



---

Volume 34 (2004)

Pennsylvania Bulletin  
Repository

---

10-2-2004

## October 2, 2004 (Pages 5337-5540)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/pabulletin\\_2004](https://digitalcommons.law.villanova.edu/pabulletin_2004)

---

### Recommended Citation

Pennsylvania Legislative Reference Bureau, "October 2, 2004 (Pages 5337-5540)" (2004). *Volume 34 (2004)*. 40.

[https://digitalcommons.law.villanova.edu/pabulletin\\_2004/40](https://digitalcommons.law.villanova.edu/pabulletin_2004/40)

This October is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 34 (2004) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

# PENNSYLVANIA BULLETIN

Volume 34  
Saturday, October 2, 2004 • Harrisburg, Pa.  
Number 40  
Pages 5337—5540

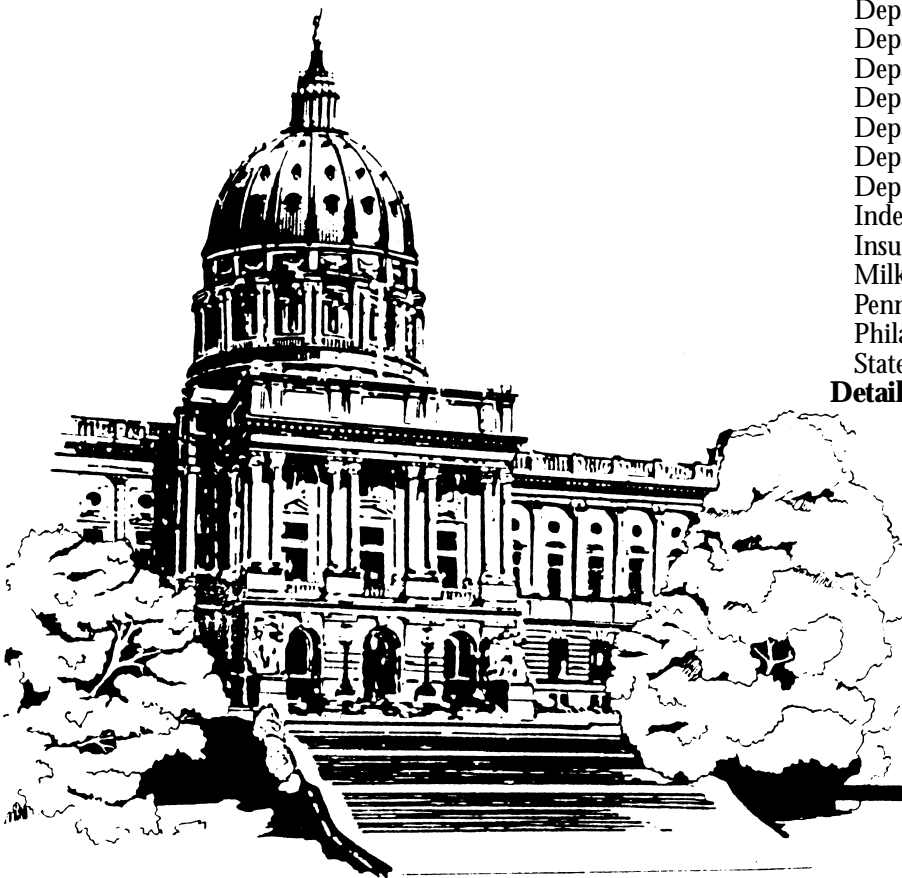
See Part II page 5467 for the  
Subject Index for  
January—September 2004

## Part I

### Agencies in this issue:

The Governor  
The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Department of Transportation  
Independent Regulatory Review Commission  
Insurance Department  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 359, October 2004**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.**

**Attn: *Pennsylvania Bulletin***

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
**Attn: *Pennsylvania Bulletin***

**800 W. Church Rd.**

**Mechanicsburg, Pennsylvania 17055-3198**

**(717) 766-0211 ext. 2340**

**(800) 334-1429 ext. 2340 (toll free, out-of-State)**

**(800) 524-3232 ext. 2340 (toll free, in State)**

published weekly by Fry Communications, Inc. for the

Copyright © 2004 Commonwealth of Pennsylvania  
ISBN 0-8182-0004-9

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**

**Attn: *Pennsylvania Bulletin***

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## GOVERNOR

### PROCLAMATION

Amendment to proclamation (3 documents) . . .	5346, 5347, 5348
Proclamation of disaster emergency . . . . .	5349

## THE COURTS

### LOCAL COURT RULES

#### Montgomery County

Amendment to local rule of civil procedure 208.3(b) and rescission of local rule of civil procedure 208.4 . . . . .	5352
---	------

### RULES OF CIVIL PROCEDURE

Promulgation of Rule 1042.72 governing excessive damage awards for noneconomic loss in medical professional liability actions and amendment of Rule 227.4 governing entry of judgment upon praecipe of a party; no. 418 civil procedural rules; doc. no. 5. . . . .	5351
--	------

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications. . . . .	5394
---------------------------------	------

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Consolidated plan for Federal fiscal years 2004- 2008; public meeting. . . . .	5395
---	------

### DEPARTMENT OF EDUCATION

#### Notices

Application of Allentown Business School for ap- proval of changes to status, name and articles of incorporation . . . . .	5395
--	------

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices. . . . .	5396
Availability of technical guidance . . . . .	5441
Chesapeake Bay Advisory Committee meeting . . . . .	5442
Proposed general plan approval and/or general oper- ating permits (BAQ-GPA/GP-9, GP-11 and GP- 12). . . . .	5442

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information. . . . .	5461
--------------------------------------	------

## DEPARTMENT OF HEALTH

### NOTICES

Hearing Aid Advisory Council meeting . . . . .	5443
--	------

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notices

Pennsylvania Conservation Corps; grants for projects . . . . .	5443
---	------

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Doughman Dollars instant lottery game. . . . .	5444
Pennsylvania Jingle Bucks '04 instant lottery game. . . . .	5446
Pennsylvania Jolly Jackpot instant lottery game . . . . .	5448
Pennsylvania Winner Wonderland '04 instant lot- tery game . . . . .	5452
Public Utility Realty Tax Act surcharge rate for the tax year beginning January 1, 2005 (correction). . . . .	5454

### DEPARTMENT OF TRANSPORTATION

#### Proposed Rulemaking

Access to and occupancy of highways by driveways, local roads and structures . . . . .	5355
---	------

#### Notices

Finding (2 documents) . . . . .	5454
Toolbox for development of a wayfinding signing region. . . . .	5455

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing of final rulemakings . . . . .	5455
---	------

### INSURANCE DEPARTMENT

#### Notices

Application for approval to acquire control. . . . .	5455
Ashton Road Automotive, Inc.; hearing. . . . .	5456
Conseco Senior Health Insurance Company; rate increase filing for long term care policy ATL- LTC-1; rate filing . . . . .	5456
HB&H Contractors; prehearing . . . . .	5456
New Holland Exxon 31; hearing . . . . .	5457
McGarry John; prehearing . . . . .	5457
Teachers Protective Mutual Life Insurance Com- pany; rate increase filing for tax qualified LTC policy QH-9606-HCP and nontax qualified supple- mental LTC policy SH-9606-LTC-APC; rate filing. . . . .	5457
Review procedure hearings; cancellation or refusal of insurance . . . . .	5457
Review procedure hearings under the Unfair Insur- ance Practices Act . . . . .	5458

---

**Now Available Online at <http://www.pabulletin.com>**

---

**MILK MARKETING BOARD**

**Notices**

Hearing and presubmission schedule for all milk  
marketing areas; over-order premium ..... 5458

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Service of notice of motor carrier applications..... 5459

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids ..... 5459

**STATE EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearings scheduled ..... 5460

# 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.

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
**GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### 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.

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

# 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 2004.

## 1 Pa. Code (General Provisions)

### Adopted Rules

301 .....	1681
303 .....	1681
305 .....	1681
307 .....	1681
309 .....	1681
311 .....	1681

## 4 Pa. Code (Administration)

### Adopted Rules

1 .....	2057, 2685
5 .....	366, 2287
6 (with correction) .....	366, 2162, 2164, 2288, 3236, 4550
7 .....	3238, 4013
91 .....	1442
93 .....	1442
95 .....	1442
97 .....	1442
99 .....	1442
101 .....	1442
105 .....	1442
110 .....	1442

### Proposed Rulemaking

161 .....	3146
-----------	------

### Statements of Policy

9 .....	855, 1234, 1335, 1337, 1966, 2075, 2332, 2830, 3277, 3608, 3723, 4154, 4734, 5264
114 .....	63

## 7 Pa. Code (Agriculture)

### Adopted Rules

76 .....	4139
104 .....	4573
130d .....	4575
138 .....	2421
138e .....	2421, 4435
138l .....	2421

### Proposed Rulemaking

76 .....	831
104 .....	561

## 12 Pa. Code (Commerce, Trade and Local Government)

### Statements of Policy

123 .....	488, 4925
-----------	-----------

## 22 Pa. Code (Education)

### Adopted Rules

14 .....	2324
403 .....	2975, 3355, 3358

### Statements of Policy

52 .....	5267
----------	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

86 .....	388
109 .....	1758, 1762, 3130, 4435
207 .....	2041
215 .....	3823
216 .....	3823

217 .....	3823
218 .....	3823
219 .....	3823
220 .....	3823
221 .....	3823
223 .....	3823
224 .....	3823
225 .....	3823
226 .....	3823
227 .....	3823
228 .....	3823
230 .....	3823
240 .....	3823

### Proposed Rulemaking

83 .....	4361
91 .....	4353
92 .....	4353
93 .....	2067
401 .....	1329

## 28 Pa. Code (Health and Safety)

### Adopted Rules

18 .....	3695
25 .....	2711, 2808
1001 .....	677
1003 .....	677
1005 .....	677
1007 .....	677
1051 .....	677

## 31 Pa. Code (Insurance)

### Adopted Rules

146c .....	4146
147 .....	4591
151 .....	4598

### Proposed Rulemaking

147 .....	844
151 .....	850
167 .....	3255

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

401 .....	319
403 .....	319
405 .....	319

### Statements of Policy

123 .....	1684
-----------	------

## 37 Pa. Code (Law)

### Adopted Rules

41 .....	5134
----------	------

### Proposed Rulemaking

42 .....	853
91 .....	3010
93 .....	3010
94 .....	3010
191 .....	5032
411 .....	5032



**Statements of Policy**

200 ..... 2573

**40 Pa. Code (Liquor)****Proposed Rulemaking**

1 ..... 3411  
 3 ..... 3411  
 5 ..... 3411  
 7 ..... 3411  
 9 ..... 3411  
 11 ..... 3411  
 13 ..... 3411  
 15 ..... 3411

**49 Pa. Code (Professional and Vocational Standards)****Adopted Rules**

3 (with correction) ..... 1574, 1683, 3699  
 7 ..... 2467  
 9 ..... 235  
 11 ..... 1768  
 13 ..... 39  
 15 ..... 4684  
 16 ..... 40, 4686  
 18 ..... 43  
 19 ..... 3410, 4689, 4691, 4693  
 23 ..... 1453, 4147  
 25 ..... 47  
 31 ..... 388  
 33 ..... 2326, 4882  
 35 ..... 4883  
 39 ..... 4696  
 40 ..... 3700, 4697

**Proposed Rulemaking**

9 ..... 1948  
 13 ..... 1961  
 16 ..... 56, 1963  
 17 ..... 4887  
 21 ..... 851, 4890, 4897  
 25 ..... 58, 563  
 27 ..... 3146, 4901  
 29 ..... 565, 4902  
 31 ..... 1331  
 33 ..... 1949  
 35 ..... 61, 4913  
 39 ..... 55  
 41 ..... 60, 4903  
 45 ..... 3143  
 47 ..... 4908  
 48 ..... 4908  
 49 ..... 4908

**52 Pa. Code (Public Utility)****Adopted Rules**

57 ..... 5135

**Proposed Rulemaking**

29 ..... 3258  
 31 ..... 3258  
 62 ..... 2071  
 63 ..... 1784, 1795  
 101 ..... 3138

