N. Kendall Avenue, Bradford PA 16701, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with crude oil. The report is intended to document remediation of the site to meet the Site Specific Standards.

**National Church Residences, Eastlake Woods**, Harborcreek Township, **Erie County**. Korin Giles, Urban Engineers of Erie, 1319 Sassafras Street, Erie PA 16501 on behalf of Thomas Herlihy, Owner, National Church Residences, 2335 North Bank Drive, Columbus OH 43220 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethyl Benzene and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health, Site Specific Standards.

**Redevelopment Authority of the City of Meadville (Former Talon Plant 7 Site)**, City of Meadville, Crawford County. Mark B. Miller, Moody & Assoc., 11548 Cotton Rd., Meadville PA 16335 on behalf of Andy Walker, Director of Community Development, Redevelopment Authority of the City of Meadville, 764 Bessemer Street, Meadville PA 16335, has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with chlorinated solvents, inorganics and other organics and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The report is intended to document remediation of the site to meet the Special Industrial Area Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information

concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Bellefonte School District, Middle School**, 100 North School Street, Bellefonte, PA 16823, Bellefonte Borough, **Centre County** has submitted a Final Report concerning soils and groundwater contamination resulting from a methanol release. The Final Report demonstrated attainment of the Statewide Health Standard—Residential and was approved by the Department on August 10, 2005.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of applicability for General Permit approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), and residual waste regulations for a General Permit to operate residual waste processing facilities and/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. WMGR019D005. Blackwood, Inc.**, P. O. Box 639, Wind Gap, PA 18091. General Permit No. WMGR019D005 for the beneficial use of waste foundry sand as roadway construction material or as an ingredient in the manufacturing of concrete or asphalt products. Central Office approved the determination of applicability on August 24, 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.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit modification deemed complete under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 101649. Phoenix Resources Inc.**, P. O. Box 38, 248 Main Street, Blossburg, PA 16912-1100, located in Duncan Township, **Tioga County**. The major permit modification for a lateral expansion of the Construction/Demolition landfill was deemed complete by the Williamsport Regional Office on August 22, 2005.

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

## AIR QUALITY

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

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

**AQ-SE-0021: Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507) on August 25, 2005, to operate a portable crusher in West Nantmeal Township, **Chester County**.

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

**GP5-65-00923: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) on August 23, 2005, to operate one 810 bhp Caterpillar natural gas-fired Compressor Engine, Model No. G3512TALE, at their Latrobe Compressor Station in Unity Township, **Westmoreland County**.

**GP5-30-00151A: CNX Gas Co., LLC** (1800 Washington Road, Pittsburgh, PA 15241) to construct and operate a dehydrator and an Amine Plant at their existing Pine Bank facility in Center Township, **Greene 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.**

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

**36-05081A: Lancaster County Solid Waste Management Authority** (1299 Harrisburg Pike, Lancaster, PA 17604-4425) on August 22, 2005, to construct a landfill gas collection and control system at their Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**.

**67-05004I: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-1000) on August 22, 2005, to install a fluidized bed scrubber on the Fluo-Solids Calciner in Spring Grove Borough, **York County**.

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

**56-00287B: Friends To End, Inc.** (5491 Somerset Pike, Hollsopple, PA 15935) on August 23, 2005, to install a dual chambered animal crematory in Jenner Township, **Somerset County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-313-057E: Republic Environmental System of PA Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on August 23, 2005, to operate a hazardous waste TSD in Hatfield Township, **Montgomery County**.

**23-0056: Honeywell International Inc.** (6100 Philadelphia Pike, Claymont, PA 19703) on August 25, 2005, to operate a fluosulfonic acid manufacturing in Marcus Hook Borough, **Delaware County**.

**46-0005M: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on August 25, 2005, to operate a natural gas-fired combustion turbine in Upper Gwynedd Township, **Montgomery County**.

**46-0108B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on August 24, 2005, to operate a crusher and screen—quarry in Marlborough Township, **Montgomery County**.

**46-0146A: Republic Environmental System of PA Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on August 23, 2005, to operate a waste storage tank in Hatfield Township, **Montgomery County**.

**46-0166: M and M Stone Co.** (P. O. Box 189, Telford, PA 18969-0189) on August 23, 2005, to operate a batch asphalt plant in Lower Salford Township, **Montgomery County**.

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

**18-315-001: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17815) on August 16, 2005, to correct a material usage limitation and to operate a paper machine (No. 1 paper machine) and associated equipment on a temporary basis until December 14, 2005, in Castanea Township, **Clinton County**. The plan approval has been extended.

**41-318-048: Keystone Leather Distributors, LLC** (2100 Reach Road, Williamsport, PA 17701) on August 23, 2005, to operate a leather shoe sole waterproofing operation on a temporary basis until December 21, 2005, in the City of Williamsport, **Lycoming County**. The plan approval has been 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.**

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

**09-00014: Bake Rite Rolls—Division of Northeast Foods** (603-19 South Bond Street, Baltimore, PA 21231) on August 24, 2005, to operate limitation of emissions of VOCs to the existing facility Title V Operating Permit in Bensalem Township, **Bucks County**.

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

**28-05040: Industrial Power Generation Corp.—INGENCO** (5416 Buchanan Trail West, Greencastle, PA 17225-9382) on August 22, 2005, for their electric generating facility in Peters Township, **Franklin County**.

**67-05018: Yorktowne, Inc.** (100 Redco Avenue, Red Lion, PA 17356-0231) on August 16, 2005, for operation of the high quality wood custom kitchen cabinet manufacturing facility in Red Lion Borough, **York County**. This is a renewal of the Title V Operating Permit.

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**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.**

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

**06-03071: Wolfe Dye and Bleach Works, Inc.** (25 Ridge Road, Shoemakersville, PA 19555) on August 19, 2005, for their dyeing and bleaching facility in Perry Township, **Berks County**. This is a renewal of their operating permit.

**07-05040: Lumax Industries, Inc.** (Chestnut Avenue and 4th Street, Altoona, PA 16603) on August 17, 2005, to operate their manufacturing facility in the City of Altoona, **Blair County**.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19041; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**23-00058: Haverford College** (370 Lancaster Avenue, Haverford, PA 19041) on August 17, 2005, to modify three generators from 6.9 pr/hp to 6.9 gr/hp-hr. to an existing synthetic minor operating permit in Haverford Township, **Delaware County**.

**15-00027: Johnson Matthey, Inc.—Catalyst Systems Division** (456 Devon Park Drive, Wayne, PA 19087-1816) on August 17, 2005, to incorporate changes approved under plan approval PA-15-0027F for modification to an existing powder handling/wash coat batching system, which supports coating lines 7, 10 and 11 and installation of the following sources located in Treddyfrin Township, **Chester County**. The company operates a catalytic converter manufacturing research and development facility.

- (i) One bag unloader.
- (ii) Two powder addition systems.
- (iii) Two dust collectors.

The revised Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The conditions from the plan approvals that have been addressed in the amended Title V Permit are outlined as follows:

**Wash Coat Batching Dust Collectors Nos. 1 and 2 (Source ID: CO13A and CO13B)**

Condition No. 001—Emission Restriction condition that limits the emission of particulate matter from each dust collector to 0.02 grain per dry standard cubic foot.

Compliance with this more stringent, streamlined condition ensures compliance with 25 Pa. Code § 123.13).

Condition No. 002—Monitoring Requirement condition for the pressure drop across the dust collectors on a daily basis when this device is operating.

Condition No. 003—Recordkeeping Requirement condition for the pressure drop across the dust collectors on a daily basis when this device is operating.

Condition No. 004—Work Practice Standard condition to ensure that the dust collectors are both equipped with a device to monitor the pressure differential.

Condition No. 005—Work Practice Standard condition requiring the permittee to maintain a pressure drop of 2"-4" (w.g.) across each dust collector.

Condition No. 006—Work Practice Standard condition requiring the permittee to maintain, onsite, a sufficient supply of spare fabric filters for each dust collector.

Condition No. 007—Work Practice Standard condition requiring the permittee to minimize fugitive emissions from the dust collectors through good housekeeping and good air pollution practices.

The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The Administrative Amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**46-00025: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on August 17, 2005, to modify the pressure drop across the acid gas absorber serving the thermal oxidizer to the existing Title V Operating Permit in Upper Merion Township, **Montgomery County**.

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

**28-05020: T. B. Woods, Inc.** (440 North 5th Avenue, Chambersburg, PA 17201-1778) on August 19, 2005, to install a table blast machine and sand reclamation system controlled by a fabric collector in Chambersburg Borough, **Franklin County**. This Operating Permit was administratively amended to incorporate plan approval 28-05020A. This is revision No. 1.

**36-03135: Shared Mail Acquisitions LLC d/b/a Doodad** (72 Industrial Circle, Lancaster, PA 17601-5928) on August 18, 2005, to operate presses at their printing facility in Upper Leacock Township, **Lancaster County**. This Operating Permit was administratively amended to incorporate plan approval 36-05135C. This is Revision No. 2.

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

**30-00072D: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241). On August 25, 2005, this Title IV was administratively amended to incorporate the requirements of Plan Approval PA-30-00072D. PA-30-00072D was issued on November 10, 2003, to allow upgrades to the refuse conveyor system and wash plant expansion at the Bailey Mine Complex located in Richhill Township, **Greene County**.

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**Operating Permits denied, terminated, suspended or revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

**46-00043: Glasgow, Inc.—Ivy Rock** (1200 Conshohocken Road, Conshohocken, PA 19428) on August 19, 2005, to revoke the facility's State-Only (Synthetic Minor) Operating Permit for their two batch asphalt plants in Plymouth Township, **Montgomery County**. The facility last operated in September 2003 and is intended to remain permanently shut down. All or parts of the two-batch asphalt plants may eventually be transferred to another sites but currently still remain at the facility.

## 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.*

**56000102 and NPDES No. PA0235237. Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 197.6 acres. Receiving streams: Piney Run and its UNTs and UNTs to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 30, 2005. Permit issued August 22, 2005.

**11040101 and NPDES No. PA0249661. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, revision of an existing bituminous surface-auger mine to request a variance on the 100 ft. barrier of a UNT to Powell Run for the purpose of upgrading, using, and maintaining an existing access road and to install a stream crossing culvert in Reade Township, **Cambria County**, affecting 69.0 acres. Receiving streams: UNTs to/and Powell Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 12, 2005. Permit issued August 22, 2005.

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

**03020114 and NPDES Permit No. 0250287. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650). Transfer of permit formerly issued to D.J. & W. Mining, Inc., for continued

operation and reclamation of a bituminous surface mining site located in Kiskiminetas Township, **Armstrong County**, affecting 44.8 acres. Receiving stream: UNT to Crooked Creek. Application received: February 22, 2005. Transfer permit issued: August 22, 2005.

### Noncoal Permits Actions

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

**26052802. T & B Excavating, Inc.** (3336 Old McClellandtown Road, McClellandtown, PA 15458). Permit issued for commencement, operation and reclamation of a small noncoal (sandstone) surface mining operation located in Jefferson Township, **Fayette County** affecting 8.9 acres. Receiving streams: Little Redstone Creek to Monongahela River. Application received: February 8, 2005. Permit issued: August 23, 2005.

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

**58050818. Paul Van Dyke** (R. R. 2, Box 2581, Nicholson, PA 18446-9101), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Tributary to Monroe Creek. Application received April 27, 2005. Permit issued August 23, 2005.

**58050827. William H. Liepinis** (R. R. 1, Box 145A, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Tributary to Salt Lick Creek. Application received May 25, 2005. Permit issued August 25, 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.*

**02054006. Controlled Demolition, Inc.** (2737 Merymans Mill Road, Phoenix, MD 21131). Blasting activity permit for demolition of the Garfield Towers, located in the City of Pittsburgh, **Allegheny County**, with an expected duration of 30 days. Permit issued: August 25, 2005.

**02054007. Mashuda Corporation** (21101 Rt. 19, Cranberry Township, PA 16066). Blasting activity permit for the construction of Fayette Farms subdivision, located in North Fayette Township, **Allegheny County**, with an expected duration of 1 year. Permit issued: August 25, 2005.

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

**42054001. National Earth Service, Inc.** (245 Butler Avenue, Lancaster, PA 17601). Blasting activity permit to blast at McKean County Landfill to create or extend a new cell in Sergeant and Hamlin Townships, **McKean County**. This blasting activity permit will expire on January 22, 2006. Application received: August 17, 2005. Application Issued: August 22, 2005.

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



**39054006. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Integrated Health Campus in South Whitehall and Upper Macungie Townships, **Lehigh County** with an expiration date of August 24, 2006. Permit issued August 22, 2005.

**39054005. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC (P. O. Box 20412, Bethlehem, PA 18002), construction blasting on Washington Street in the City of Allentown, **Lehigh County** with an expiration date of December 20, 2005. Permit issued August 22, 2005.

**01054114. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for The Links at Gettysburg in Mt. Joy Township, **Adams County** with an expiration date of August 30, 2006. Permit issued August 22, 2005.

**52054114. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Saw Creek Estates in Lehman Township, **Pike County** with an expiration date of July 31, 2006. Permit issued August 22, 2005.

**67054129. Fitz & Smith, Inc.** (P. O. Box 178, Dalstown, PA 17313), construction blasting for Northern Heights in East Manchester Township, **York County** with an expiration date of August 27, 2006. Permit issued August 22, 2005.

**67054130. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a single dwelling in Newberry Township, **York County** with an expiration date of December 30, 2005. Permit issued August 22, 2005.

**09054108. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for The Arbours at Morgan Creek in Richland Township, **Bucks County** with an expiration date of December 23, 2005. Permit issued August 23, 2005.

**35054114. ER Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431), construction blasting for South Abington Sewer in South Abington Township, **Lackawanna County** with an expiration date of August 30, 2006. Permit issued August 23, 2005.

**36054146. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for utilities in Mt. Joy Borough, **Lancaster County** with an expiration date of October 30, 2005. Permit issued August 23, 2005.

**45054138. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Evergreen Estates in Middle Smithfield Township, **Monroe County** with an expiration date of September 2, 2006. Permit issued August 23, 2005.

**46054532. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting for Christ's Church of the Valley in Upper Providence Township, **Montgomery County** with an expiration date of August 15, 2006. Permit issued August 23, 2005.

**46054133. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Montgomery Avenue Sewer Project in Montgomery Township, **Montgomery County** with an expiration date of August 30, 2006. Permit issued August 23, 2005.

**52054115. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Pocono Mountain Lakes Estates in Delaware Township, **Pike County** with an expiration date of January 1, 2006. Permit issued August 23, 2005.

**64054109. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Sterling Township, **Wayne County** with an expiration date of December 31, 2005. Permit issued August 23, 2005.

**21054008. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for Area A/B Sanitary Sewer Extension in North Middleton Township, **Cumberland County** with an expiration date of April 30, 2006. Permit issued August 24, 2005.

**46054017. Eastern Blasting Co., Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting at The Villages at Trewellyn in Lower Gwynedd Township, **Montgomery County** with an expiration date of August 10, 2006. Permit issued August 24, 2005.

**01054115. TJ Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting for a home on Chestnut Hill Road in Union Township, **Adams County** with an expiration date of August 8, 2006. Permit issued August 25, 2005.

**15054523. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Bailey Station in Caln Township, **Chester County** with an expiration date of August 29, 2006. Permit issued August 25, 2005.

**21054159. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Ridge Road development in Middlesex Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued August 25, 2005.

**28054148. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Salem Lutheran Church Cemetery in Guilford Township, **Franklin County** with an expiration date of August 31, 2006. Permit issued August 25, 2005.

**38054521. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a home in North Londonderry Township, **Lebanon County** with an expiration date of September 30, 2005. Permit issued August 25, 2005.

**45054537. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Great Bear Estates in Middle Smithfield Township, **Monroe County** with an expiration date of August 31, 2006. Permit issued August 25, 2005.

**58054102. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Harford Township, **Susquehanna County** with an expiration date of December 31, 2005. Permit issued August 25, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality

Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

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

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

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

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

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

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E02-1495. Lowe's Home Improvement Center, Inc.,** P. O. Box 1111, North Wilkesboro, NC 28656. To place fill in wetlands in Richland Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 21.5 inches; W: 9.9 inches and Latitude: 40° 37'

6"—Longitude: 79° 56' 47"). To place and maintain fill in 0.22 acre of wetlands as part of a proposed Lowe's Home Improvement Center located at the Richland Mall. The project is located along the west side of the Route 8 and Pioneer Road Intersection. To mitigate for the wetland impacts the applicant has made a payment into the wetland replacement fund.

**SPECIAL NOTICES**

**Certified Emission Reduction Credits in the Commonwealth's ERC Registry**

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally-enforceable emission reductions used to offset emission increases of NOx, VOCs and the following criteria pollutants: CO, lead (Pb), SOx, particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Commonwealth ERC registry report, ERC registry application and instructions are located at [www.dep.state.pa.us](http://www.dep.state.pa.us); select subjects, "Air Quality," "Business," "Permits," "Emission Reduction Credits."

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 3/28/2013 to 1/9/2014	Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Contact Person: Karl Henschel Telephone Number: (570) 742-6644	NOx VOCs PM-10 SOx	24.45 12.88 36.79 228.29	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Contact Person: Martin Mueller Telephone Number: (412) 762-5263	VOCs	41.70	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess Telephone Number: (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Contact Person: Garen Macdonald Telephone Number: (717) 771-7346	VOCs VOCs	12.20 2.70	06/01/2006 10/01/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Contact Person: LeRoy H. Hinkle Telephone Number: (610) 916-4248	NOx	9.42	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC Generating Facility Location: Quakertown, Bucks County Contact Person: Jesse Hackenberg Telephone Number: (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Recipient/Holder of ERC: PG & E Energy Trading- Power, LP ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC Generating Facility Location: Quakertown, Bucks County Contact Person: Mark Sheppard Telephone Number: (301) 280-6607	VOCs	39.84	8/1/2006	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Baldwin Hardware Corporation Source Location: Reading County: Berks Contact Person: D. David Hancock, Jr. Telephone Number: (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Contact Person: Tim Bergerstock Telephone Number: (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod Telephone Number: (609) 584-3000	NOx	5.20		Trading
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Contact Person: Keith Nagel Telephone Number: (330) 659-9165	VOCs	473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Contact Person: Justin Ryan Telephone Number: (610) 866-4600	NOx	1,054.00	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Contact Person: Tim Owens Telephone Number: (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Contact Person: Scott Gowdy Telephone Number: (814) 875-2427	VOCs	2.60 1.80	12/31/2005 12/31/2006	Internal Use/ Trading
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Contact Person: David B. Orr Telephone Number: (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Contact Person: Eileen Ackler Telephone Number: (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: PG & E Energy Trading- Power, LP ERC Generating Facility: Global Packaging, Inc. ERC Generating Facility Location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG & E Energy Trading- Power, LP ERC Generating Facility: Global Packaging, Inc. ERC Generating Facility Location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero Telephone Number: (570) 833-3285	NOx VOCs PM	136.00 237.67 99.62	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer Contact Person: Richard A. Herman Telephone Number: (724) 983-6464	NOx VOCs	36.73 12.07	08/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Contact Person: William L. West Telephone Number: (216) 642-7178	NOx VOCs PM SOx CO	1,663.00 373.00 406.00 1,238.00 621.00	2/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth Telephone Number: (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx	158.68		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini Telephone Number: (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating & Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak Telephone Number: (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Contact Person: Mark D. Restifo Telephone Number: (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat Telephone Number: (651)-778-4450	VOCs VOCs	546.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill Telephone Number: (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Contact Person: Peter M. Guzanick Telephone Number: (412) 517-7217	NOx VOCs PM10 SOx CO	17.05 1.87 5.44 32.29 17.93	8/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Contact Person: Donald Boisselle Telephone Number: (336) 410-7263	VOCs	24.40	9/1/2007	Trading
Recipient/Holder of ERC: Inter-Gen North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Gary Stephenson Telephone Number: (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer Telephone Number: (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Trinity Industries, Inc. Source Location: Greenville County: Mercer Contact Person: Dennis Lencioni Telephone Number: (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bristol Contact Person: Lloyd Davis Telephone Number: (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	43.00	1/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	70.00	1/31/2012	Traded
PPL Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer Telephone Number: (610)-774-5410	NOx VOCs PM10 SOx	3,521.09 9.70 105.50 13,341.30	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete Telephone Number: (412) 469-6122	NOx NOx VOCs PM10 SOx CO	5.11 62.57 0.25 15.60 24.85 19.45	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer Telephone Number: (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 4/3/2010 to 7/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak Telephone Number: (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466	VOCs	9.19	4/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach Telephone Number: (724) 752-6493	VOCs	5.70	6/3/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Township County: Venango Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. Telephone Number: (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Contact Person: Trevor Woods Telephone Number: (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Contact Person: Michael Masington Telephone Number: (215) 875-2649	NOx	50.00	2/28/2007	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Contact Person: John M. Cigan Telephone Number: (610) 826-8719	NOx VOCs PM10 SOx	30.80 53.80 4.90 47.20	5/31/2006	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett Telephone Number: (412) 553-2094	NOx VOCs	48.86 736.43	Varies from 9/29/2010 to 5/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer Telephone Number: (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	VOCs	42.61	3/29/2012	Trading
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Contact Person: Terrie Blackburn Telephone Number: (918) 573-9766	NOx PM10 SOx CO	794.60 50.40 308.40 89.50	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Daniel R. Chapman Telephone Number: (814) 678-4602	NOx VOCs	89.80 2.38	5/21/2012	Trading