**Statements of Policy**

41 ..... 3912

**55 Pa. Code (Public Welfare)****Adopted Rules**

1150 ..... 3596  
 3040 ..... 1575

**Proposed Rulemaking**

41 ..... 4447  
 285 ..... 1774  
 1187 ..... 4462, 4465  
 3040 ..... 5044  
 3041 ..... 5044

**Statements of Policy**

6000 ..... 1234

**58 Pa. Code (Recreation)****Adopted Rules**

63 ..... 1231, 1232, 3598  
 65 ..... 1231, 3599, 3600  
 93 ..... 1231, 1232  
 105 ..... 4444  
 111 ..... 3601  
 135 ..... 3703, 5153  
 137 ..... 5154, 5155  
 139 ..... 3704  
 141 ..... 2328, 2825, 3710, 3711, 3712, 3713, 5156  
 143 ..... 2826, 3713, 3715  
 147 ..... 2329, 2827, 2828, 3716, 5157  
 147a ..... 2329  
 147b ..... 2329

**Proposed Rulemaking**

51 ..... 5161  
 61 ..... 3603  
 63 ..... 1457  
 65 ..... 1458, 1460, 1461, 3603, 4605, 5162  
 69 ..... 3603  
 91 (with correction) ..... 4151, 4887  
 103 ..... 4466  
 105 ..... 4466  
 107 ..... 4466  
 111 (with correction) ..... 4152, 4466, 4887  
 135 ..... 1941, 3137  
 137 ..... 3015  
 139 ..... 1776  
 141 ..... 484, 1781, 1941, 3016, 5164  
 143 ..... 484, 1782, 1944, 5165  
 147 ..... 485, 486, 1946, 3017, 3411, 5166, 5167

**61 Pa. Code (Revenue)****Adopted Rules**

872 ..... 50  
 873 ..... 4599

**64 Pa. Code (Securities)****Proposed Rulemaking**

203 ..... 5168  
 303 ..... 5168  
 304 ..... 5168  
 404 ..... 5168

**Adopted Rules**

207 ..... 1940

**67 Pa. Code (Transportation)****Adopted Rules**

83 ..... 3718  
 175 ..... 1327

**Proposed Rulemaking**

63 ..... 5159  
 86 ..... 5160  
 88 ..... 4885  
 94 ..... 4705  
 103 ..... 843  
 201 ..... 4712

203	4712
204	4712
211	4712
212	951, 4712
217	4712
441	5355

#### Statements of Policy

86	567
88	567
214	5075

#### 204 Pa. Code (Judicial System General Provisions)

##### Adopted Rules

71	2062, 2063, 3102
81	9, 2537, 4553, 4818, 5126
83	1547, 2537, 5244
85	948, 5013
87	948
89	948
91	5013

##### Proposed Rulemaking

71	1749
81	1752
83	1749, 3243, 3245, 3862, 4682

#### 210 Pa. Code (Appellate Procedure)

##### Adopted Rules

1	1670
9	1670
11	1670
13	1670
15	1670, 3862
17	1670, 3870
19	2064
21	1320, 2688
31	2688
33	3870
37	2688
65	379

##### Proposed Rulemaking

3	5014
---	------

#### 225 Pa. Code (Rules of Evidence)

##### Adopted Rules

VII	2065
IX	1492

##### Proposed Rulemaking

I	2689
VI	2987
VIII	4020, 4021

#### 231 Pa. Code (Rules of Civil Procedure)

##### Adopted Rules

200	9, 557, 3103, 3677, 4107, 4879, 5351
400	9
1000	9, 1926, 4880, 5351
1300	22
1500	9
1600	9
1900	1754
1910	1754
1915	1754
1920	1754
1930	1754
1940	4107
2000	9
2020	9

2050	9
2100	9
2120	9
2150	9
2170	9
2200	9
2220	9
2250	9
2300	9
2320	9
2350	9
2950	22
3000	9, 22
4000	9, 1926, 4881

##### Proposed Rulemaking

1910	5246
3000	476
3300	476
Part II	3104

#### 234 Pa. Code (Rules of Criminal Procedure)

##### Adopted Rules

1	1547, 1671, 1929, 2541, 2910, 3105, 5016
4	1547, 1929
5	1547, 1932, 2543, 2910, 3105, 5016
6	3105
7	1547, 3105
8	3105
9	1547, 1671, 3105
10	5016

##### Proposed Rulemaking

1	1429, 4412
2	4412
4	34, 4412
5	4412
6	2543

#### 246 Pa. Code (Minor Court Civil Rules)

##### Adopted Rules

300	2464
400	2465

##### Proposed Rulemaking

200	480
300	480
400	4022
500	480
1000	1933

#### 249 Pa. Code (Philadelphia Rules)

Unclassified	36
--------------	----

#### 252 Pa. Code (Allegheny County Rules)

Unclassified	2912
--------------	------

#### 255 Pa. Code (Local Court Rules)

Unclassified	37, 231, 379, 482, 483, 557, 829,
	830, 949, 1229, 1230, 1320, 1321, 1326, 1433, 1570,
	1571, 1573, 1674, 1936, 1937, 2289, 2312, 2545,
	2551, 2690, 2704, 2705, 2706, 2710, 2798, 2801,
	2912, 2914, 2987, 2991, 2998, 3008, 3009, 3110,
	3125, 3247, 3248, 3249, 3250, 3251, 3252, 3253,
	3254, 3371, 3394, 3401, 3404, 3406, 3585, 3587,
	3593, 3678, 3681, 3683, 3687, 3688, 3691, 3873,
	3875, 3876, 3877, 3880, 3881, 3882, 3883, 3884,
	3910, 3911, 4023, 4026, 4107, 4110, 4112, 4121,
	4122, 4127, 4425, 4426, 4428, 4429, 4432, 4433,
	4554, 4572, 4682, 4683, 4881, 5028, 5030, 5126,
	5132, 5247, 5250, 5259, 5263, 5352

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Amendment to Proclamation

September 18, 2004

*Whereas*, On September 17, 2004, I declared a State of Disaster Emergency in Allegheny, Armstrong, Butler and Washington Counties due to widespread and unusually severe storms, heavy rain, high winds and flooding, which struck the counties and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of those counties; and

*Whereas*, additional information provided by local officials finds that additional Pennsylvania counties were also adversely impacted by the same heavy rains, which caused localized flooding to occur in certain creeks and streams and caused extensive road closures, damage to roads, streets, private homes, businesses and continued adverse life safety impacts for the general population of Beaver, Bradford, Centre, Clinton, Clearfield, Columbia, Cumberland, Dauphin, Fulton, Indiana, Jefferson, Lycoming, Mifflin, Perry, Schuylkill, Snyder and Westmoreland Counties; and

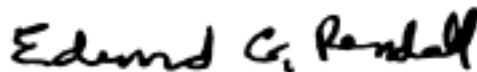
*Whereas*, it is anticipated that these severe storms will cause further extensive flooding on the major river systems of the Commonwealth; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

*Now Therefore*, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of September 17, 2004, as follows:

1. The Counties of Beaver, Bradford, Centre, Clinton, Clearfield, Columbia, Cumberland, Dauphin, Fulton, Indiana, Jefferson, Lycoming, Mifflin, Perry, Schuylkill, Snyder and Westmoreland Counties are now declared to be in a state of disaster emergency and are added to the previously designated disaster emergency area.
2. This Amendment to Proclamation shall take effect immediately.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this eighteenth day of September in the year of our Lord two thousand four and of the Commonwealth the two hundred and twenty-ninth.



*Governor*

[Pa.B. Doc. No. 04-1810. Filed for public inspection October 1, 2004, 9:00 a.m.]

**Amendment to Proclamation**

September 19, 2004

*Whereas*, On September 17, 2004, I declared a State of Disaster Emergency in Allegheny, Armstrong, Butler, and Washington Counties due to widespread and unusually severe storms, heavy rain, high winds, and flooding, which struck the counties and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of those counties; and

*Whereas*, on September 18, 2004, said Proclamation was amended to include Beaver, Bedford, Bradford, Centre, Clarion, Clinton, Clearfield, Columbia, Cumberland, Dauphin, Fulton, Indiana, Jefferson, Juniata, Lackawanna, Luzerne, Lycoming, Mifflin, Monroe, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Susquehanna, Union, Wayne, Westmoreland, and Wyoming Counties; and

*Whereas*, additional information provided by local officials finds that additional Pennsylvania counties were also adversely impacted by the same heavy rains, which caused localized flooding to occur in certain creeks and streams and caused extensive road closures, damage to roads, streets, private homes, businesses and continued adverse life safety impacts for the general population of Blair, Bucks, Cameron, Carbon, Greene, Lehigh, Huntingdon, and Somerset Counties; and

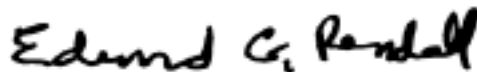
*Whereas*, it is anticipated that these severe storms will cause further extensive flooding on the major river systems of the Commonwealth; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

*Now Therefore*, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. *as amended*), I do hereby amend my Proclamation of September 17, 2004, as follows:

1. The Counties of Blair, Bucks, Cameron, Carbon, Greene, Lehigh, Huntingdon and Somerset Counties are now declared to be in a state of disaster emergency and are added to the previously designated disaster emergency area.
2. This Amendment to Proclamation shall take effect immediately.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this nineteenth day of September in the year of our Lord two thousand four and of the Commonwealth the two hundred and twenty-ninth.

*Governor*

[Pa.B. Doc. No. 04-1811. Filed for public inspection October 1, 2004, 9:00 a.m.]

**Amendment to Proclamation**

September 21, 2004

*Whereas*, On September 17, 2004, I declared a State of Disaster Emergency in Allegheny, Armstrong, Butler and Washington Counties due to widespread and unusually severe storms, heavy rain, high winds and flooding, which struck the counties and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of those counties; and

*Whereas*, on September 18, 2004, said Proclamation was amended to include Beaver, Bedford, Bradford, Centre, Clarion, Clinton, Clearfield, Columbia, Cumberland, Dauphin, Fulton, Indiana, Jefferson, Juniata, Lackawanna, Luzerne, Lycoming, Mifflin, Monroe, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Susquehanna, Union, Wayne, Westmoreland, and Wyoming Counties; and

*Whereas*, on September 19, 2004, said Proclamation was amended to include Blair, Bucks, Cameron, Carbon, Greene, Lehigh, Huntingdon, and Somerset Counties; and

*Whereas*, additional information provided by local officials finds that additional Pennsylvania counties were also adversely impacted by the same heavy rains, which caused localized flooding to occur in certain creeks and streams and caused extensive road closures, damage to roads, streets, private homes, businesses and continued adverse life safety impacts for the general population of Franklin, Lebanon, Montour, Tioga, and York Counties; and

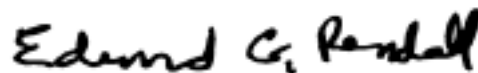
*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency; and

*Whereas*, the extent of the disaster emergency has necessitated the transfer of an additional \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency to be used for disaster-related expenses incurred by various state agencies and departments which said funds shall be credited to a special account established by the Office of the Budget.

*Now Therefore*, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of September 17, 2004, as follows:

1. The Counties of Franklin, Lebanon, Montour, Tioga, and York are now declared to be in a state of disaster emergency and are added to the previously designated disaster emergency area.
2. I hereby transfer \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency in addition to the \$2,000,000 previously transferred in the September 17, 2004 Proclamation.
3. This Amendment to Proclamation shall take effect immediately.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-first day of September in the year of our Lord two thousand four and of the Commonwealth the two hundred and twenty-ninth.



Governor

[Pa.B. Doc. No. 04-1812. Filed for public inspection October 1, 2004, 9:00 a.m.]