<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer Telephone Number: (626) 398-2773	VOCs	3.13	6/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski Telephone Number: (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss Telephone Number: (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo Telephone Number: (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett Telephone Number: (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal Telephone Number: (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman Telephone Number: (610) 522-1900	VOCs	3.56	4/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith Telephone Number: (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Gary Morrow Telephone Number: (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Gary Morrow Telephone Number: (814) 870-6782	NOx VOCs	1,235.00 943.00	9/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Douglas A. Wolf Telephone Number: (607) 974-4267	NOx	1,400.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th and Wharton St. County: Philadelphia Contact Person: Mark Gardiner Telephone Number: (215) 468-7255	VOCs	12.50	3/1/2013	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro Telephone Number: (814) 231-5267	NOx	74.98	4/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro Telephone Number: (814) 231-5267	VOCs	43.72	4/05/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler Telephone Number: (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Thomas M. Sauer Telephone Number: (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets / Trading
CMS Gilbreth Packaging Systems Source: Label and Packaging Network County: Bucks Contact Person: Patricia M Henry Unrath Telephone Number: (610) 789-2277	VOC	17.40	05/31/2008	Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher Telephone Number: (570) 326-2461, Ext 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney Telephone Number: (570) 523-2356	VOCs	82.90	03/15/2012	Trading
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact person: Kimberly Scarborough Telephone Number: (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson Telephone Number: (614) 438-7960	NOx	10.00	04/01/2013	Trading
Buckeye Pipe Line Company, L.P. Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel Telephone Number: (484) 232-4491	VOCs	12.00	02/28/2012	Trading

**Summary of ERC Transactions**

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

**ERC Generating Facility Information**

ERC Generating Facility Name: 3M Company  
 Location of Source: Bristol Township, Bucks County, PA  
 Certified ERCs (tpy): 607 of VOC  
 Amount of ERCs traded: 61 tpy of VOC  
 Date of ERCs transfer: 7/20/2005  
 ERCs available for future use: 546 tpy

**Purchaser/Recipient of ERCs**

Recipient of ERCs: Sunoco Inc.  
 Mailing Address: Ten Penn Center, 1801 Market St., Philadelphia, PA 19103  
 Amount of ERCs received: 61 tpy of VOC  
 Intended Use: Offsets  
 VOC credits available for future use: 61 tpy

**Engineering Services and Consultation: Surveying**

**C69:11-WE-103.3E and C69:11-WE-103.3W.** The Department of Environmental Protection will retain two engineering and/or surveying firms to provide topographic and cross sectional surveying throughout Eastern and Western Pennsylvania. Surveys could include, among other purposes, surveying in and along streams and floodplains with particular detail required at bridges; surveying may include first floor elevations of area structures such as houses, businesses and industrial buildings; topographic surveys to be used for project design and construction surveys of flood protection projects. For copies of the Request for Proposal, contact Mary G. Skarbelis at (717) 787-1731 or mskarbelis@state.pa.us. Proposals must be submitted to the Department of Environmental Protection; Attn: Joseph G. Capasso, Chief, Division of Project Development, 3rd Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101 by October 4, 2005.

**Department:** Environmental Protection, Bureau of Waterways Engineering  
**Location:** Eastern Pennsylvania and Western Pennsylvania  
**Duration:** January 1, 2006 to December 31, 2010  
**Contact:** Joseph G. Capasso  
**Phone:** (717) 783-7723  
**E-Mail:** jcapasso@state.pa.us

[Pa.B. Doc. No. 05-1679. Filed for public inspection September 9, 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](http://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.

*Draft Technical Guidance—Substantive Revision*

DEP ID: 274-3000-003. Title: Continuous Source Monitoring Manual. Description: The Bureau of Air Quality Control of the Department of Environmental Protection is revising its *Continuous Source Monitoring Manual*. The *Continuous Source Monitoring Manual* is referenced in 25 Pa. Code § 139.102 (relating to references) and contains design specifications, performance specifications, performance test procedures, data storage and reporting requirements, quality assurance criteria and administrative procedures for requesting Department approval of continuous source monitoring systems required under the Department's rules and regulations. Many of the changes in the manual serve to harmonize requirements to meet the needs of State, Federal and regional programs. Major changes include the addition of a recertification guidance attachment and new PA EDR VERSION 2.0 Record Type Formats and Reporting Instructions. Copies of this document are available on the Department's public participation website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate) and on the Bureau of Air Quality's Continuous Emission Monitoring website at [www.dep.state.pa.us/dep/deputate/airwaste/aq/cemspage/cems.htm](http://www.dep.state.pa.us/dep/deputate/airwaste/aq/cemspage/cems.htm). Written Comments: Interested persons may submit written comments on this draft technical guidance document by October 25, 2005. The Department will accept comments submitted by

e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Charles J. Zadakis, Chief, Continuous Emission Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or czadakis@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsyl-*

*vania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Charles Zadakis, (717) 772-3944.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1680. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Vapor Intrusion Subcommittee Meeting

On September 16, 2005, from 1 p.m. to 3 p.m., the Cleanup Standards Scientific Advisory Board Vapor Intrusion Subcommittee will hold a meeting to discuss the definitions used in the vapor guidance of "soil-like material" and "sand-like material" with respect to the modeling of various soil classification types, preferential pathways at small sites and the results of some preliminary field data from sites that had vapor audits.

The meeting will be held in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will also be available by speakerphone in a conference room in each of the six regional Department of Environmental Protection (Department) field offices at the following locations:

- Southeast Regional Office                      Schuylkill and Delaware Rooms, 2 East Main Street, Norristown
- Northeast Regional Office                      Susquehanna Room, 2 Public Square, Wilkes-Barre
- Southcentral Regional Office                      Susquehanna B Room, 909 Elmerton Avenue, Harrisburg
- Northcentral Regional Office                      Lycoming Room, 208 West Third Street, Williamsport
- Southwest Regional Office                      Monongahela Room, 400 Waterfront Drive, Pittsburgh
- Northwest Regional Office                      Fourth Floor Conference Room, 230 Chestnut Street, Meadville

Questions concerning this meeting should be directed to David E. Hess at (717) 783-9480 or by e-mail at dahess@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding at (717) 783-7509 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1681. Filed for public inspection September 9, 2005, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Availability of the Fiscal Year 2006 Low-Income Home Energy Assistance Program State Plan

The Department of Public Welfare (Department) is making available to the public the 2006 Low-Income Home Energy Assistance Program State Plan (State Plan). The State Plan describes how the Department plans to use block grant funds provided under the Low-Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35) (42 U.S.C.A. §§ 8621—8629), during the 2005-06 program year.

Copies of the State Plan are available for interested individuals and groups at county assistance offices or upon written request to Donna Roe, Acting Director, Division of Federal Programs and Program Management, Department of Public Welfare, Complex No. 2, Room 224, Willow Oak Building No. 42, Harrisburg, PA 17105.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay

Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 05-1682. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Revisions; 2005 HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule, and accompanying prior authorization requirements.

#### *Fee Schedule Revisions*

The Department is adding and end-dating procedure codes as a result of implementing the 2005 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The 2005 HCPCS codes are effective for dates of service on and after October 1, 2005.

In addition to the 2005 HCPCS updates, the Department is adding the following procedure codes effective for dates of service on and after October 1, 2005: D7472, D7473, D7485, D5710, D7520, E2500, E2502, E2504, E2506, E2508, E2510, 17250, 66982, 87621, 93741, 93742, 93743, 93744 and 97602. These codes are being added due to significant Program Exception requests.

Procedure Code D1110 is currently on the Fee Schedule for recipients 13 years of age and older, however due to a clarification of the definition of adult by the American Dental Association as an individual 12 years of age and older, effective for dates of service on and after October 1, 2005, this code will be compensable for eligible recipients 12 years of age and older.

Certain procedure codes currently on the Fee Schedule will now be compensable for services provided in an Ambulatory Surgical Center (ASC) and Short Procedure Unit (SPU). ASCs and SPUs may bill for the following procedure codes using an SG modifier effective for dates of service on and after October 1, 2005: 31623, 31624, 31631, 31643, and 31646.

Fees for the added procedure codes will be published in a *Medical Assistance Bulletin* that will be issued to all providers within a few weeks.

Some local procedure codes that are being end-dated are being replaced with National procedure codes. In some instances, the fee associated with the National procedure code is higher or lower than the fee associated with the local procedure code. If the fee has been reduced, it is to reflect an appropriate payment rate to comply with the State Plan requirement that Pennsylvania Medicaid fees not exceed Medicare reimbursement fees. Specific information about these fee changes can be found in the table in this notice.

#### *Prior Authorization Requirements*

The following 2005 HCPCS procedure codes for items of durable medical equipment require prior authorization under section 443.6(b)(2) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(2)), as amended by the act of July 7, 2005 (P. L. 177, No. 42), either because the item costs more than \$600, or because the item costs \$600 or less and the Department has determined to require prior authorization:

E1039 NU Transport chair, adult size, heavy duty, patient weight capacity 250 pounds or greater.

E2291 NU Back, planar, for pediatric size wheelchair including fixed attaching hardware.

E2292 NU Seat, planar, for pediatric size wheelchair including fixed attaching hardware.

E2293 NU Back, contoured, for pediatric size wheelchair including fixed attaching hardware.

E2294 NU Seat, contoured, for pediatric size wheelchair including fixed attaching hardware.

E2368 NU Power wheelchair component, motor, replacement only.

E2369 NU Power wheelchair component, gear box, replacement only.

E2370 NU Power wheelchair component, motor and gear box combination, replacement only.

E2602 NU General use wheelchair seat cushion, width 22 in. or greater, any depth.

E2603 NU Skin protection wheelchair seat cushion, width less than 22 in., any depth.

E2604 NU Skin protection wheelchair seat cushion, width 22 in. or greater, any depth.

E2605 NU Positioning wheelchair seat cushion, width less than 22 in., any depth.

E2606 NU Positioning wheelchair seat cushion, width 22 in. or greater, any depth.

E2607 NU Skin protection and positioning wheelchair seat cushion, width less than 22 inches, any depth.

E2608 NU Skin protection and positioning wheelchair seat cushion, width 22 inches or greater, any depth.

E2611 NU General use wheelchair back cushion, width less than 22 inches, any height, including any type mounting hardware.

E2612 NU General use wheelchair back cushion, width 22 inches or greater, any height, including any type mounting hardware.

E2613 NU Positioning wheelchair back cushion, posterior, width less than 22 inches, any height, including any type mounting hardware.

E2614 NU Positioning wheelchair back cushion, posterior, width 22 inches or greater, any height, including any type mounting hardware.

E2615 NU Positioning wheelchair back cushion, posterior-lateral, width less than 22 inches, any height, including any type mounting hardware.

E2616 NU Positioning wheelchair back cushion, posterior-lateral, width 22 inches or greater, any height, including any type mounting hardware.

E2618 NU Wheelchair accessory, solid seat support base (replaces sling seat), for use with manual wheelchair or lightweight power wheelchair, includes any type mounting hardware.

E2620 NU Positioning wheelchair back cushion, planar back with lateral supports, width less than 22 inches, any height, including any type mounting hardware.

E2621 NU Positioning wheelchair back cushion, planar back with lateral supports, width 22 inches or greater, any height, including any type mounting hardware.

The following 2005 HCPCS procedure codes are for orthoses and are therefore subject to prior authorization under section 443.6(b)(1) of the code:

K0630 Sacroiliac orthosis, flexible, provides pelvic-sacral support, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0631 Sacroiliac orthosis, flexible, provides pelvic-sacral support, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, custom fabricated.

K0634 Lumbar orthosis, flexible, provides lumbar support, posterior extends from L-1 to below L-5 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include pendulous abdomen design, shoulder straps, stays, prefabricated, includes fitting and adjustment.

K0635 Lumbar orthosis, sagittal control, with rigid posterior panels, posterior extends from L-1 to below L-5 vertebrae, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0636 Lumbar orthosis, sagittal control, with rigid anterior and posterior panels, posterior extends from L-1 to below L-5 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0637 Lumbar-sacral orthosis, flexible, provides lumbosacral support, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0639 Lumbar-sacral orthosis, sagittal control, with rigid posterior panels, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0640 Lumbar-sacral orthosis, sagittal control, with rigid anterior and posterior panels, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0645 Lumbar-sacral orthosis, sagittal-coronal control, lumbar flexion, rigid posterior frame/panels, lateral articulating design to flex the lumbar spine, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, anterior panel, pendulous abdomen design, custom fabricated.

K0646 Lumbar-sacral orthosis, sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0647 Lumbar-sacral orthosis, sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, custom fabricated.

K0648 Lumbar-sacral orthosis, sagittal-coronal control, rigid shells/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, anterior extends from symphysis pubis to xiphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid plastic and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, prefabricated, includes fitting and adjustment.

K0649 Lumbar-sacral orthosis, sagittal-coronal control, rigid shells/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, anterior extends from symphysis pubis to xiphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is

provided by overlapping rigid plastic and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, custom fabricated.

L1932 RT, LT, 50 AFO, rigid anterior tibial section, total Carbon fiber or equal material, prefabricated, includes fitting and adjustment.

L8615 Headset/headpiece for Use with cochlear implant device, replacement.

The following 2005 HCPCS procedure codes are for orthopedic shoes and other supportive foot devices and therefore are subject to prior authorization under section 443.6(b)(6) of the code:

K0628 RT, LT, 50 For diabetics only, multiple density insert, direct formed, molded to foot after external heat source of 230°F or higher, total contact with patient's foot, including arch, base layer minimum of 1/4 inch material of shore a 35 durometer or 3/16 inch material of shore a 40 (or higher), prefabricated, each.

K0629 RT, LT, 50 For diabetics only, multiple density insert, custom molded from model of patient's foot, total contact with patient's foot, including arch, base layer minimum of 3/16 inch material of shore a 35 durometer or higher, includes arch filler and other shaping material, custom fabricated, each.

The following 2005 HCPCS procedure codes are subject to prior authorization as authorized under section 443.6(b)(7) of the code:

79005 Radiopharmaceutical therapy, by oral administration.

79101 Radiopharmaceutical therapy, by intravenous administration.

79445 Radiopharmaceutical therapy, by intra-arterial particulate administration.

B4157 BO Enteral formula, nutritionally complete, for special metabolic needs for inherited disease of metabolism, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit (over 21 years of age).

The following HCPCS procedure codes being added in addition to the 2005 HCPCS updates are for items of durable medical equipment and require prior authorization under section 443.6(b)(2) of the code either because the item costs more than \$600, or because the item costs \$600 or less and the Department has determined to require prior authorization:

E2500 NU Speech generating device, digitized speech, using prerecorded messages, less than or equal to 8 minutes recording time.

E2502 NU Speech generating device, digitized speech, using prerecorded messages, greater than 8 minutes but less than or equal to 20 minutes recording time.

E2504 NU Speech generating device, digitized speech, using prerecorded messages, greater than 20 minutes but less than or equal to 40 minutes recording time.

E2506 NU Speech generating device, digitized speech, using prerecorded messages, greater than 40 minutes recording time.

E2508 NU Speech generating device, synthesized speech, requiring message formulation by spelling and access by physical contact with the device.

E2510 NU Speech generating device, synthesized speech, permitting multiple methods of message formulation and multiple methods of device access.

**PROCEDURE CODES BEING ADDED TO THE MA PROGRAM FEE SCHEDULE AS A RESULT OF THE 2005 HCPCS UPDATES WHICH ARE EFFECTIVE AND COMPENSABLE FOR DATES OF SERVICE AS OF OCTOBER 1, 2005**

<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>
A4349	A4605	A4705	A7527
B4103	B4157 BO	B4158 BO	B4159 BO
B4160 BO	B4161 BO	B4162 BO	D2915 SG
D2934 SG	D7283 SG	D7288 SG	D7511 SG
D7521 SG	E1039 NU, RR	E2205 NU, RR	E2206 NU, RR
E2291 NU	E2292 NU	E2293 NU	E2294 NU
E2368 NU, RR	E2369 NU, RR	E2370 NU, RR	E2601 NU, RR
E2602 NU, RR	E2603 NU, RR	E2604 NU, RR	E2605 NU, RR
E1606 NU, RR	E2607 NU, RR	E2608 NU, RR	E2611 NU, RR
E2612 NU, RR	E2613 NU, RR	E2614 NU, RR	E2615 NU, RR
E2616 NU	E2618 NU	E2619 NU, RR	E2620 NU, RR
E2621 NU	G0356	G0363	G0364
G0365 26, TC	K0628 RT, LT, 50	K0629 RT, LT, 50	K0630
K0631	K0634	K0635	K0636
K0637	K0639	K0640	K0642
K0644	K0645	K0646	K0647
K0648	K0649	K0671 RR	L1932 RT, LT, 50
L8515	L8615	L8616	L8617
L8618	L8620	L8621	L8622
S0618	T4521	T4522	T4523
T4524	T4525	T4526	T4527
T4528	T4529	T4530	T4531
T4532	T4533	T4534	T4535
T4536	T4537	T4540	T4541
T4542	00561	11004 SG	11005 SG
11006 SG	11008	19296 RT, LT, 50, SG	19297 RT, LT, 50
19298 SG, RT, LT, 50	29867 SG, 80, RT, LT	31545 SG	31546 SG
31620	31636 SG	31637	31638 SG
32019 SG, RT, LT, 50	34803 80	36818 SG, RT, LT, 50	37215 RT, LT, 50

<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>
37216 RT, LT, 50	44137 80	45391 SG	45392 SG
46947 SG	50391 SG, RT, LT, 50	52402 SG	57267 SG, 80
57283 SG, 80	58356 SG	58565 SG, 80	58956 80
63050 SG, 80	63051 SG, 80	63295 80	66711 SG, RT, LT, 50
76077 26, TC	76510 26, TC, RT, LT, 50	76820 26, TC	76821 26, TC
78811 26	78812 26	78813 26	78814 26
78815 26	78816 26	79005 26, TC	79101 26, TC
79445 26, TC	82045	82656	83009
83630	84163	84166	86064
86335	86379	86587	87807
88184	88185	88187	88188
88189	88360 26, TC	88367 26, TC	88368 26, TC
90656	91034 26, TC	91035 26, TC	91037 26, TC
91038 26, TC	91040 26, TC, SG	91120 26, TC	92620
92621	92625 52	93890 26,TC	93892 26, TC
93893 26, TC	95928 26, TC	95929 26, TC	95978 SG
95979	97597 SG	97598	97605
97606			

**NATIONAL PROCEDURE CODES BEING ADDED BY THE DEPARTMENT TO THE MA PROGRAM FEE SCHEDULE AS A RESULT OF SIGNIFICANT PROGRAM EXCEPTION REQUESTS WHICH ARE EFFECTIVE AND COMPENSABLE FOR DATES OF SERVICE AS OF OCTOBER 1, 2005**

<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>	<i>Procedure Code And Modifiers</i>
D7472	D7473	D7485	D7510
D7520	E2500 NU, RR	E2502 NU, RR	E2504 NU, RR
E2506 NU, RR	E2508 NU, RR	E2510 NU, RR	17250
66982	87621	93741 26, TC	93742 26, TC
93743 26, TC	93744 26, TC	97602 26, TC	