## Proclamation of Disaster Emergency

September 17, 2004

*Whereas*, Investigations made at my direction have disclosed that severe storms, heavy rain, high winds and flooding caused by Tropical Depression Ivan on September 17, 2004, have resulted in extensive damage to roads and streets, private homes, businesses, and caused other adverse impacts upon the general population in Allegheny, Armstrong, Butler, and Washington Counties; and

*Whereas*, the storm waters have caused extensive damage and loss to roads, bridges, essential community infrastructure, and other community resources; and

*Whereas*, the serious impact of this storm on both the immediate and long-term economy of this region and the state represents a major hardship requiring a comprehensive partnership of all levels of government for effective recovery; and

*Whereas*, the emergency situation has been of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the affected areas of Allegheny, Armstrong, Butler, and Washington Counties, and, in accordance with the State Emergency Operations Plans, I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, I hereby transfer up to \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, Act of May 15, 1998, P. L. 358, No. 57, § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster affected areas are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and

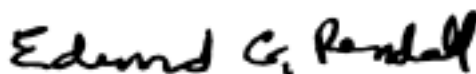
*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the potential danger to public health and safety caused by the aforementioned emergency; and

*Further*, I hereby authorize the Secretary of Environmental Protection to use all available equipment, resources, and personnel of the Department, in whatever manner that she deems necessary to protect public health and safety or the environment by ensuring that any possible petroleum spills, hazardous materials and contaminated debris that may be released into the environment as a result of the flooding be remediated; and

*Further*, I have directed that the emergency response and recovery aspects of all the Commonwealth departments and agencies and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

*Still Further*, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the Seal of the Governor, in the City of Harrisburg, on this seventeenth day of September in the year of our Lord two thousand and four and of the Commonwealth the two hundred and twenty-ninth.



*Governor*

[Pa.B. Doc. No. 04-1813. Filed for public inspection October 1, 2004, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CHS. 200 AND 1000]

**Promulgation of Rule 1042.72 Governing Excessive Damage Awards for Noneconomic Loss in Medical Professional Liability Actions and Amendment of Rule 227.4 Governing Entry of Judgment upon Praecept of a Party; No. 418 Civil Procedural Rules; Doc. No. 5**

#### Amended Order

*Per Curiam:*

And Now, this 17th day of September, 2004, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. New Rule 1042.72 is promulgated to read as follows, and
2. Rule 227.4 is amended to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective December 1, 2004.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### **Rule 227.4. Entry of Judgment upon Praecept of a Party.**

In addition to the provisions of any Rule of Civil Procedure or Act of Assembly authorizing the prothonotary to enter judgment upon praecipe of a party **and except as otherwise provided by Rule 1042.72(e)(3)**, the prothonotary shall, upon praecipe of a party:

(1) enter judgment upon the verdict of a jury or the decision of a judge following a trial without jury, if

\* \* \* \* \*

(b) one or more timely post-trial motions are filed and the court does not enter an order disposing of all motions within one hundred twenty days after the filing of the first motion. A judgment entered pursuant to this subparagraph shall be final as to all parties and all issues and shall not be subject to reconsideration; **or**

**Official Note:**

\* \* \* \* \*

**Rule 1042.72(e)(3) prohibits the entry of judgment in a medical professional liability action if a motion for post-trial relief under Rule 227.1 is pending with respect to the ground that a damage award for noneconomic loss is excessive.**

(2) enter judgment when a court grants or denies relief but does not itself enter judgment or order the prothonotary to do so.

**Official Note:** See Rule 236 requiring the prothonotary to give notice of the entry of an order or judgment and Rule 237 requiring notice of filing of praecipe for judgment. For illustrative Rules of Civil Procedure specifically authorizing entry of judgment by the prothonotary on praecipe of a party, see Rules 1037, [1511(a),] 1659, 3031(a), and 3146.

#### CHAPTER 1000. ACTIONS

#### Subchapter B. ACTION IN TRESPASS

#### PRE-TRIAL CONFERENCE

#### **Rule 1042.72. Medical Professional Liability Actions. Motion for Post-Trial Relief. Excessive Damage Award for Noneconomic Loss.**

(a) In a medical professional liability action in which the trier of fact has made separate findings specifying the amount of noneconomic loss, any defendant may include in a motion for post-trial relief under Rule 227.1 the ground that the damage award for noneconomic loss is excessive.

**Official Note:** A damage award for noneconomic loss does not include amounts awarded for medical and other related expenses, loss of earnings or earning capacity, or punitive damages.

(b) A damage award is excessive if it deviates substantially from what could be reasonable compensation. In deciding whether the award deviates substantially from what could be considered reasonable compensation, the court shall consider (1) the evidence supporting the plaintiff's claim; (2) factors that should have been taken into account in making the award; and (3) whether the damage award, when assessed against the evidentiary record, strongly suggests that the trier of fact was influenced by passion or prejudice.

**Official Note:** The defendant has the burden of convincing the court that the award deviates substantially from what could be reasonable compensation.

The factors that the trier of fact should take into account are those set forth in the jury instructions described in Rule 223.3.

(c) If the court finds that the damage award for noneconomic loss is excessive, the court shall remit the award. If the plaintiff declines to accept the award as remitted, the court shall grant a new trial limited to a damage award for noneconomic loss. The verdict or decision as to liability, economic damages, and punitive damages shall not be set aside under this rule.

(d) The court in granting or denying the motion shall issue an opinion which discusses the evidence and the factors taken into account in making its decision.

(e)(1) The court shall enter an order disposing of a motion, or portion thereof, raising the ground of an excessive damage award for noneconomic loss within one hundred twenty days of the filing of the motion.

(2) If an order has not been entered as required by subdivision (e)(1), the judge who is deciding the motion shall immediately file a report with the Court Administrator of Pennsylvania and his or her president judge



which explains why the motion, or portion thereof, has not been decided and when a decision is anticipated.

(3) A judgment may not be entered pursuant to Rule 227.4 if a motion for post-trial relief is pending with respect to the ground that the damage award for noneconomic loss is excessive.

(f) This rule shall expire five years from its promulgation date unless continued by order of the Supreme Court.

(g) This rule shall apply to all cases for which a verdict or decision has not been rendered prior to its effective date.

[Pa.B. Doc. No. 04-1814. Filed for public inspection October 1, 2004, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Amendment to Local Rule of Civil Procedure 208.3(b) and Rescission of Local Rule of Civil Procedure 208.4

##### Order

And Now, this 16th day of August, 2004, the Court approves and adopts the following Amendment to Montgomery County Local Rule of Civil Procedure 208.3(b) and Rescission of Local Rule of Civil Procedure 208.4. In conformity with Pa.R.C.P. 239(c)(7), this Amendment and Rescission shall become effective upon publication on the web site of the Administrative Office of Pennsylvania Courts ([www.ujportal.pacourts.us](http://www.ujportal.pacourts.us)).

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

S. GERALD CORSO,  
*President Judge*

#### Rule 208.3(b). Motion Practice. Rule to Show Cause. Disposition of Motions.

(1) *Filing*. All other "motions" as defined by Rule 208.1, excepting those listed above in Local Rule 208.3(a), shall be governed by this Rule. All such motions shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b) and shall be accompanied by the moving party's proposed order. The motion, together with the cover sheet, shall be presented to the Court Administrator, after filing with the Prothonotary, for a return day on the rule.

(2) *Listing*. Excepting motions for sanctions or contempt of a prior court order, the Court Administrator shall fix promptly a return day which shall not be less than thirty (30) days from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of the motion and the cover sheet indicating the return day thereon. The moving party shall thereafter file a certification that the motion and the rule return date were served upon all parties, in substantially the following form:

See Form *Certificate of Service*

Motions for sanctions or contempt of a prior court order shall be forwarded by the Court Administrator to the assigned Judge for the scheduling of a hearing.

Motions that are alleged to be "emergencies" will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the assigned Judge. If the matter is deemed to be an emergency by the assigned Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.

(3) *Response*. At or before the call of the list on the return day, the respondent shall file an answer to the motion, even if there are no contested issues of fact. The answer shall be faced with the respondent's cover sheet in the form set forth in Rule 205.2(b) and shall be accompanied by a proposed order.

(4) *Initial Consideration of Motion—Rule Return Day*. On the return day, the Court Administrator or his/her designee shall call all matters listed. If a response is not filed to the motion at or before the call of the list, the court will treat the motion as uncontested, and grant the requested relief, if appropriate, and if a proper certificate of service was filed pursuant to Local Rule 208.3(b)(2). In the absence of a proper certificate of service, the motion will be stricken.

Matters relating to discovery in which responses have been filed will proceed by Local Rule 4019\*. Motions raising appealable matters in which responses have been filed will proceed pursuant to section (2) herein. All other matters (interlocutory) in which responses have been filed will forthwith be referred to the assigned Judge for disposition, including argument, if requested.

(5) *Praecepte*. On all motions raising appealable matters in which responses have been filed, the Court Administrator, after the return day, will issue an order directing the completion of discovery, if necessary, within sixty (60) days of the date of the order. Upon completion of discovery, if necessary, any party may file with the Prothonotary, in duplicate, a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of the praecipe to Court Administration. The praecipe shall be in the following form:

See Form *Argument Praecepte*

(6) *Briefs*. For motions raising appealable matters, the brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. Regarding appealable matters, the brief of the respondent shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

For motions raising interlocutory matters, where the Court orders briefs, the brief of the moving party shall be

filed in the Prothonotary's Office within thirty (30) days of the date of said order and the respondent's brief shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directly by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

If the brief of either party is not timely filed, either per the directive of this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply;

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply;

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

(7) *Disposition*. Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument was requested by either party on either their respective cover sheets or the argument praecipe, the matter shall be scheduled for argument. If oral argument was not requested by either party, the

assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

Comments:

1. Rule 208.1(b)(1)(iv) specifically excludes motions to exclude expert testimony pursuant to Rule 207.1 and motions in limine from the above process. These motions are filed with the Prothonotary and referred to the trial judge, upon assignment of trial.

2. Rule 208.1(b)(2)(i) specifically excludes asbestos litigation matters from the above process. Motions filed in said matters are handled pursuant to Local Rule 1041.1\*.

3. Requests for leave to withdraw an appearance in family court actions pursuant to Rule 1012 and requests under local Rule 229(a)\*(1) are considered "motions" that are subject to this Rule.

4. Appealable matters are those that are before the Court for final judgment or adjudication. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.

5. Motions relating to discovery in family law actions—excluded from the above process by Rule 208.1(b)(2)(iv)—are governed by Local Rule 4019.1\* Family Discovery Master.

#### **Rule 208.4. Disposition of Motions.**

Rescinded.

### IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL DIVISION

VS.

NO.

#### CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that a true and correct copy of \_\_\_\_\_ noting a  
(Name of Server) (Name of Motion/Petition)  
Rule Return date of \_\_\_\_\_ in Video Room "1" of the Montgomery County Court House, Airy &  
(Date of Rule Return) Swede Streets, Norristown, PA at 1:00 p.m. has been served upon the following persons:

(Insert Complete Name(s) and Address(s))

Via: \_\_\_\_\_ on \_\_\_\_\_  
(Form of Delivery e.g. Mail/Courier etc.) (Date Mailed or Delivered)

\_\_\_\_\_  
(Signature of Server)

### IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

VS.

NO.

ARGUMENT PRAECIPE

Please submit the following matter to the designated Judge for disposition:

☐ INTERLOCUTORY matter:

(Specify) \_\_\_\_\_

(Name of Moving Party) \_\_\_\_\_

☐ APPEALABLE matter:

(Specify) \_\_\_\_\_

(Name of Moving Party) \_\_\_\_\_

ORAL ARGUMENT: ☐ Requested ☐ Waived

☐ NO ANSWER FILED—(*for petitions governed by Rule 206.1 ONLY*)—Petitioner certifies that the time period for response to the above petition, as directed in the proposed order attached to the petition, has expired, and that no answer was filed to the subject petition. Accordingly, petitioner requests the court to consider the petition without the need for briefs, and enter an appropriate order in accordance with Rule 206.7(a).

\_\_\_\_\_  
Signature of Filing Party

\_\_\_\_\_  
Name Typed and Attorney I.D. #

\_\_\_\_\_  
Phone Number

NOTE—PRAECIPES TO BE FILED IN DUPLICATE WITH THE PROTHONOTARY  
BRIEFS OR MEMORANDUMS TO BE FILED WITH THE PROTHONOTARY

[Pa.B. Doc. No. 04-1815. Filed for public inspection October 1, 2004, 9:00 a.m.]

\_\_\_\_\_

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 441]

### Access to and Occupancy of Highways by Driveways, Local Roads and Structures

The Department of Transportation (Department), Bureau of Maintenance and Operations, under section 420 of the State Highway Law (act) (36 P.S. § 670-420), proposes to amend Chapter 441 (relating to access to and occupancy of highways by driveways and local roads) to read as set forth in Annex A.