**NATIONAL PROCEDURE CODES BEING END-DATED FROM THE MA PROGRAM FEE SCHEDULE AS A RESULT OF THE 2005 HCPCS UPDATES AND WHICH WILL NOT BE COMPENSABLE FOR SERVICES PROVIDED AFTER SEPTEMBER 30, 2005**

*Procedure Codes*

A4324	A4325	A4347	A4525	A4526	A4527	A4528	A4531
A4532	A4609	A4610	B4151	B4156	E0176	E0177	E0178
E0179	E0192	E0454	E0962	E0963	E0964	E0965	E1012
E1013	K0023	K0024	K0059	K0060	K0061	K0081	K0114
K0115	K0016	L0476	L0478	L0500	L0510	L0515	L0520



*Procedure Codes*

L0530	L0540	L0550	L0560	L0561	L0565	L0600	L0610
L2435	L5674	L5675	L5846	35161	35162	35582	50559
78990	79000	79001	79020	79030	79035	79100	79400
79420	79900	88180	91032	91033	92589		

**LOCAL PROCEDURE CODES BEING END-DATED FROM THE FEE SCHEDULE AS A RESULT OF THE 2005 HCPCS UPDATES AND WHICH WILL NOT BE COMPENSABLE FOR SERVICES PROVIDED AFTER SEPTEMBER 30, 2005**

*Procedure Codes*

Y9895	Z0991	Z0992	Z0993	Z4614	Z4629	Z4630	Z4631
Z4632	Z4633	Z4634	Z4635	Z4636	Z4638	Z4639	Z4640
Z4641	Z9808	W6068	W6070	79898			

**NATIONAL PROCEDURE CODES PREVIOUSLY END-DATED BY CMS WHICH WILL NOT BE COMPENSABLE FOR SERVICES AFTER SEPTEMBER 30, 2005**

*Procedure Codes*

E1404	85095	85102	93737	93738
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**LOCAL PROCEDURE CODES BEING END-DATED AND REPLACED WITH NATIONAL PROCEDURE CODES AS A RESULT OF THE 2005 HCPCS UPDATES**

<i>End-Date</i>		<i>Use</i>		<i>End-Date</i>		<i>Use</i>	
<i>September 30, 2005</i>		<i>October 1, 2005</i>		<i>September 30, 2005</i>		<i>October 1, 2005</i>	
Y9895	\$3.75	A4605	\$13.12	Z0991	\$68.00	E1225	\$407.60
Z0991	\$68.00	E1226	\$407.60	Z0992	\$110.00	E2618	\$110.00
Z0993	\$110.00	E2291	\$405.64	Z0993	\$110.00	E2611	\$312.35
Z0993	\$110.00	E2612	\$422.56	Z4614	\$12.00	E0190	\$31.00
Z4629	\$.55	T4525	\$.63	Z4629	\$.55	T4526	\$.65
Z4629	\$.55	T4527	\$.72	Z4629	\$.55	T4528	\$.72
Z4629	\$.55	T4531	\$.55	Z4629	\$.55	T4532	\$.55
Z4630	\$13.00	T4536	\$13.00	Z4631	\$4.35	T4540	\$10.85
Z4632	\$.18	T4535	\$.76	Z4633	\$.47	T4535	\$.76
Z4634	\$10.85	T4537	\$10.85	Z4635	\$.19	T4542	\$.19
Z4636	\$.38	T4541	\$.38	Z4638	\$.19	T4521	\$.63
Z4638	\$.19	T4529	\$.55	Z4639	\$.25	T4522	\$.65
Z4639	\$.25	T4529	\$.55	Z4640	\$.37	T4523	\$.72
Z4640	\$.37	T4530	\$.55	Z4641	\$.42	T4524	\$.72
Z9808	\$435.00	E2611	\$312.35*	Z9808	\$435.00	E2612	\$422.56*

\*The Department is reducing the fee for this procedure code to reflect an appropriate payment rate to comply with the State Plan requirement that Pennsylvania Medicaid fees not exceed Medicare reimbursement fees.

*Fiscal Impact*

The estimated cost for Fiscal Year (FY) 2005-2006 is \$1.323 million (\$0.595 million in State funds). The estimated cost for FY 2006-2007 is \$2.268 million (\$1.029 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in subsequent revisions of this notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-441. (1) General Fund; (2) Implementing Year 2005-06 is \$595,000; (3) 1st Succeeding Year 2006-07 is \$1,029,000; 2nd Succeeding Year 2007-08 is

\$1,032,000; 3rd Succeeding Year 2008-09 is \$1,032,000; 4th Succeeding Year 2009-10 is \$1,032,000; 5th Succeeding Year 2010-11 is \$1,032,000; (4) 2004-05 Program—\$842.991 million; 2003-04 Program—\$727.979 million; 2002-03 Program—\$666.832 million; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the Department's budget to cover this increase.

[Pa.B. Doc. No. 05-1683. Filed for public inspection September 9, 2005, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Pennsylvania Kings And Queens Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Kings And Queens.

2. *Price:* The price of a Pennsylvania Kings And Queens instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Kings And Queens instant lottery game ticket will contain a "DEALER'S TOTAL" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature ten "HAND" areas. Each "HAND" is played separately. The play symbols and their captions located in the "DEALER'S TOTAL" area are: 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" in the "YOUR HANDS" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) playing card symbols. A = 11, J, Q and K = 10.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the ten prize areas are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$52\$ (FTY TWO), \$100 (ONE HUN), \$400 (FOR HUN), \$2,100 (TWYONEHUN), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$5, \$7, \$10, \$14, \$21, \$52, \$100, \$400, \$2,100, \$50,000 and \$100,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Kings And Queens instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$100,000 (ONEHUNTHO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$50,000 (FTY THO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$2,100 (TWYONEHUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$2,100.

(d) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$400 (FOR HUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play

symbol of \$100 (ONE HUN) appear in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$100 (ONE HUN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$52\$ (FTY TWO) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$52.

(h) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play symbol of \$21\$ (TWY ONE) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$42.

(i) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$21\$ (TWY ONE) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$21.

(j) Holders of tickets with pair of King (KING) playing card symbols in any "HAND," on a single ticket, shall be entitled to a prize of \$21.

(k) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$14\$ (FORTN) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(l) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appear in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(m) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with pair of Queen (QUEEN) playing card symbols in any "HAND," and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appear in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$7.

(p) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the prize area under that "HAND," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*The Sum of Any of Your Hands  
Beats the Dealer's Total, Win  
With Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$5	\$5	10	720,000
\$7	\$7	30	240,000
\$5 × 2	\$10	120	60,000
\$5 w/PAIR OF QUEENS	\$10	60	120,000
\$10	\$10	120	60,000
\$7 × 2	\$14	60	120,000
\$7 w/PAIR OF QUEENS	\$14	120	60,000
\$14	\$14	120	60,000
\$7 × 3	\$21	600	12,000
\$7 w/PAIR OF QUEENS + \$7	\$21	200	36,000
PAIR OF KINGS	\$21	120	60,000
\$21	\$21	600	12,000
\$5 × 9 + \$7	\$52	600	12,000
\$7 × 6 + \$5 × 2	\$52	600	12,000
\$14 × 3 + \$10	\$52	300	24,000
\$14 + \$10 + \$7 + PAIR OF KINGS	\$52	300	24,000
\$21 w/PAIR OF QUEENS + \$10	\$52	300	24,000
\$52	\$52	300	24,000
\$10 × 10	\$100	1,600	4,500
\$10 × 3 + \$7 + PAIR OF KINGS × 3	\$100	1,600	4,500
\$10 w/PAIR OF QUEENS + \$10 × 8	\$100	1,600	4,500
\$100	\$100	1,600	4,500
\$100 × 4	\$400	6,000	1,200
\$100 w/PAIR OF QUEENS × 2	\$400	6,000	1,200
\$400	\$400	6,000	1,200
\$400 × 5 + \$100	\$2,100	24,000	300
\$2,100	\$2,100	24,000	300
\$50,000	\$50,000	1,200,000	6
\$100,000	\$100,000	1,200,000	6

PAIR OF QUEENS = Double the prize shown.

PAIR OF KINGS = Wins \$21 automatically.

NOTE: Only the highest prize won by each HAND will be paid.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Kings And Queens instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Kings And Queens, prize money from winning Pennsylvania Kings And Queens instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Kings And Queens instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Kings And Queens or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1684. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Pennsylvania Monster Cash '05 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Monster Cash '05.

2. *Price:* The price of a Pennsylvania Monster Cash '05 instant lottery game ticket is \$5.

### 3. *Play Symbols:*

(a) Each Pennsylvania Monster Cash '05 instant lottery game ticket will contain four play areas known as Game 1, Game 2, Game 3 and Fast Cash Bonus. Each game is played separately.

(b) The play symbols and their captions located in the play area for Game 1 are: Pumpkin Symbol (PUMKIN) and X symbol (XXX).

(c) The prize play symbols and their captions located in the play area for Game 2 are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO).

(d) The play symbols and their captions located in the "YOUR SYMBOLS" and "LUCKY SYMBOL" areas for Game 3 are: Hat symbol (HAT), Cat symbol (CAT), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Bat symbol (BAT) and Snake symbol (SNAKE).

(e) The prize play and play symbols and their captions located in the "BONUS" area for Fast Cash Bonus are: \$13\$ (THRTN), \$31\$ (TRY ONE) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area for Game 1 are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$62\$ (SXY TWO), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO). The prize symbols and their captions located in the play area for Game 3 are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$78\$ (SVY EGT), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO).

5. *Prizes:* The prizes that can be won in Game 1 are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$62, \$310 and \$31,000. The prizes that can be won in Game 2 are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$310 and \$31,000. The prizes that can be won in Game 3 are \$5, \$6, \$7, \$10, \$13, \$78, \$310 and \$31,000. The prizes that can be won in Fast Cash Bonus are \$13 and \$31. A player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Monster Cash '05 instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$31,000 (TRYONETHO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$310 (THRHUNTEN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$62\$ (SXY TWO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$62.

(4) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$39\$ (TRY NIN) appearing

in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$39.

(5) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$31\$ (TRY ONE) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$31.