#### *Purpose of this Chapter*

The purpose of Chapter 441 is to regulate the location, design, construction and maintenance of driveways, local roads and structures within State highway right-of-way to provide safe and efficient transportation operations, security, economy of maintenance and preservation of proper drainage while authorizing safe and reasonable access to the highway.

#### *Purpose of the Proposed Rulemaking*

The purpose of the proposed rulemaking is to better reconcile the needs of motorists operating in normal highway traffic and motorists entering or leaving State highway right-of-way from adjacent property. Except with respect to limited-access highways, owners of property adjacent to State highways have a right of reasonable access. At the same time, the efficiency and safety of a highway is affected by the amount and type of interference caused by accessing traffic. As the number of access points onto a highway increases, the ability of the highway to provide for the unimpeded and reasonably safe movement of traffic is diminished.

The proposed rulemaking also expands existing regulatory provisions governing when structures, such as a drainage pipe, may be placed within State highway right-of-way. The proposed rulemaking also replaces current desirable sight distance values with minimum sight distance values derived from an updated mathematical formula. The proposed rulemaking also allows applicants to request modifications to certain terms or conditions imposed by Chapter 441 and provides instructions for the preparation of a traffic impact study and a drainage impact report when required under the regulations.

#### *Significant Provisions of the Proposed Rulemaking*

Significant amendments to Chapter 441 include the following:

(1) The proposed amendments to § 441.1 (relating to definitions) include a definition of the term "structure." The construction of driveways frequently involves the construction of structures such as sidewalks, curbs, drainage systems and other similar items. The addition of this definition will provide necessary clarification and will promote the consistent regulation of both driveways and associated structures, several of which may be authorized under the same permit.

(2) The proposed amendments to § 441.3 (relating to permit application procedure) will include municipalities authorized to issue permits for the Department under the authority of a municipal permit issuance agreement.

These amendments are intended to further implement section 420 of the act, which authorizes the Secretary of Transportation to delegate the authority to issue permits to municipalities who agree to issue permits in compliance with these regulations. Section 441.3 also provides greater detail in delineating the standards and procedures involved in the permit application process. The proposed amendments to this section also provide that a person possessing a valid permit will not be required to obtain an additional permit for maintenance purposes, provided the maintenance does not alter the design of the permitted access or structure or otherwise violate a requirement of the permit or this chapter.

Significant additional amendments to § 441.3 relate to the requirement of a drainage impact report or traffic impact study. The proposed amendments delete the existing six issues to be addressed in the report and direct the applicant to prepare the drainage control report in accordance with the requirements of new § 441.3b (relating to preparation of a drainage impact report). Similarly, the proposed amendments direct that, if a traffic impact study is warranted, the applicant is to prepare the traffic impact study in accordance with the directives in § 441.3a (relating to preparation of a traffic impact study). The traffic impact study must be submitted along with the permit application, but may be submitted before the permit application if the applicant wishes to have a preliminary project "scoping" meeting.

Proposed amendments to § 441.3 will also inform permit applicants that they will be held accountable for the truth and accuracy of any and all information submitted to the Department in conjunction with their permit application under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). Section 441.3 also delineates the rights of an applicant or other aggrieved person to appeal a Departmental determination consistent with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

Finally, proposed amendments to this section provide that the Department may suspend or prohibit an individual from participating in future permit related activity for a variety of past permit or regulation violations.

(3) Proposed §§ 441.3a and 441.3b add detailed instructions which will assist permit applicants in preparing a standardized and comprehensive analysis of the potential effects of their permitted activities. The information required in traffic impact studies and drainage impact reports will assist the Department in making informed, knowledgeable determinations, based on an understanding of relevant factors associated with the proposed activity.

Both §§ 441.3a and 441.3b begin by informing permit applicants that it is their responsibility to assess impacts on traffic or drainage that would be attributable to their permitted activity. Both sections require detailed information concerning the development site, existing and proposed uses, existing and proposed conditions and recommended remedies and technical information, such as hydraulic computations in the case of a drainage impact report.

(4) The proposed amendment to § 441.4 (relating to permit fees) will provide that fees will be assessable with the application for a permit. The current regulations do not assess a fee unless the permit is issued. Under the proposed amendment, application fees will be retained by

the Department regardless of whether the application is approved or denied. The proposed amendment also adjusts the fee schedule, which has been in effect since April 1980, to reflect current processing costs. Even the proposed increased fees will not fully reimburse the Department for its current cost of administering the access permit program. Property owners who are eliminating an existing access or structure are exempt from application and general permit inspection fees. The proposed amendment also provides for additional application and inspection fees should the Department anticipate that the cost of reviewing the application, or of inspecting the permitted work, will exceed the standard fees by a significant amount.

(5) The proposed amendment to § 441.5 (relating to issuance of permits) will delete the existing provisions of subsection (e), relating to waiver of design requirements, in favor of proposed § 441.11 (relating to modification of conditions). The current waiver provisions of § 441.5(e) contain criteria that have proven impractical in day-to-day application. Conditions, such as the requirement in § 441.5(e)(1)(iv) that no traffic problem be created, have proven to be unworkable and an impediment to the maintenance of a balance between the rights of individuals to reasonable access to and from their properties and the right of the public to a safe and efficient highway system. The Department has determined it is unwise to create or continue in the regulation of special exceptions for particular situations. Under the proposed amendment, requests for deviation from the terms and conditions of Chapter 441 should be addressed on a case by case basis.

The proposed amendment to § 441.5 also requires that individuals performing permitted work display a placard, when furnished with the issued permit, in much the same manner as a building permit is required to be displayed by most municipalities. The availability of the information contained on the placard will facilitate further inquiries that a citizen might have regarding the work.

The proposed amendment to § 441.5 also allows for the issuance of temporary permits for activities such as fairs, construction projects, extraction of natural resources or other activities for which the property owner does not need to have permanent access. In these cases, this proposed amendment would allow the Department to permit coarse aggregate material to be placed on a temporary access surface instead of paving, reducing the property owner's costs without inconveniencing the public or adversely affecting the highway infrastructure.

Proposed amendments to § 441.5 require the permittee to furnish photodocumentation of the preconstruction condition of any roadway which will be opened for more than 150 linear feet. Photodocumentation is necessary and desirable to quickly settle disputes between the permittee, its consultants, its contractor and the Department over what roadway restoration will be necessary to return the pavement and shoulders to a condition at least equal to that which existed prior to the start of work.

(6) Proposed amendments to § 441.6 (relating to general conditions) require the permittee to have the Commonwealth added as an additional insured party to the permittee's or its contractor's insurance policies to secure the permittee's indemnification obligation. Further, the proposed amendments to § 441.6(13) make it clear that the permittee's obligations to indemnify the Department and secure insurance are separate from its obligation under § 441.6(15) to restore the highway and obtain restoration security.

(7) Proposed amendments to § 441.8 (relating to driveway design requirements) delete existing desirable sight distance values in Tables 1–6. In practice, these desirable values have often been found to be unattainable. The proposed rulemaking contains an updated mathematical formula, based on the most current standards contained in the American Association of State Highway and Transportation Officials (AASHTO) publication *A Policy on Geometric Design of Highways and Streets*, Fourth Edition, which will effectively calculate the minimum required sight distances at a proposed driveway. The existing safe stopping sight distance formula incorporates a wet friction of pavement component, with an average value of 0.30, that is no longer used to calculate sight distance in the AASHTO publication. This wet friction component is being eliminated from the proposed formula sight distance in favor of a new deceleration rate component, with a value of 11.2 feet per second squared, divided by the gravitational constant of 32.2 feet per second squared. The proposed rulemaking also supplies the criteria for measuring the actual sight distances at a proposed driveway. Formula sight distances for selected speeds and grades are provided in Table 8-1 of the proposed rulemaking.

Diagrams currently found throughout the text of the regulation have been relocated and renumbered to reflect the section to which they relate. The deletion of diagrams at their current location is indicated with an Editor's Note and the renumbered diagrams appear in Annex A at the end of the appropriate section.

(8) The proposed amendment to § 441.9 (relating to driveway layout illustrations) reflects minor modifications of existing figures and the deletion of Figures 11 and 12. The revised drawings include current design and traffic engineering principles concerning access and also provide information on traffic control signing that would typically be required for each type driveway.

(9) The language of proposed § 441.11 will identify when the Department will issue a permit for a driveway or structure that is not in full conformance with the terms and conditions of Chapter 441. The general rule requires that any request for modification be made in writing. The request must also include satisfactory evidence that the applicant has complied with the requirements of § 441.11(a)(1)–(5). Applicants must provide evidence that they have done all that is reasonably possible in an attempt to comply with the terms and conditions of Chapter 441. They also must show, when appropriate, that there is no other available access to the property. The proposed modification must satisfy the intent of the term or condition to be modified and it must represent the minimum feasible deviation. Mere economic benefit to the applicant is not sufficient to warrant modification.

The sight distance requirements in § 441.8(h) are not subject to this section since the sight distances derived from the formula in § 441.8(h) are the minimum necessary to protect the motoring public. Also, § 441.8(h) already identifies remedies available to applicants when sight distance is insufficient.

A proposed amendment to § 441.11(b) reserves the right of the Department to deny modification of the terms or conditions of Chapter 441. It further requires that the granting of a modification will be predicated on the applicant's complying with any conditions or limitations placed on the permit. Unless excused in writing, the applicant must execute an acceptable indemnification agreement under § 441.6(13) and must obtain satisfac-

tory security which would guarantee highway restoration and maintenance costs under § 441.6(15). The applicant must also obtain public liability insurance, on behalf of the Department, for personal injury or property loss, unless excused.

Section 441.11(c) requires that municipalities issuing permits may grant modifications of the terms and conditions of Chapter 441 only upon the written approval of the district executive for their district. The proposed requirement will help to ensure a consistent application of the determinative criteria associated with the granting or denial of a request for modification. The municipality will also be required to indemnify the Department regarding claims arising through the municipality's negligence in issuing the permit.

#### *Persons and Entities Affected*

The proposed rulemaking affects property owners, including municipalities, who propose to create an access to a State highway or to significantly change the design, operation or location of an existing access. The proposed rulemaking also affects persons who propose to occupy a State highway with a structure, such as a drainage facility. The affected persons will be required to submit to the Department an application and plans for a permit which detail the particulars of the proposed occupancy, in accordance with these regulations.

#### *Fiscal Impact*

It is estimated that the proposed rulemaking will not increase costs for the Commonwealth or local governments. Permit issuance and inspection fees are being increased, increasing costs to the entities subject to this chapter but are being increased to help offset permit program costs. Issuance fees are being amended to become nonrefundable application fees. Applicants for driveways with higher traffic volumes will continue to incur costs in preparing a traffic impact study, which is the only reliable method of determining the impact of the access on nearby roadways as well as associated improvements, such as additional lanes or signals, that will be necessary to maintain efficient traffic operations. These studies are currently required by the Commonwealth and most municipalities for major developments.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2004, the Department 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 and Senate Transportation Committees. 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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Sunset Provisions*

The Department is not establishing a sunset date for this proposed rulemaking since the proposed rulemaking is needed to administer provisions required under section

420 of the act. The Department, however, will continue to closely monitor the proposed rulemaking for its effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Robert M. Peda, Director, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, P. O. Box 2047, Harrisburg, PA 17120-0041 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for this proposed rulemaking is Daniel R. Smyser, P. E., Bureau of Maintenance and Operations, Commonwealth Keystone Building, 400 North Street, P. O. Box 8210, Harrisburg, PA 17105-8210, (717) 787-7445.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

**Fiscal Note:** 18-378. No fiscal impact; (8) recommends adoption. Permit revenue collected will cover the cost of review and inspection. In case the revenue does not cover the agency's cost, the agency will charge the applicant for the additional cost.

#### **Annex A**

#### **TITLE 67. TRANSPORTATION**

#### **PART I. DEPARTMENT OF TRANSPORTATION**

#### **Subpart B. NONVEHICLE CODE PROVISIONS**

#### **ARTICLE III. HIGHWAYS**

#### **CHAPTER 441. ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS [ AND ], LOCAL ROADS AND STRUCTURES**

#### **§ 441.1. Definitions.**

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

**AASHTO**—The American Association of State Highway and Transportation Officials, currently located in Washington, D. C.