(6) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$13\$ (THRTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$13.

(7) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$7.<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$6.<sup>00</sup> (SIX DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching prize play symbols of \$31,000 (TRYONETHO) in the play area, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching prize play symbols of \$310 (THRHUNTEN) in the play area, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching prize play symbols of \$39\$ (TRY NIN) in the play area, on a single ticket, shall be entitled to a prize of \$39.

(4) Holders of tickets with three matching prize play symbols of \$31\$ (TRY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$31.

(5) Holders of tickets with three matching prize play symbols of \$13\$ (THRTN) in the play area, on a single ticket, shall be entitled to a prize of \$13.

(6) Holders of tickets with three matching prize play symbols of \$10.<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching prize play symbols of \$7.<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets with three matching prize play symbols of \$6.<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(9) Holders of tickets with three matching prize play symbols of \$5.<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$31,000 (TRYONETHO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$310 (THRHUNTEN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$78\$ (SVY EGT) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$78.

(4) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$13\$ (THRTN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$13.

(5) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Fast Cash Bonus are:

(1) Holders of tickets with a \$31\$ (TRY ONE) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$31.

(2) Holders of tickets with a \$13\$ (THRTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$13.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes and approximate odds of winning:

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
	\$5			\$5	30	84,000
		\$5		\$5	30	84,000
			\$5	\$5	30	84,000
	\$6			\$6	60	42,000
		\$6		\$6	120	21,000
			\$6	\$6	120	21,000
	\$7			\$7	60	42,000
		\$7		\$7	120	21,000
			\$7	\$7	120	21,000
			\$5 × 2	\$10	150	16,800
	\$10			\$10	150	16,800
		\$10		\$10	120	21,000
		\$6		\$13	600	4,200
	\$6			\$13	600	4,200
	\$6	\$7		\$13	600	4,200
	\$7	\$6		\$13	600	4,200
	\$7		\$6	\$13	600	4,200
		\$7	\$6	\$13	600	4,200
\$13				\$13	25	100,800
	\$5	\$5	\$7 × 3	\$31	200	12,600
	\$13	\$13	\$5	\$31	200	12,600
\$13		\$13	\$5	\$31	200	12,600
\$13			\$6 × 3	\$31	200	12,600
	\$5	\$6	\$10 × 2	\$31	200	12,600
	\$10		\$7 × 3	\$31	200	12,600
\$31				\$31	300	8,400
\$13			\$13 × 2	\$39	600	4,200
\$13	\$6	\$7	\$13	\$39	600	4,200
	\$5	\$6	\$7 × 4	\$39	600	4,200

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
			\$7 × 3 + \$6 × 3	\$39	600	4,200
\$31		\$39		\$39	600	4,200
	\$10	\$31		\$62	1,446	1,743
		\$10	\$10 × 3 + \$6 × 2	\$62	1,446	1,743
\$13	\$5	\$5	\$13 × 3	\$62	1,446	1,743
\$31	\$10	\$7	\$7 × 2	\$62	1,446	1,743
	\$62			\$62	1,446	1,743
\$31		\$7	\$10 × 4	\$78	12,000	210
\$31	\$31	\$10	\$6	\$78	12,000	210
			\$13 × 6	\$78	12,000	210
	\$39	\$39		\$78	12,000	210
	\$310		\$78	\$78	12,000	210
		\$310		\$310	120,000	21
			\$310	\$310	120,000	21
	\$31,000			\$310	120,000	21
		\$31,000		\$31,000	2,520,000	1
			\$31,000	\$31,000	2,520,000	1
				\$31,000	2,520,000	1

GAME 1—Get three “PUMPKIN” symbols in a row, column or diagonal, win prize shown.  
 GAME 2—Get 3 like amounts win that prize.  
 GAME 3—When any of YOUR SYMBOLS match the LUCKY SYMBOL, win the prize shown under the matching symbol.  
 Fast Cash Bonus—Reveal prize amount of \$13 or \$31 and win that prize.  
 Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Monster Cash '05 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Monster Cash '05, prize money from winning Pennsylvania Monster Cash '05 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Monster Cash '05 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Monster Cash '05 or through normal communications methods.

GREGORY C. FAJT,  
 Secretary

[Pa.B. Doc. No. 05-1685. Filed for public inspection September 9, 2005, 9:00 a.m.]

**Pennsylvania Pieces of Eight Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

- Name:* The name of the game is Pennsylvania Pieces of Eight.
- Price:* The price of a Pennsylvania Pieces of Eight instant lottery game ticket is \$2.
- Play Symbols:* Each Pennsylvania Pieces of Eight instant lottery game ticket will contain a “LUCKY NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “LUCKY NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and Pirate Ship symbol (SHIP).
- Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$24\$ (TWY FOR), \$48\$ (FRY EGT), \$80\$ (EIGHTY), \$200 (TWO HUN), \$800 (EGT HUN) and \$28,000 (TWYEGTTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$6, \$8, \$10, \$24, \$48, \$80, \$200, \$800 and \$28,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,640,000 tickets will be printed for the Pennsylvania Pieces of Eight instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$28,000 (TWYEGTTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$28,000.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$800 (EGT HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$800.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$24\$ (TWY FOR) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$192.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$80\$ (EIGHTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$80.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$48\$ (FRY EGT) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$48.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$48.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY

NUMBERS" play symbols and a prize symbol of \$24\$ (TWY FOR) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$24.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" is a Pirate Ship symbol (SHIP), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the Pirate Ship symbol (SHIP), on a single ticket, shall be entitled to a prize of \$8.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of Your Numbers Match Either of the Lucky Numbers, Win With Prize(s) of:*

\$1 x 2  
\$2  
\$1 x 3  
\$3

*Win:*  
\$2  
\$2  
\$3  
\$3

*Approximate Odds of 1 In:*  
21.43  
18.75  
37.50  
37.50

*Approximate No. of Winners Per 8,640,000 Tickets*  
403,200  
460,800  
230,400  
230,400

When Any of Your Numbers  
Match Either of the Lucky  
Numbers, Win With Prize(s)  
of:

	Win:	Approximate Odds of 1 In:	Approximate No. of Winners Per 8,640,000 Tickets
\$1 × 6	\$6	150	57,600
\$2 × 3	\$6	150	57,600
\$3 × 2	\$6	150	57,600
\$6	\$6	150	57,600
\$1 × 8	\$8	300	28,800
\$2 × 4	\$8	300	28,800
\$1 w/SHIP	\$8	60	144,000
\$8	\$8	300	28,800
\$1 × 10	\$10	300	28,800
\$2 × 5	\$10	300	28,800
\$1 w/SHIP + \$2	\$10	150	57,600
\$10	\$10	150	57,600
\$3 × 8	\$24	750	11,520
\$6 × 4	\$24	750	11,520
\$8 × 3	\$24	750	11,520
\$3 w/SHIP	\$24	750	11,520
\$24	\$24	750	11,520
\$8 × 6	\$48	2,400	3,600
\$24 × 2	\$48	2,400	3,600
\$6 w/SHIP	\$48	2,308	3,744
\$48	\$48	2,400	3,600
\$8 × 10	\$80	4,800	1,800
\$10 × 8	\$80	4,800	1,800
\$10 w/SHIP	\$80	4,800	1,800
\$80	\$80	4,800	1,800
\$24 w/SHIP + \$2 × 4	\$200	30,000	288
\$200	\$200	30,000	288
\$80 × 10	\$800	120,000	72
\$200 × 4	\$800	120,000	72
\$800	\$800	120,000	72
\$28,000	\$28,000	1,080,000	8

SHIP = Win eight times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pieces of Eight instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Pieces of Eight, prize money from winning Pennsylvania Pieces of Eight instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Pieces of Eight instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Pieces of Eight or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1686. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Pennsylvania Spooky Loot Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Spooky Loot.

2. *Price:* The price of a Pennsylvania Spooky Loot instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Spooky Loot instant lottery game ticket will contain one play area featuring a "LUCKY SYMBOL" area and a "YOUR SPOOKY SYMBOLS" area. The play symbols and their



captions located in the "LUCKY SYMBOL" area are: Hat symbol (HAT), Pumpkin symbol (PUMKIN), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Bat symbol (BAT), Snake symbol (SNAKE), Cat symbol (CAT), Witch symbol (WITCH) and Ghost symbol (GHOST). The play symbols and their captions located in the "YOUR SPOOKY SYMBOLS" area are: Hat symbol (HAT), Pumpkin symbol (PUMKIN), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Bat symbol (BAT), Snake symbol (SNAKE), Cat symbol (CAT), Witch symbol (WITCH), Ghost symbol (GHOST), and Moneybag symbol (LOOT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SPOOKY SYMBOLS" area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$5, \$10, \$25, \$50, \$100, \$500 and \$2,000. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Spooky Loot instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$500 (FIV HUN) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$100 (ONE HUN) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$50\$ (FIFTY) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$25\$ (TWY FIV) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" is a Moneybag symbol (LOOT), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the Moneybag symbol (LOOT), on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "YOUR SPOOKY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of Free (TICKET) appears under the matching "YOUR SPOOKY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Spooky Loot instant game ticket or one Pennsylvania Lottery instant

game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Spooky Symbols Match the Lucky Symbol, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
FREE	TICKET	15	544,000
\$1	\$1	25	326,400
\$1 w/LOOT	\$1	27.27	299,200
\$2	\$2	42.86	190,400
\$1 × 2	\$2	42.86	190,400
\$2 w/Loot	\$2	50	163,200
\$5	\$5	200	40,800
\$1 × 5	\$5	200	40,800
\$5 w/LOOT	\$5	300	27,200
\$10	\$10	600	13,600
\$2 × 5	\$10	600	13,600
\$5 × 2	\$10	600	13,600
\$10 w/LOOT	\$10	600	13,600
\$25	\$25	1,000	8,160
\$5 × 5	\$25	1,000	8,160
\$25 w/LOOT	\$25	750	10,880
\$50	\$50	2,400	3,400
\$10 × 5	\$50	2,400	3,400
\$25 × 2	\$50	2,400	3,400
\$50 w/LOOT	\$50	2,400	3,400
\$100	\$100	17,143	476
\$25 × 4	\$100	17,143	476
\$50 × 2	\$100	16,000	510
\$100 w/LOOT	\$100	16,000	510
\$500	\$500	240,000	34
\$100 × 5	\$500	240,000	34
\$500 w/LOOT	\$500	240,000	34
\$2,000	\$2,000	4,080,000	2
\$500 × 4	\$2,000	4,080,000	2