**ADT**—Average daily traffic—The total volume of vehicle trips expected on a highway or access during a specified period of time in whole days—more than 1 day and less than 1 year—divided by the number of whole days in that time period. One vehicle entering and exiting a property constitutes two trips.

\* \* \* \* \*

**Access**—[A] An existing or proposed driveway, [street], local road or other means of passage of vehicles between the highway and abutting property, including [acceleration and deceleration] existing or proposed auxiliary lanes and [such drainage] structures [as may be] necessary for the proper construction, operation and maintenance thereof.

**Acknowledgment of completion**—The date on which the Department records that permitted work appears to be completed under the permit and this chapter.

**Auxiliary lane**—The portion of the roadway adjoining the traveled way that is used for parking, speed change, turning, storage for turning, transition tapers, weaving, truck climbing and other purposes supplementary to through-traffic movement.

**Average grade**—The total change in elevation divided by the total distance along the highway or access, multiplied by 100.

**Central Permit Office**—The Department office [ for the control of issuance of permits ] which administers this chapter, located at:

Pennsylvania Department of Transportation  
[Bureau of Highway Services  
Central Permit Office  
Transportation & Safety Building]  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120-0041.

\* \* \* \* \*

**County office**—[ Any ] One of the [ various ] maintenance district offices of the Department.

**Curb**—A plain cement concrete structure placed consistent with Publication 72M, Publication 408 and Design Manual, Part 2.

[ **Curbline**—A line formed by the face of the existing curb or in its absence the outer edge of the shoulder, along which curbing is or may be located. ]

**Curb reveal**—The vertical distance from the abutting pavement surface to the top of curb.

\* \* \* \* \*

**Depressed curb**—A structure designed with a curb reveal low enough to allow ingress and egress but high enough to maintain drainage along the highway, placed consistent with Publication 72M, Publication 408 and Design Manual, Part 2.

**Design Manual, Part 1**—Department Publication No. 10, including Part 1A, Department Publication No. 10A, containing current policy relating to highway design studies, including design review procedures, corridor location studies, design location studies and final design.

**Design Manual, Part 2**—Department Publication No. 13M, containing current policy for highway design, including design elements and design controls, at-grade intersections, grade separations and interchanges, lighting, pedestrian facilities, driveways, landscape planting design, safety rest areas and welcome centers, drainage design and related procedures, pavement design, guiderail and median barrier and roadside safety devices, erosion and sediment pollution control, guidelines for design of local roads and streets, cost estimating, bicycle facilities and emergency escape ramps.

**Design Manual, Part 3**—Department Publication No. 14M, containing current policy on the general format and presentation of right-of-way plans and roadway construction plans.

**Design Manual, Part 5**—Department Publication No. 16M, containing current utility relocation and accommodation policies.

**Detention**—An active storage mechanism for stormwater management consisting of an inflow rate, a storage volume, and a regulated outflow rate.

**Development**—A tract of land, with or without buildings, which is or may be improved or subdivided into two or more lots, tracts, parcels or other divisions of land and which has or may have access to a highway or local road.

[ **Director**—The director of the Department's Bureau of Highway Services. ]

**District executive**—The engineer or administrator in charge of a district office.

**District office**—[ Any ] One of the [ 11 ] engineering district offices of the Department.

\* \* \* \* \*

**Drainage impact report**—An engineering study which evaluates the effect that drainage generated by proposed development would have on drainage in the surrounding area and determines the improvements required to existing drainage systems to accommodate future drainage both inside the right-of-way and outside the right-of-way.

**Driveway**—[ Every ] An existing or proposed entrance or exit, including an access other than a local road, used by vehicular traffic [ to or from properties abutting a highway. The term includes proposed streets, lanes, alleys, courts, and ways ].

\* \* \* \* \*

**85th percentile speed**—The velocity, in miles per hour, which is exceeded by only 15% of the drivers traveling on a section of highway, in accordance with the *Manual of Transportation Engineering Studies*, Institute of Transportation Engineers, current edition, and § 201.6(17)(ii).

\* \* \* \* \*

[ **Form 408**—The latest revision of highway construction specifications issued by the Department. ]

\* \* \* \* \*

**Grade**—The up or down slope, in the longitudinal direction, of the highway or access expressed as a percentage, which is the number of units of change in elevation per 100 units of horizontal distance. An upward direction from a given point on the slope is a positive grade; a downward direction from a given point on the slope is a negative grade.

**High volume driveway**—[ A driveway used or expected to be used by more than 1500 vehicles per day. ] An access which the applicant or the Department determines to have an ADT of 3,000 or more.

\* \* \* \* \*

**Island**—A defined area between traffic lanes which is used for control of vehicular movements, for pedestrian refuge or for placement of traffic control devices.

**Joint-use driveway**—A driveway shared by and constructed to provide access to two or [ three ] more properties.

\* \* \* \* \*

*Local road*—[ Every ]

(i) A public highway other than a State highway[. The term includes ], including existing or proposed streets, lanes, avenues, drives, boulevards, alleys, courts[ , ] and ways.

(ii) The term includes an access for which the owner intends to transfer or dedicate ownership to a governmental body after completion of the permitted work.

*Low volume driveway*—[ A driveway used or expected to be used by ] An access which the applicant or the Department determines to have an ADT of more than [ 25 ] 50 but less than [ 750 vehicles per day ] 1,500.

\* \* \* \* \*

*Medium volume driveway*—[ A driveway used or expected to be used by more than 750 ] An access which the applicant or the Department determines to have an ADT of 1,500 or more, but less than [ 1500 vehicles per day ] 3,000.

*Minimum use driveway*—[ A residential or other driveway ] An access which [ is used or expected to be used by ] the applicant or the Department determines to have an ADT of not more than [ 25 vehicles per day ] 50.

[ *Own*—To hold title to land or a building or be a tenant in a lease that will not terminate within 15 years of the permit issuance date. ]

*Owner*—A person who holds fee title to land or a person who holds an estate or other legal interest in property, such as an easement, a lease, a license, subsurface rights, or an equitable interest under a sales agreement or option to purchase.

*Pavement*—The combination of subbase, base course and surface course placed on a subgrade to support the traffic load or distribute it to the roadbed, or both. The term includes the traveled way and auxiliary lanes, and normally extends to the face of the curb in a curbed section. The term does not include shoulders.

\* \* \* \* \*

[ *Permanent curbing*—Plain or reinforced cement concrete curb which meets Department standards. ]

*Permit*—

(i) A highway occupancy permit (Form M-945P) issued by a district office [ pursuant to ] under this chapter.

(ii) A highway occupancy permit issued to a property owner by a municipality which has entered into a municipal permit issuance agreement with the Department.

\* \* \* \* \*

*Plans*—Drawings which show the location, character[ , ] and dimensions of the existing and proposed occupancy and related highway features, including layouts, profiles, cross sections, drainage[ , ] and other details the Department deems appropriate.

\* \* \* \* \*

[ *Publication 43*—A Department publication, sometimes called "Bulletin 43," containing requirements for the maintenance and protection of traffic on construction projects.

*Publication 68*—A Department publication containing regulations governing the design, location, and operation of all official traffic signs, signals, and markings on and along highways.

*Publication 90*—A Department publication containing requirements for work area traffic control during highway maintenance operations and utility work. ]

*Publication 70M*—A Department publication containing current policy for design of local roads and streets.

*Publication 72M*—A Department publication containing current policy for roadway construction.

*Publication 111M*—A Department publication containing current policy for construction of traffic signing.

*Publication 148*—A Department publication containing current policy for construction of traffic signals.

*Publication 149*—A Department publication containing current policy for the design and operation of traffic signals.

*Publication 236M*—A Department publication containing current policy for approved signs.

*Publication 282*—A Department publication containing current policy for submitting permit applications.

*Publication 408*—A Department publication containing current highway construction contract specifications.

*Retention*—A passive storage mechanism for stormwater management consisting of an inflow rate and a storage volume, in which evaporation and surface infiltration control dissipation rates.

\* \* \* \* \*

*Right-of-way plan*—A drawing that is prepared consistent with Design Manual, Part 3 plan format requirements, where applicable.

*Roadway*—That portion of a highway or local road improved, designed[ , ] or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

\* \* \* \* \*

*Safe-running speed*—The maximum velocity, in miles per hour, at which drivers may safely operate their vehicles on a section of highway during favorable weather conditions and prevailing traffic conditions, as determined under § 201.6(17)(iii).

\* \* \* \* \*

*Speed limit*—The maximum velocity, in miles per hour, that traffic may legally travel on a section of highway as determined under §§ 201.6(17) and 201.31–201.35, and in accordance with 75 Pa.C.S. §§ 3361–3365 (relating to speed restrictions).

[ *Stabilized material*—Any aggregate such as aggregate cement, aggregate bituminous or lime



pozyzolan, placed in such a manner as to provide a smooth, stable, all-weather surface not subject to undue raveling.

**Stopping sight distance**—The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver. ]

**Structure—**

(i) A facility that is constructed by or for a permittee to accommodate traffic, pedestrians, the highway, drainage, the permittee's development or affected property owners, including: curbs, side-walks, drainage facilities, pipes, traffic control device supports, retaining walls, traffic islands, guiderail, earthwork, core borings, through lanes, pedestrian walkways, subways or other types of facilities authorized under the permit or this chapter.

(ii) The term does not include transit shelters, newspaper receptacles or mail boxes, or utility facilities regulated under Chapter 459 (relating to occupancy of highways by utilities).

\* \* \* \* \*

**[ Traveled way**—The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes. ]

**TCP—Traffic control plan**—A plan for maintaining traffic in or around a work zone area.

**TRB**—The Transportation Research Board, National Research Council, currently located in Washington, D.C.

**Traffic control device**—Any sign, signal, marking or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic or pedestrians, or both.

**Traffic impact study**—An engineering study which evaluates the effect that traffic generated by proposed development would have on roadway operations in the surrounding area and determines the improvements to the existing transportation system required to accommodate that traffic.

**Traveled way**—The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

\* \* \* \* \*

**VPH—Vehicles per hour**—The existing or estimated future total volume of traffic which the applicant determines with the concurrence of the Department, or which the Department determines, will use a highway or access during a 1-hour period.

**Vehicle**—[ Every ]

(i) A device in, upon or by which [ any ] a person or property is or may be transported or drawn upon a highway.

(ii) The term [ includes special mobile equipment as defined in the Vehicle Code ] does not include devices used exclusively upon rails or tracks, devices propelled by human or animal power, bicycles, golf carts, snowmobiles and all-terrain vehicles.

**§ 441.3. Permit application procedure.**

(a) *General rule.* [ No driveway, local road or drainage facility ] An existing or proposed access or structure [ shall ] may not occupy a State highway, or be constructed [ or altered ], altered, repaired, maintained, or used, within State highway right-of-way [ and no drainage facility of the Department ] without first obtaining a permit from the Department. A State highway or appurtenance thereto may not be altered or connected onto without first obtaining a permit from the Department. [ A permit may not be required for maintenance. ]

(b) *Authorization of local governments to issue permits.* The Department may enter into agreements with local governments to issue permits in accordance with this chapter.

(1) Permit applications submitted to authorized local governments shall meet all the requirements of this chapter.

(2) For permits issued by authorized local governments, the powers and duties attributed to the Department in this chapter shall be the powers and duties of the authorized local government.

(3) The place for submission of applications for permits to be issued by an authorized local government shall be the municipal office designated by the authorized local government.

(c) *Maintenance of permitted access or structure.* If a valid permit has been issued for an access or structure, another permit will not be required for maintenance, provided the maintenance does not alter the design of the permitted access or structure or otherwise violate a requirement of the permit, Chapter 203 (relating to work zone traffic control), this chapter, or applicable State and Federal laws and regulations including the Americans With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) and 28 CFR Part 35 (relating to nondiscrimination on the basis of disability in state and local government services).

[ (b) *Who may execute applications* ] (d) *Persons authorized to apply for a permit.* Permit applications [ shall ] must be submitted in the name of, and executed by, the owner or, when applicable, the owners of the property.