LOOT = Win prize shown automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Spooky Loot instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Spooky Loot, prize money from winning Pennsylvania Spooky Loot instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Spooky Loot instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Spooky Loot or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-1687. Filed for public inspection September 9, 2005, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, August 25, 2005, and announced the following:

*Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective August 24, 2005*

Environmental Quality Board #7-388: Lake Redesignations (amends 25 Pa. Code Chapter 93)

*Regulations Approved:*

Department of Education #6-294: Compliance with the No Child Left Behind Act of 2001; Bridge Certification (amends 22 Pa. Code § 403.4)

State Athletic Commission #16-34: Communicable Disease Testing (amends 58 Pa. Code §§ 1.1 and 21.8)

Environmental Quality Board #7-385: Bond Adjustment and Bituminous Mine Subsidence Control Standards (amends 25 Pa. Code Chapters 86 and 89)

Environmental Quality Board #7-391: Concentrated Animal Feeding Operations and Other Agricultural Operations (amends 25 Pa. Code Chapters 91 and 92)

### Approval Order

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*Department of Education—Compliance with the No Child Left Behind Act of 2001; Bridge Certification; Regulation No. 6-294*

On June 30, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Education (Department). This rulemaking amends 22 Pa. Code Section 403.4. Notice of proposed rulemaking was omitted for this regulation. Governor Edward G. Rendell certified the regulation as necessary to meet an emergency on June 28, 2005. The regulation became effective upon publication in the *Pennsylvania Bulletin* on July 2, 2005.

The regulation extends the deadline for teachers to apply for participation in the Bridge Certification program to July 30, 2006. Bridge Certification is a means for certain teachers to become "highly qualified" as required by the Federal No Child Left Behind Act of 2001 (20 U.S.C.A. § 6319).

We have determined this regulation is consistent with the statutory authority of the Department (24 P.S. § 26-2603-B(d)(10)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*State Athletic Commission—Communicable Disease Testing; Regulation No. 16-34*

On November 1, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Athletic Commission (SAC). This rulemaking amends 58 Pa. Code Sections 1 and 21. The proposed regulation was published in the November 13, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 8, 2005.

This final-form regulation adds annual testing for communicable diseases to the requirements for the licensing of professional boxers in Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the SAC (5 Pa.C.S. § 103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*Environmental Quality Board—Bond Adjustment and Bituminous Mine Subsidence Control Standards; Regulation No. 7-385*

On September 3, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 86 and 89. The proposed regulation was published in the September 13, 2003, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on July 1, 2005.

This final-form regulation satisfies conditions set forth by the Federal Office of Surface Mining and Reclamation and Enforcement. Pennsylvania must meet these conditions to maintain primary enforcement authority over coal mining. This regulation amends requirements relating to: the protection and repair of homes, related structures and noncommercial buildings above underground coal mines; the replacement of water supplies affected by underground mining operations; and permit applications for underground mining operations. It also requires the adjustment of bonds posted to ensure the fulfillment of subsidence damage repair obligations and reclamation obligations when the Department of Environmental Protection identifies a change in liability.

We have determined this regulation is consistent with the statutory authority of the Board (52 P.S. §§ 30.53b, 691.5, 1396.4b and 1406.1—1406.21) and the intention of the General Assembly. Having considered all of the other

criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting held  
August 25, 2005

*Commissioners Voting:* Alvin C. Bush, Acting Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Murray Ufberg, Esq.

*Environmental Quality Board—Concentrated Animal Feeding Operations and Other Agricultural Operations; Regulation No. 7-391*

On July 28, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 91 and 92. The proposed regulation was published in the August 7, 2004, *Pennsylvania Bulletin* with a 90-day public comment period. The final-form regulation was submitted to the Commission on July 26, 2005.

This regulation amends existing regulations concerning management of manure generated by agricultural operations. The primary purpose of the amendments is for Pennsylvania to maintain delegation of the National Pollutant Discharge Elimination System Concentrated Animal Feeding Operation program.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. §§ 691.5 and 691.402) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1688. Filed for public inspection September 9, 2005, 9:00 a.m.]

#### Notice of Filing of Final Rulemakings

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

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-399	Department of Transportation Permit Agents	8-25-05

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1689. Filed for public inspection September 9, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

Abington Urological Specialists, P. C.; Prehearing

#### Appeal of Abington Urological Specialists, P. C. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-07-032

On or before August 18, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 1, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 8, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 2, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 25, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before September 1, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1690. Filed for public inspection September 9, 2005, 9:00 a.m.]

Stan Duda; Hearing

#### Appeal of Stan Duda under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-019(M); Doc. No. UT05-06-038

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing shall occur on September 28, 2005, at 9 a.m. in the Insurance Department Regional Hearings Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before September 7, 2005. Answers to petitions to intervene, if any, shall be filed on or before September 19, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1691. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Ewing Oil; Prehearing

#### **Appeal of Ewing Oil under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-184(F); Doc. No. UT05-08-002**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on September 6, 2005. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before September 23, 2005. Answers to petitions to intervene, if any, shall be filed on or before September 30, 2005.

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1692. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Colleen Horan, M.D.; Prehearing

#### **Appeal of Colleen Horan, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-08-009**

On or before September 2, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 6, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 23, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 19, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 9, 2005, with the Hearings Administrator, Administrative Hearings Office,

Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before September 16, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1693. Filed for public inspection September 9, 2005, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Philip C. Brown; file no. 05-130-06217; Erie Insurance Exchange; doc. no. P05-08-019; October 4, 2005, 10 a.m.

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

Appeal of Joann Bulton; file no. 05-266-02279; Capitol Insurance Company; doc. no. PH05-08-006; October 26, 2005, 9 a.m.

Appeal of Virginia Hertzler; file no. 05-266-01971; Standard Fire Insurance Company; doc. no. PH05-08-008; October 26, 2005, 11 a.m.

Appeal of Frank and Kirsti Bradford; file no. 05-267-02148; State Farm Insurance; doc. no. PH05-08-005; October 26, 2005, 1 p.m.

Appeal of Benjamin M. Logan; file no. 05-215-02384; American Independent Insurance Co.; doc. no. PH05-08-020; October 26, 2005, 2 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Brendan Lake; file no. 05-130-05600; Erie Insurance Exchange; doc. no. P05-07-028; September 21, 2005, 3 p.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage

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

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

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1694. Filed for public inspection September 9, 2005, 9:00 a.m.]

### **United Healthcare Insurance Company; Application for Approval of Revised Rates for AARP Group Prestandardized Medicare Supplement Policy Forms M1—M7 and MA; Rate Filing**

United HealthCare Insurance Company has filed for approval increased rates for its AARP Group Prestandardized Medicare Supplement policy forms. The filing requests a rate increase of 11.3%.

These rate adjustments will affect approximately 15,837 insureds and will generate approximately \$3.3 million in additional premium annually. The company would like the revised rates to take effect on January 1, 2006.

Also included in the filing are reduced rates for insureds who choose to drop their prescription drug benefits. Plans M3, M4 and M7 include prescription drug benefits which the insureds may eliminate from their coverage effective January 1, 2006, in exchange for a reduced rate. These rate reductions compared with the proposed rates including prescription drug coverage are as follows: M3, -13.6%; M4, -13.6%; M7, -14.4%.

Unless formal administrative action is taken before November 22, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: [www.ins.state.pa.us](http://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 offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1695. Filed for public inspection September 9, 2005, 9:00 a.m.]

### **Watson & Black American Legion Post 126; Prehearing**

#### **Appeal of Watson & Black American Legion Post 126 under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-250(F); Doc. No. UT05-08-015**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on September 27, 2005. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before September 16, 2005. Answers to petitions to intervene, if any, shall be filed on or before September 23, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-1696. Filed for public inspection September 9, 2005, 9:00 a.m.]

## **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

### **Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 3, 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-00122025, F. 2. Jason Koss and Nicholas Molyneux t/a Affair to Remember** (R. R. 2, Box 142K, Falls, Wyoming County, PA 18615)—persons in limousine service, between points in the Counties of Wyoming, Susquehanna, Sullivan, Bradford, Lackawanna and Luzerne, and from points in said counties to points in Pennsylvania and return.

**Application of the following for approval of the right to *begin* to operate motor vehicles as *common carriers* for the transportation of *household goods* by *transfer* as described under the application.**

**A-00122066. Anthony Bader t/d/b/a BNT Movers** (P. O. Box 111, Moscow, PA 18444)—household goods in use, between points in the Counties of Lackawanna, Luzerne, Monroe, Pike, Wayne and Wyoming, and from points in said counties to points in Pennsylvania, and vice versa. *Attorney:* Mark J. Conway, 502 South Blakely Street, Dunmore, PA 18512.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *household goods* as described under the application.**

**A-00119007, Folder 2, Am-A. Williams Moving & Storage, Inc. t/a Parks-Centre Carriers, Parks Moving & Storage, Fife Moving & Storage Co. and Werner Donaldson Moving Systems, Inc.** (740 Commonwealth Drive, Warrendale, Butler County, PA 15086), a corporation of the Commonwealth—for the amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods in use, from points in the County of Beaver, to other points in Pennsylvania, and vice versa. *So As To Permit* the transportation of household goods in use: (1) between points in the Borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough; (2) from points in the Borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (3) between points in the Borough of McDonald, Washington County, and within 15 miles by the usually traveled highways of the limits of said borough, and from points in said area to points in Pennsylvania, and vice versa; and (4) between points in the County of Allegheny, and from points in said county, to points in the County of Beaver, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00094528 to Fife Moving & Storage Co., subject to the same limitations and conditions. *Attorney:* David M. Boyle, Wick, Streiff, Meyer, O'Boyle & Szeligo, P. C., 1450 Two Chat-ham Center, Pittsburgh, PA 15219-3427.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1697. Filed for public inspection September 9, 2005, 9:00 a.m.]

**Telecommunications Service  
Prehearing Conference**

**A-313200F0007 and A-311379F0002. The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc.** Joint application of The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc. for all approvals required under the Pennsylvania Public Utility Code in connection with changes of control of The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission (Commission), P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 26, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Long Distance, Inc.