[ (c) *Where to submit application* ] (e) *Submission of a completed application.* Permit applications [ shall ] must be submitted to [ either ] the district or county office having jurisdiction over the county in which the proposed work will be performed, or to the municipality in which the proposed work will be performed, provided the municipality has executed a municipal permit issuance agreement with the Department.

[ (d) *When to submit applications* ] (f) *Time for submission of an application.* Permit applications [ shall ] must be submitted at least 60 days prior to the [ construction of any building which the proposed driveway will serve to assure that the driveway can be constructed in accordance with this chapter ] anticipated start of work on the structure or access.

[ (e) ] (g) *Application procedure and required information.* [ Permit applications ] A permit application must:

(1) **[ Shall be ] Be** submitted in person or by mail on a properly completed Department Form M-945A **or, in the case of a minimum use driveway, on a properly completed Form M-950A. An application may also be submitted in an electronic format authorized by the Central Permit Office.**

(2) **[ Shall be ] Be** signed by the applicant and any consulting engineer performing work related to the application.

(3) **[ Shall include five sets of ] Include** plans **[ , of a quality sufficient for microfilming, ]** detailing the location and pertinent dimensions of **[ both the proposed installation ]** each existing and proposed access, structure and related highway features.

(i) If paper plans are submitted, at least four paper sets of plans not larger than 24 inches by 36 inches shall be submitted and shall be of a quality sufficient for recording by scanning.

(ii) If electronic plans are submitted, one set of plans shall be submitted in an electronic format authorized by the Central Permit Office.

(iii) Color coded plans or pencil notations will not be accepted.

(iv) Drawings shall be prepared consistent with plan format requirements in Design Manual, Part 3, where applicable.

(v) Except for applications for minimum use driveways, the application shall include plan details of specific highway location, right-of-way lines, adjacent property boundary lines, easements, adjacent intersections and driveways, traffic control devices, construction materials, access grades, access angles, access widths, access radii, highway drainage, sight distance measurements, average highway grades, speed limits, structures, the extent of limited access where applicable and required signage if any portion of the property is or will be reserved for a person with a disability or a severely disabled veteran.

(4) **[ Shall be ] Be** accompanied by a check or money order, payable to the Department, in the appropriate amount **[ , ]** as set forth in § 441.4 (relating to permit fees) **unless the applicant participates in the permit monthly billing system.**

(5) **[ Shall be submitted to the Department at least 30 days prior to the anticipated start of work.**

(6) **Shall contain proof of ownership ] Include** a copy of the deed and deed book reference showing ownership, or other verification of an estate or interest in the property acceptable to the Department.

(i) If the applicant does not have a fee interest or a leasehold interest, the applicant shall, at the applicant's expense do one of the following:

(A) Secure the signature on the application of the holder of the fee interest and lessee, if any, of the property.

(B) Submit a release executed by the holder of the fee interest and lessee, if any, of the property, in favor of the Department and in a form acceptable to the Department.

(ii) If the applicant demonstrates that a release cannot be reasonably obtained from the fee title holder and lessee, if any, that the applicant holds a legitimate estate or other legal interest in the property, and that written notice has been given to the fee title holder and lessee, if any, of the pendency of the application and of the right to appeal under subsection (v), the Department will recognize the applicant as an owner conditioned upon execution of an indemnification agreement in favor of the Department and in a form acceptable to the Department. If it recognizes the applicant as an owner, the Department may also require the applicant to provide additional security in a form and amount acceptable to the Department.

(6) Identify consulting engineers performing work related to the application.

(7) Include a properly completed Form M-950 MPC consistent with the Municipalities Planning Code (53 P. S. §§ 10101—11202), except in an application for a minimum use driveway.

**[ (f) ] (h) Traffic control plan. [ Submission of the traffic control plan shall be as follows:**

(1) When the applicant anticipates that it will be necessary to close a portion of a lane to vehicular traffic in order to perform the permitted work, the applicant shall submit a traffic control plan with the application.

(2) The district office may require the applicant to submit a traffic control plan if it is anticipated that a potential hazard or interference to vehicular or pedestrian traffic will result from performance of the work.

(3) The traffic control plan shall be either:

(i) A detailed drawing, showing all traffic control devices.

(ii) a reference to a standard drawing found in Publication 43 or Publication 90, provided the referenced standard drawing properly depicts the work area and completely addresses the needed traffic control. ] Unless excused in writing by the Department, an applicant shall submit a traffic control plan with the application.

(1) The traffic control plan must comply with Chapter 203 and clearly indicate how the work area and vehicular and pedestrian traffic will be protected, maintained and controlled.

(2) The traffic control plan must consist of one of the following:

(i) A reference to specific figures in Chapter 203 if the referenced figures properly depict actual site conditions and address the necessary traffic control requirements for the specific project.

(ii) At least four paper copies or one authorized electronic copy of specific figures from Chapter 203 which have been modified to delete the figure number and depict actual site conditions and necessary traffic control requirements for the specific project.

(iii) At least four paper copies or one authorized electronic copy of a detailed drawing, showing actual site conditions and the necessary traffic control requirements for the specific project.

**[ (g) ] (i) Drainage [ control plan ] impact report for properties served by other than minimum use driveways. [ Drainage control plan for other than minimum use driveways shall be as follows:**

**(1) If it can reasonably be anticipated that [ If the applicant or the Department determines that there [ will ] may be an increase in the flow rate or flow velocity of water onto the highway or into highway drainage facilities as a result of action [ by the applicant ] authorized by the permit, or that there [ will ] may be an increase in the flow rate or flow velocity of water onto [ the property of some other person ] adjacent properties as a result of [ any ] action authorized by the permit, a drainage [ control plan ] impact report shall be submitted with the application. The drainage [ control plan shall contain the following:**

- (i) Source of water.**
  - (ii) Existing flow in cubic feet per second.**
  - (iii) Predicted flow in cubic feet per second.**
  - (iv) Where drainage currently flows.**
  - (v) Where drainage ultimately outlets.**
  - (vi) Hydraulic computations showing effect of additional flow on existing highway drainage system.**
- (2) [ impact report must be prepared consistent with § 441.3b (relating to preparation of a drainage impact report). Issuance of a permit shall be conditioned upon the Department's approval of the drainage [ control plan ] impact report.**

**[ (h) ] (j) Drainage release for other than minimum use driveways. [ If it can reasonably be anticipated that [ If the applicant or the Department determines that there [ will ] may be an increase in the flow rate or flow velocity of water onto [ the property of some other person ] one or more adjacent properties as a result of action[ , ] authorized by the permit, a drainage release [ shall ] must be submitted with the application. [ Where possible, drainage ] Drainage releases—Form [ L-15 or CC-15 will ] M-947—shall be obtained[ , ] by and at the expense of the applicant, [ from all ] and be executed by each adjacent property [ owners ] owner over whose land [ additional ] increased drainage [ will ] flow rate or flow velocity will occur. [ All drainage ] Drainage releases shall be notarized and recorded, by and at the expense of the applicant, in the County Office of the Recorder of Deeds. If a [ drainage ] release cannot be obtained from [ any ] every affected property owner, [ the Department may nonetheless issue a permit if it determines that there is no reasonable and prudent alternative available to the applicant and the applicant executes an indemnification agreement acceptable to the Department ] the applicant shall design either a drainage detention system having a zero increase in flow rate or a drainage retention system.**

**[ (i) ] (k) Plans for other than minimum use driveways. The permit application for [ all driveways ] an access, other than [ those classified as ] a minimum use [ shall ] driveway, must include a plan which illustrates, as a minimum, the following, including dimensions where applicable:**

**(1) Existing and proposed highway pavement, shoulders, ditches, structures, [ right-of-way and relevant ] rights-of-way, property boundary lines, highway [ appurtenances, utilities, and medians ] ADT and other highway features which may include medians and auxiliary lanes.**

**(2) Existing and proposed [ building ] buildings, including canopies, loading docks, vehicle entrances and exits, and a description of present and proposed use of [ building ] buildings.**

\* \* \* \* \*

**(4) Design features of existing and proposed driveways, local roads, curbs, tapers, [ acceleration, and deceleration including ] pavement markings, and auxiliary lanes. These design features shall include the following:**

\* \* \* \* \*

**(iii) Driveway grades or profile view of [ drive ] the access.**

\* \* \* \* \*

**(vi) [ Driveway surface material ] Type and thickness of construction materials for the access and [ traffic island ] materials used in other structures authorized under the permit.**

\* \* \* \* \*

**(6) Sight distance measurements in each direction from each existing and proposed [ driveway ] access to the property, corresponding average grades on each approach to each access, and speed limits on each approach to each access.**

**(7) The [ number of vehicles per day ] ADT which [ are ] is expected to utilize each existing and proposed [ driveway ] access to the property.**

**(8) Highway appurtenances and utilities at both their existing and proposed locations.**

**(9) If the property will provide drive-in service, the amount of vehicle storage provided between the service facility and the right-of-way, the number of service operations during peak hours, and the hours and days of operation.**

**(10) Depiction of adjacent property and other property, including the name of the property owner and the property boundaries, whose structure or access to the State highway may be interfered with or which may suffer consequential damage as a result of the proposed structure, access or work.**

**(l) Scale and legibility. Plans depicting highway details must have a horizontal scale of 1 inch equal to no more than 50 feet. Plans depicting access details must have a horizontal scale of 1 inch equal to no more than 25 feet. Illegible drawings will not be accepted.**

**(m) Impact on other property owners.**

**(1) If it is determined by the applicant or the Department that another property owner's existing structure or access may be interfered with or suffer consequential damage by the proposed structure, access or work authorized by the permit, the applicant, at the expense of the applicant, shall obtain a**

release executed by each affected property owner in favor of the Department and in a form acceptable to the Department.

(2) If the applicant demonstrates that a release cannot be reasonably obtained from each affected property owner, and includes proof of written notice to each affected property owner of the submission of the application to the Department and of the right to appeal under subsection (v), the Department may agree to accept an indemnification agreement in favor of the Department and in a form acceptable to the Department, if there is no operationally sound alternative available to the applicant.

(3) The Department may require the applicant to provide additional security in a form and amount acceptable to the Department.

(n) *Impact on sensitive or unique property.* The applicant or the Department shall determine whether construction of an access will be assisted in part by the Commonwealth or whether the permitted work will include construction of an auxiliary lane or other widening of the improved area. The applicant or the Department shall determine whether additional right-of-way will be required from a recreation area, wildlife refuge, waterfowl refuge, historic site, wilderness area, public park, State Forest Land, State Game Land or other environmentally sensitive or unique area. Under section 2002(a)(15) of The Administrative Code of 1929 (71 P. S. § 512(a)(15)) regarding powers and duties of the Department, the access must be planned, designed and constructed to minimize harm to these areas. If any condition in this subsection is applicable, the application must include a written statement certifying that State and Federal environmental requirements have been met. Upon request, the applicant shall also submit documentation, as well as reports and studies, demonstrating that the applicant has no feasible and prudent alternative to the use of these areas for access.

[ (j) ] (o) *Review by [ municipalities, planning commissions, and zoning boards ] governmental bodies.* [ Review by municipalities, planning commissions, and zoning boards shall comply with the following: ] Application review by governmental bodies, including municipalities and their political subdivisions, may be required for other than minimum use driveways under the following provisions:

(1) [ Certain local governing bodies wish to ] A governmental body wishing to review driveway applications may submit to the district office a written request for notification of applications filed within their jurisdictions.

(2) A [ list ] listing of [ these municipalities and local agencies ] governmental bodies that have submitted a written request for notification of applications filed within their jurisdictions is available [ from ] for review in the appropriate district office.

(3) [ Each ] An application for [ an access ] a low, medium or high volume driveway or local road within one of these listed jurisdictions must [ be accompanied by evidence which indicates that the location and type of ] include written evidence from the governmental body verifying the access being re-

quested has already been reviewed by that [ municipal-ity or agency ] governmental body.

(4) The Department will consider [ any ] written comments [ or recommendations resulting from this review ] which are consistent with this chapter if received from a governmental body prior to [ approving the access ] issuance of the permit.

(5) If a governmental body has submitted to the district office a written request for review of a particular application, the application will be returned and the applicant will be notified to provide written evidence to the Department verifying the access being requested has been reviewed by that governmental body.

(6) Additionally, consistent with the Pennsylvania Municipalities Planning Code (53 P. S. §§ 10101—70105), the Department will consider and may rely upon local comprehensive plans and zoning ordinances when reviewing permit applications.

(p) *Impact on archeological and historic property.* The applicant or the Department shall determine whether the permitted work will include construction of an auxiliary lane or other widening of the improved area or whether additional right-of-way will be required by the Department. If so, the application shall include a copy of the applicant's cover letter to the Pennsylvania Historical and Museum Commission, dated at least 60 days prior to submission of the application, stating whether or not the proposed access location affects an archaeological site or a historic district, site or building listed or eligible to be listed on the National Register of Historic Places, under 75 Pa.C.S. Chapter 5 (relating to Historic Preservation Act) The cover letter shall specifically identify the proposed access location. The applicant shall also provide the Pennsylvania Historical and Museum Commission a United States Geological Survey (USGS) 7.5-minute topographic quadrangle map specifically identifying the property.

[ (k) ] (q) \* \* \*

[ (l) ] *Penalty for falsifying application.* Information provided in applications must be accurate. Section 4904 of the Crimes Code, (18 Pa.C.S. § 4904), makes it a misdemeanor for a person to mislead a public servant in performing an official function by making any written false statement which the person does not believe to be true.

(m) ] (r) \* \* \*

(s) *Traffic impact study.*

(1) An application for access to a development must include a traffic impact study consistent with Publication 282 and prepared in accordance with § 441.3a (relating to preparation of a traffic impact study) if one of the following applies:

(i) The access is expected to have an ADT of 3,000 or more.

(ii) During any 1 hour time period, the development is expected to generate either 100 or more new vehicle trips entering the development or 100 or more new vehicle trips exiting the development.

(iii) In the opinion of the Department, the development is expected to have a significant impact on

highway safety or traffic flow even though it does not meet subparagraph (i) or (ii).

(2) For purposes of determining the need for a traffic impact study, it should be assumed that the total development will have access at only one location. All vehicle trips expected to be generated by the development based on full build out and occupancy of the entire tract of land available to be developed at that location should be included.

(t) *Proof of publication.* An application for access to a development subject to subsection (s) must include proof of publication of a notice, in a form acceptable to the Department, in a newspaper of general circulation in the area of the proposed development, advising the general public of the submission of the application to the Department. The proof of publication will be maintained as a public record at the district office.

(u) *Accuracy of application.* The applicant is responsible for the accuracy of materials submitted to the Department, including the application, plans, sight distance measurements, drawings, studies, reports and correspondence, and the applicant shall certify to the Department, as part of the application, that the materials submitted to the Department are true and correct. Materials submitted to the Department become the property of the Department and may be determined to be public records subject to disclosure under the act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. §§ 66.1—66.4), known as the Right-to Know Law. Persons are liable for the falsification of materials and are subject to the penalties provided in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(v) *Right of appeal.* The applicant or other aggrieved person who has a direct interest as a participant in the application may appeal a denial or issuance of a permit by the Department under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and Chapter 491 (relating to administrative practice and procedure), by submitting a written request for a hearing within 30 days after the mailing of the document containing the determination, to the Administrative Docket Clerk, Office of Chief Counsel, 400 North Street, Harrisburg, Pennsylvania 17120-0041. A filing fee as prescribed under Chapter 491, made payable to the "Commonwealth of Pennsylvania," must accompany each request.

(w) *Debarment.* The procedures relating to debarment are as follows:

(1) The Department may debar a person, applicant or permittee, including the employees, agents, officers, consultants, contractors, subcontractors, successors and assigns of the foregoing, from placing an access or structure, working within or otherwise occupying State highway right-of-way under permit, directing work, or having involvement in a permit issued or an application submitted under this chapter for one or more of the following:

(i) Failure to design, construct, alter, repair, maintain or use an access or structure in accordance with authorized plan details, permit conditions or this chapter.

(ii) Unsatisfactory past performance, as documented by records, reports or performance ratings.

(iii) Failure to complete permitted work under the permit and this chapter, as documented by records, reports or performance ratings.

(iv) Bribing, attempting to bribe or giving gratuities to a Department employee or a Department consultant.

(v) A reason set forth in § 457.13 (relating to suspension or disqualification).

(2) The first debarment of a person will be for 6 to 18 months. A subsequent debarment of the same person ordered within 5 years after the first debarment is served, will be for 18 months to 3 years.

(3) Individuals may request a list from a district office of persons currently debarred under this subsection.

(4) A person may appeal a final order of the Department under 2 Pa.C.S. §§ 701—704 (relating to judicial review of Commonwealth agency operation), 1 Pa. Code Part II and Chapter 491 within 30 days after issuance of the final order by the Secretary.

(*Editor's Note:* Sections 441.3a and 441.3b are proposed to be added. They are printed in regular type to enhance readability.)

#### § 441.3a. Preparation of a traffic impact study.

(a) *General rule.* When a traffic impact study is required under § 441.3(s) (relating to permit application procedure), the applicant is responsible for assessing the overall impact that traffic generated by the proposed development would have on the transportation system in the surrounding area.

(1) The applicant is responsible for data collection efforts.

(2) The study must be conducted under the supervision of a person who possesses a professional engineer's license issued by the State Registration Board for Professional Engineers, Land Surveyors and Geologists who shall affix a seal to the study, or may be conducted by other persons authorized by law.

(3) Upon receipt of a traffic impact study, the Department will review the applicant's assessment on whether capacity, safety or other enhancements are needed to mitigate traffic impacts.

(b) *Scoping meeting.* A preapplication scoping meeting may be held whenever a traffic impact study is required.

(1) The applicant should contact the district office permit manager or designee to schedule a scoping meeting.

(2) Upon request, the district office permit manager or designee will schedule a scoping meeting and will invite appropriate persons, based on information submitted by the applicant.

(3) The applicant should submit scoping meeting information requested by the Department and consistent with Publication 282.

(4) The applicant will receive direction from the Department at the scoping meeting.

(5) Traffic impact study items that may be discussed at the scoping meeting include description of the proposed development and zoning, development schedule and staging, trip generation, study area and type, urban or rural area determination, analysis periods and times, traffic adjustment factors, other projects within the study area, trip distribution and assignment, required traffic counts, capacity and other required analyses, and acceptable methodologies to be used in the study.

(c) *Traffic impact study contents and scope.* The traffic impact study must contain the following:

(1) *Overview.* The traffic impact study must identify the existing land use, zoning and transportation facilities at the site and its surrounding area.

(i) The traffic impact study must include a description of the property, indicating its size, general terrain features, highway right-of-way lines, and identify the municipalities and counties within the study area.

(ii) The traffic impact study must identify the roadways that provide access to the site.

(iii) The limits of the study area must be based on sound engineering judgment and an understanding of existing and future traffic conditions at the site and within the surrounding transportation network, and be defined at the scoping meeting.

(iv) The traffic impact study must describe the development including its function, size, and short and long-term growth potential.

(v) The traffic impact study must identify the specific existing and proposed uses of the site as well as the current zoning categories.

(vi) The traffic impact study must include a drawing which shows the development within the site boundaries, including:

(A) Internal traffic circulation pattern.

(B) Existing and proposed parking.

(C) The size, location and type of existing and proposed improvements, buildings and building appurtenances, fuel pumps and drive-through facilities.

(D) Present and proposed building and land uses.

(E) The location and orientation of existing and proposed access points.

(vii) The traffic impact study must describe the proposed development schedule and staging, including the anticipated opening date, the anticipated completion date for each major phase of development and the anticipated full build out completion date.

(viii) The traffic impact study must include a complete description of the existing and proposed land uses and zoning categories within the study area.

(ix) The traffic impact study must include a description of existing roadways, intersections and high volume drive-ways within the designated study area, including the geometrics, traffic signal permit drawings and improvements planned by government agencies or others.

(2) *Existing traffic conditions.* The traffic impact study must describe the data collection and analysis efforts, volume studies, capacity and level of service analyses, and other analyses which were completed for the roadways, intersections and high volume driveways within the designated study area, to reflect existing traffic conditions. The applicant or the Department shall determine the location, time periods and methodologies to be used for data collection, studies and analyses, consistent with Publication 282.

(i) The traffic impact study must include figures or schematic drawings, in a form acceptable to the Department and consistent with Publication 282, depicting daily and peak hour traffic volumes within the study area.

(A) Turning movement and mainline volumes must be provided for the roadway a.m., roadway p.m. and site-

generated peak hour conditions, or as otherwise directed by the Department after consultation with the applicant.

(B) ADT volumes must be provided for the mainline roadway.

(C) Other daily and peak hour volumes may be required by the Department after consultation with the applicant.

(ii) The traffic impact study must provide an assessment of the relative balance between traffic volumes and capacity within the study area for existing conditions during the appropriate peak hours, using techniques acceptable to the Department and consistent with Publication 282. Based on the capacity analysis results, the study shall determine the current levels of service. The study must also describe the typical operating conditions at each level of service.

(iii) The traffic impact must evaluate the effectiveness of existing signal controls within the study area in terms of vehicle stops and delays, using techniques acceptable to the Department and consistent with Publication 282.

(iv) If directed by the Department, the traffic impact study must include turning lane and queue length studies within the study area, using techniques acceptable to the Department and consistent with Publication 282, to:

(A) Determine the need for auxiliary lanes and the required auxiliary lane lengths.

(B) Evaluate alternative access locations at various distances from controlled intersections.

(v) If directed by the Department, the traffic impact study must include gap studies within the study area, using techniques acceptable to the Department and consistent with Publication 282, to evaluate existing or proposed access locations where there is a heavy volume of traffic on the abutting major route, or a significant volume of left turns is expected from the site, or the exit would not be expected to qualify automatically for traffic signal control. Gap studies may identify whether there is a need for signal control or for additional access locations to reduce left turn volumes.

(vi) If directed by the Department, the traffic impact study must include sight distance analyses, traffic signal warrant analyses, left-turn traffic signal phasing analyses, analyses of other needed traffic signal phasing or timing modifications, traffic signal corridor or network analyses, crash analyses, weaving analyses, and other studies and analyses within the study area, using techniques acceptable to the Department and consistent with Publication 282.

(3) *Future traffic conditions without development.* The traffic impact study must describe the ability of the roadway network within the study area to accommodate future traffic without the development, for the ensuing 10 years beyond the opening date of the development, and other time periods as directed by the Department and consistent with Publication 282.

(i) The traffic impact study must indicate the method and assumptions used to predict future traffic volumes, consistent with Publication 282, so that the Department can verify and approve the applicant's calculations. The traffic impact study must use seasonal adjustment factors and annual base traffic growth factors from the Department, the appropriate Metropolitan Planning Organization or Local Development District or other source acceptable to the Department. The traffic impact study must include the additional traffic volumes that are expected

for other proposed developments with issued permits within the study area, as directed by the Department. Figures or schematic drawings depicting future traffic volumes must be consistent with paragraph (c)(2)(i), including locations and times.

(ii) The traffic impact study must describe the ability of the existing roadway system within the study area to accommodate future traffic without site development for the appropriate peak hours, using techniques approved by the Department and consistent with Publication 282. If roadway improvements or modifications are programmed by government agencies with approved construction funding, or if improvements or modifications will be constructed by others in conjunction with issued permits, the traffic impact study may include these conditions in the capacity and level of service analyses.

(iii) If directed by the Department, the traffic impact study must include other studies and analyses consistent with paragraphs (2)(iii)—(vi) to determine future traffic conditions without development within the study area.

(4) *Future traffic conditions with development.* The traffic impact study must describe the adequacy of the roadway network within the study area to accommodate future traffic for the ensuing 10 years beyond the opening date of the development, and other time periods as directed by the Department and consistent with Publication 282, and as determined at the scoping meeting, where applicable.

(i) The traffic impact study must identify the amount of traffic generated by the site for the daily and appropriate peak hour conditions. The traffic impact study must provide trip generation rates with documentation and justification acceptable to the Department and consistent with Publication 282. The traffic impact study must use sources acceptable to the Department based on surveys of multiple sites with the same land use type and similar size as the proposed development.