*Through and By Counsel:* Zsuzsanna E. Benedek, Esquire, 240 North Third Street, Suite 201, Harrisburg, PA 17101.

This application has been assigned to the Office of Administrative Law judge. An initial prehearing conference on this case will be held at 10 a.m. on Tuesday, October 4, 2005, in Hearing Room 3, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Administrative Law Judge Susan D. Colwell, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 783-5452, fax (717) 787-0481 will preside.

Persons with a disability who wish to attend the prehearing should call the Commission's Scheduling Office, (717) 787-1399 or the AT&T Relay Service at (800) 654-5988.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1698. Filed for public inspection September 9, 2005, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-022.1, New Gate Facility and Security Improvements at the Tioga Marine Terminal, until 2 p.m. on Thursday, September 29, 2005. The 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 13, 2005. Additional information and project listings may be found at [www.philaport.com](http://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 Depart-

ment in writing the names of individuals that will be attending prebid meetings. This information is needed 24 hours before the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held at 10 a.m. on September 15, 2005, at PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-1699. Filed for public inspection September 9, 2005, 9:00 a.m.]

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# 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
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⑦ (For Commodities: Contact: Vendor Services Section  
 717-787-2199 or 717-787-4705)

#### REQUIRED DATA DESCRIPTIONS

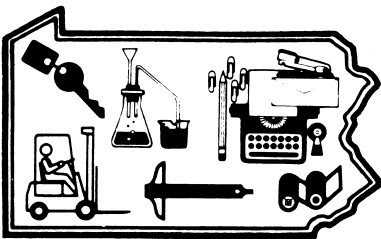
- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, 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.patreaury.org](http://www.patreaury.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*



### Commodities

**SU-05-02** Shippensburg University is seeking vendors interested in providing six (6) rolls of Harlequin Cascade dance floor or equivalent. Thickness: 2mm, Roll length 20m, Roll width 2m, weight 2.6kg/sq.m. Floor consists of three layers: a homogeneous PVC with a special dance finish, a mineral fiber interplay, and a homogeneous PVC base. Color to be black CAS501F. One storage cart, 6 roll, 2 meter cart for dance floor storage, includes roll cores, and casters. 24 size "B" storage straps. Ten rolls of color matched tape. Vendors interested in receiving a bid package must fax a request to Gwyn McCleary, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350 or email a request to [jgmcc@ship.edu](mailto:jgmcc@ship.edu). Bids are due 4:00 PM on September 20, 2005. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** Delivery date and time will be specified in the solicitation package.  
**Contact:** Gwyn McCleary, (717) 477-1386

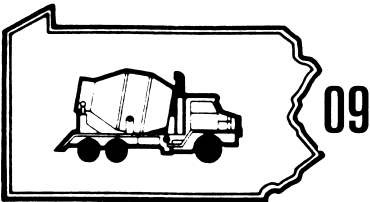
**CN00016163** Ergolift Mobile Electric Battery Operated Lifts Model #60004409. Complete with built in battery charger, safety features for emergency down, anti-sway, and back-up hand control. (Estimate Purchase 2 Each) Medium Six-Strap Slings #600024402 (THA-M) for Ergolifts. (Estimate Purchase 46 Each) for the Ebensburg Center, RT. 22 West, P. O. Box 600, 4501 Admiral Perry Highway, Ebensburg PA 15931. Award will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Rt. 22 West, P. O. Box 600, 4501 Admiral Perry Highway, Ebensburg, PA 15931  
**Contact:** Nannette McCreary, (814) 472-0288

**CN00016183** Ergolift Mobile Electric Battery Operated Lifts Model #60004409. Complete with built in battery charger, safety features for emergency down, anti-sway, and back-up hand control. (Estimate Purchase 2 Each); Small Six-Strap Slings (THA-S) (Estimate Purchase 25 Each); Medium Six-Strap Slings (THA-M) for Ergolifts. (Estimate Purchase 41 Each) for the Altoona Center, 1515 Fourth Street, Altoona, PA 16601. Award will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center, 1515 Fourth Street, Altoona, PA 16601  
**Contact:** Nannette McCreary, (814) 472-0288

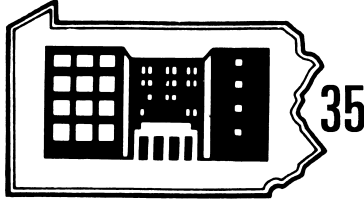
## SERVICES



### Construction & Construction Maintenance

**RFP PASSHE-QAR-2005-1** The Pennsylvania State System of Higher Education (System), through the Office of the Chancellor, expects to centrally contract with 2 or more firms to be available on an as-needed basis to perform Quality Assurance Reviews of Construction Plans and Specifications (QA Reviews and Related Services) for projects that will occur throughout the System. Proposers shall be current and experienced providers of the types of services desired and shall have proven and documented methodologies, procedures, and checklists for the performance of the types of services desired. The System includes the Commonwealth's 14 state-owned universities located throughout Pennsylvania, Dixon University Center in Harrisburg, and various branch campuses and other facilities operated by the Universities. Anticipated work includes reviews for various projects undertaken by the System and its Universities associated with the construction and renovation of higher education facilities. The Request for Proposal (RFP) is available at the following Web Address: <http://www.passhe.edu/content/?office/finance/facilities/procurement>. Interested and qualified firms can obtain an RFP preferably from the web site or from Dorethe Latin, Construction Support Secretary, Pennsylvania State System of Higher Education, Dixon University Center, Office of the Chancellor, Construction Support Office, 2986 North Second Street, Harrisburg, PA 17110. Requests for the RFP can be faxed to (717) 720-4111, or e-mailed to [dlatin@passhe.edu](mailto:dlatin@passhe.edu). A Pre-Proposal Conference will be held on September 14, 2005. Responses to the RFP are due on October 5, 2005, by 4 p.m. The System encourages responses from small firms, minority firms, women-owned firms, and firms that have not previously worked for the System, and will consider joint ventures that enable these firms to participate in System contracts. Non-discrimination and equal opportunity are the policies of the Commonwealth and the Pennsylvania State System of Higher Education.

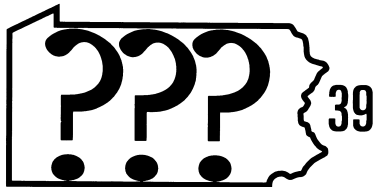
**Department:** State System of Higher Education  
**Location:** Harrisburg PA  
**Duration:** 2 Year Contract with renewal options, 6-year maximum term  
**Contact:** Jim Barbush, Facilities Contracts Manager, (717) 720-4113



### Real Estate Services

**93893** LEASE OFFICE/CLINIC SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Health with 2,959 useable square feet of office/clinic space in Crawford County, PA located within a two mile radius of the Meadville Downtown Mall. Downtown locations will be considered. For more information on SFP #93893 which is due on 10/17/05 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on Real Estate to download an SFP document or call (717) 787-4396.

**Department:** Health  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396



### Miscellaneous

**WC 843** West Chester University of Pennsylvania of the State System of Higher Education is issuing Request for Proposal WC 843 - Custodial Management Services. The University is seeking technical expertise and management resources to improve custodial productivity, cost effectiveness and service level of its custodial department while accomplishing the above in the timeframe necessary to meet the management needs of West Chester University. The University wishes to retain the services of a management company immediately, under the overall direction and control of the Interim Executive Director of Facilities Management. The successful contractor will manage the day-to-day custodial operations; consult with West Chester University as to how to improve custodial operations and develop custodial policies; improve custodial service responsiveness and identify and provide programs to achieve quality service. A mandatory Pre-Proposal Conference will be held on August 31, 2005 at 3:00 p.m. in the Phillips Board Room at 700 South High Street, West Chester, PA. Parking is available at the Sharpless Street Parking Garage. The purpose of this Pre-Proposal Conference is to clarify any questions or issues concerning this Request for Proposal. A campus tour will follow immediately following the Pre-Proposal Conference. All questions should be directed, in writing, to Marianne Peffall no later than close of business September 2, 2005. It is acceptable to send questions via US Mail, fax number 610-436-2720 or e-mail to [bcooper2@wcupa.edu](mailto:bcooper2@wcupa.edu). Proposals are due by 3:00 p.m. on September 14, 2005. To request a copy of the RFP package, send your request via fax to 610-436-2720 or e-mail to [bcooper2@wcupa.edu](mailto:bcooper2@wcupa.edu). Your request shall include your full company name, address, phone, fax, contact person's name and e-mail. RFP packages can be picked up at 201 Carter Drive, Suite 200, Room 211, West Chester, PA 19383.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Contact:** Barb Cooper, (610) 436-2706

**CN00016119** SCI-Muncy is requesting testing done on three (3) Coal fired boilers located at SCI-Muncy. This testing will consist of Particulate emission, Nox emission, Opacity and Particle sizing. Testing must be done according to EPA/DEP requirements. A mandatory site visit is required. The site visit will be done on September 15th at 10:30 A.M. Please contact Gerald Hering at 570-546-3171, ext 264, to set up site visit and gate clearance. No other day will be done for visit; in order to submit a bid, vendor must attend the site visit.

**Department:** Corrections  
**Duration:** Approx. Sept. to Dec. 2005  
**Contact:** Cindy Lyons, (570) 546-3171, ext 373

**RGA #2006-RSSE** Regional Summer Schools of Excellence (RSSE) programs must target gifted and/or talented youth in elementary, middle and/or secondary levels. They must be enrichment programs offering curriculum activities not ordinarily available in local schools during the school year. The programs may concentrate on a single discipline, an integration of discipline, or be multidisciplinary in scope. Eligible RSSE grant applications are: intermediate units; school districts (serving student in more than one district, except in large cities); colleges or universities; not for profit regional chapters or councils for the arts; culture and/or educational organizations; or consortia of two or more of the above. Applicants may apply for grants to launch new programs or expand or update existing programs. This grant is highly competitive.

**Department:** Education  
**Location:** Various locations throughout the Commonwealth  
**Duration:** July - August 2006  
**Contact:** Monica Washington, (717) 783-5670

[Pa.B. Doc. No. 05-1700. Filed for public inspection September 9, 2005, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> 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*