(ii) The traffic impact study must identify the direction of approach for site generated traffic for the appropriate time periods. The traffic impact study must identify the method and assumptions used so that the Department can verify and approve the applicant's calculations.

(iii) The traffic impact study must describe the utilization of study area roadways by site generated traffic. The traffic impact study must combine anticipated traffic volumes identified under subparagraph (i) with anticipated traffic volumes identified under paragraph (3)(i) to describe mainline and turning movement volumes for future conditions with development.

(iv) The traffic impact study must include mainline and turning movement volumes for the appropriate time periods for the roadway network in the study area as well as for the development access points and internal circulation roadways that may impact access operations.

(v) The traffic impact study must include a capacity analysis and levels of service in the study area for the appropriate peak hours for future conditions with development, using techniques approved by the Department and consistent with Publication 282.

(vi) If directed by the Department, the traffic impact study must include other studies and analyses consistent with paragraphs (2)(iii)—(vi) to determine future traffic conditions with development within the study area.

(5) *Recommended remedies.* The traffic impact study must compare the operating levels between anticipated conditions and identify remedies that will provide future

design year levels of service with the development which are no worse than future design year levels of service without the development, unless a modification is granted under § 441.11 (relating to modification of conditions) based on future design year conditions with development which are safe and within the range of acceptable operation.

(i) For locations where the level of service of the design year without the development is Level of Service F, the remedies must provide an estimated delay which will be no worse than the delay for the design year without the development.

(ii) If a new intersection is being established to serve as access to the development, the intersection must be designed to operate at Level of Service C or better in the future design year where rural conditions exist and at Level of Service D or better in the future design year where urban conditions exist.

(iii) The traffic impact study must include a description of proposed remedies, arranged by location and type of remedy.

(A) The remedies may include projects programmed by the Commonwealth or governmental bodies.

(B) The remedies may include a proposal to reimburse the Department as part of a programmed Department or municipal project, or to pay, in lieu of construction, the cost of all or a portion of off-site highway improvements which increased traffic arising from the development may necessitate. The Department, in exercise of its engineering judgment, will determine if the proposal is acceptable.

(iv) The traffic impact study must provide details on the location, nature and extent of remedies which will provide sufficient roadway capacity and operating levels within the study area. If signalization is a recommended remedy, the traffic impact study must include a traffic signal warrant analysis in accordance with Chapter 201 (relating to engineering and traffic studies). The final access design must address both traffic flow and highway safety considerations to provide operational characteristics acceptable to both the Department and the municipality that will own the signal.

(v) The traffic impact study must address how the access relates to internal site circulation and design.

(vi) The traffic impact study applicant must include capacity and level of service analyses and describe the anticipated results of the recommended remedies, using techniques approved by the Department and consistent with Publication 282.

(vii) If directed by the Department, the traffic impact study must include other studies and analyses consistent with paragraph (2)(iii)—(vi) to determine the anticipated effectiveness of the remedies.

(6) *Summary.* The traffic impact study must include a clear, concise description of the study findings acceptable to the Department and consistent with Publication 282. Plans for the development must include recommended remedies which will provide future design year levels of service with the development consistent with the requirements of paragraph (5).

#### **§ 441.3b. Preparation of a drainage impact report.**

(a) *General rule.* When a drainage impact report is required under § 441.3(i) (relating to permit application procedure), the applicant is responsible for assessing the overall effect of drainage flow rate and flow velocity associated with the proposed development.

(1) The applicant is responsible for data collection efforts.

(2) The report must be conducted under the supervision of a person who possesses a professional engineer's license issued by the State Registration Board for Professional Engineers, Land Surveyors and Geologists who shall affix a seal to the report, or may be conducted by other persons authorized by law.

(3) Upon receipt of a completed report, the Department will review the applicant's assessment on whether drainage system enhancements are needed to mitigate drainage impacts.

(b) *Drainage impact report contents.* The drainage impact report must contain the following:

(1) *Cover sheet and plans.* The drainage impact report must include a cover sheet and plans stating the name and principal address of the property owner, the type and purpose of the development and other pertinent information. Plans must include the plan scale, the plan contour interval, the source of the information and the date of information.

(2) *Contour plans.* The drainage impact report must include contour plans identifying the total drainage area in which the development is located, with both the drainage area and development labeled and outlined. If requested by the Department, the drainage impact report must also include a United States Geological Survey map showing the drainage area affected by the development.

(3) *Highway plans.* The drainage impact report must include a field verified location map and highway plans identifying the drainage system into which the drainage area containing the development will drain.

(4) *Existing conditions.* The drainage impact report must include a plan identifying the land use for the drainage area before development, showing where existing drainage currently flows including surface and subsurface drainage systems with contributing areas clearly outlined and identified.

(i) The plan must identify elevations with 2-foot interval contours within the proposed development area of the site.

(ii) The plan must identify relevant existing features and their locations including pavements, medians, structures, highway appurtenances, bridge locations and elevations, flow line inverts, guide points, gradients, utilities, right-of-way lines, property lines and buildings.

(iii) The drainage impact report must include aerial or other photographs if requested by the Department.

(5) *Future conditions.* The drainage impact report must include a plan identifying the site drainage area after each development phase, and identify existing structures and features which will remain after each development phase.

(i) The plan must identify where the proposed structures and features will be located, including proposed surface and subsurface drainage systems.

(ii) The plan must identify elevations with 2-foot interval contours within the proposed development area of the site and outline and identify contributing areas.

(6) *Hydraulic computations.* The drainage impact report must include hydraulic computations identifying the effects of additional drainage flow rate and flow velocity on both the highway drainage within the right-of-way

affected by the development and the drainage outside the right-of-way that is affected by the development.

(i) The computations must identify both predevelopment and postdevelopment conditions and specify the change in runoff.

(ii) The computations must identify whether the available capacity of the highway drainage system will be adequate as a result of the development and whether there will be an increase in the flow rate or flow velocity from the developed property after the installation of proposed stormwater detention systems.

(iii) The hydraulic computations relating to the highway drainage and any concentrated flows within the right-of-way must be developed consistent with the procedures and criteria in Design Manual, Part 2, and pertinent policy directives.

(iv) The hydraulic computations relating to the drainage outside the right-of-way must be developed in accordance with procedures and criteria acceptable to the Commonwealth or governmental bodies.

(7) *Recommended remedies.* If the analysis indicates that the available capacity of the highway drainage system will not be adequate due to an increase in the flow rate or flow velocity, or that there will be an increase in the flow rate or flow velocity from the developed property, the drainage impact report must include a description of proposed actions which will remedy the identified deficiencies, including hydraulic computations, arranged by location and type of remedy. The remedies may not include projects programmed by the Commonwealth or other governmental bodies.

(8) *Storm Water Management Act.* If the proposed development is located within an area which has an approved watershed stormwater management plan and ordinances under the Commonwealth's Storm Water Management Act (32 P.S. §§ 680.1—680.17), the drainage impact report must demonstrate that proposed postdevelopment conditions are consistent with the standards of the individual watershed stormwater management plan and include a consistency letter from the affected municipality.

(9) *Summary.* The drainage impact report must include a clear, concise description of the report findings, and include recommended remedies designed to ensure that post-development flow meets the requirements and standards of the Department.

§ 441.4. Permit fees and costs.

(a) *Permit [issuance] application and supplemental fees.* [Issuance fees shall be used] The Department will charge a nonrefundable application fee to defray costs incurred by the Department in reviewing and processing the application and [plan] plans, including the preliminary review of the site location identified in the application[, and issuing and processing the permit]. Fees shall be as follows:

(1) [Issuance] Application fees [shall be as follows]:

(i) Minimum use driveways—\$[ 15 ] 25.

(ii) Low volume driveways—\$[ 30 ] 250.

(iii) Medium volume driveways—\$[ 40 ] 500.

(iv) High volume driveways—\$[ 50 ] 750.



(v) **Local roads—\$500.**

(vi) **Temporary access only—\$50.**

(vii) **Auxiliary lanes only—\$500.**

(viii) **Structures only—\$50.**

(2) **[ Supplement fee ] Supplemental fees:**

(i) **For each [ six ] 6-month time extension [ or each submitted change shall be ]—\$[ 10 ] 25.**

(ii) **For each submitted change—50% of application fee.**

(b) *General permit inspection fees.* **[ General ] The Department will charge general permit inspection fees [ shall be used ] to defray costs incurred by the Department in spot [ inspection ] inspections of permitted work or subsequent [ inspection ] inspections after the permitted work has been completed[ , to insure ] and to monitor compliance with the permit and this chapter[ ; they shall be ]. General permit inspection fees shall be as follows:**

(1) **Minimum use driveway—\$[ 10 ]25 each.**

(2) **Low volume driveway—\$[ 20 ]250 each.**

(3) **Medium volume driveway—\$[ 35 ]250 each.**

(4) **High volume driveway—\$[ 50 ]250 each.**

(5) **Local road—\$250 each.**

(6) **Temporary access—\$25 each.**

(7) **Auxiliary lane—\$250 each lane.**

(8) **Structure—\$25 each type.**

(c) *Exemptions.* Permit **[ issuance ] application fees and general permit inspection fees [ shall ] are not [ be payable by any of ] required from the following:**

\* \* \* \* \*

(2) **Political subdivisions of this Commonwealth, as defined in 1 Pa.C.S. § 1991 (relating to definitions).**

\* \* \* \* \*

(5) **[ Charitable organizations which are exempt from or in compliance with act of August 9, 1963, P. L. 628, No. 337 (10 P. S. §§ 160-1—160-17) ] Applications relating either to an existing access that is being eliminated or to a structure that is being eliminated.**

(d) *Additional [ inspection ] fees.* **If the Department anticipates that either the cost of reviewing the required application information or the cost of inspecting the permitted work will exceed by a significant amount the application or inspection fees listed in this section, the following additional fees will be assessed:**

(1) **Additional application fee.** The Department will itemize the additional amount of salary, overhead and expenses and the applicant will be charged for these additional costs.

(2) **Additional inspection fees.** If the Department determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more **[ employees ] persons** to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee **[ shall ] will be**

charged for **[ all ] additional** salary, overhead[, ] and expenses incurred by the Department for inspection.

(e) *Refunds.* **[ The ] Upon request, the Department will refund the general permit inspection fees on unused permits. [ In order to ] To be eligible to receive [ such ] a refund, the permittee shall deliver the request, in writing, along with the permittee's copy of the permit to the issuing district [ permit ] office [ on or before ] within 6 months after the permit [ expiration ] issuance date.**

\* \* \* \* \*

(2) The permit **[ issuance fee shall ] application fees are not [ be ] refundable [ on unused permits ].**

(f) *Miscellaneous fees.* The applicant shall pay notary and recording costs **[ including the cost of recording the permit in the County Office of the Recorder of Deeds when required, and the cost of all drainage releases. Permits shall be recorded whenever deemed necessary by the Department, including when:**

(1) **a permit requires drainage facilities to be installed and maintained;**

(2) **a permit authorizes one or more high volume driveways to be constructed; or**

(3) **an access covenant (Form CC-14) is executed with the permit as specified in paragraph (16) of § 441.6 of this title (relating to general conditions). ] when the Department requires that the permit or other document be recorded in the county office of the Recorder of Deeds.**

(g) *Invoice of costs.* If the Department takes an action under this chapter, the Department will provide an itemized invoice to the permittee or property owner for costs incurred by the Department.

(1) **Charge calculation.** The Department will calculate the charges on either an actual cost basis or on a standard unit cost basis.

(2) **Payment due.** The permittee or property owner shall pay the full invoice amount within 30 days after the invoice mailing date unless the permittee or property owner requests an administrative hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and Chapter 491 (relating to administrative practice and procedure) within 30 days after the invoice mailing date.

#### **§ 441.5. Issuance of permits.**

(a) *General rule.* Upon **approval of an application [ duly made, in accordance with ] submitted under this chapter, a permit will be issued by the appropriate district office, subject to this chapter and the conditions contained [ on ] in the permit and its attachments and supplements. The permit [ will ] shall be the applicant's authority [ of the applicant ] to proceed with the work [ and will also serve as a receipt for the fees accompanying the application ] specified in the permit. A copy of the permit and relevant plans must be available at the work site for inspection.**

\* \* \* \* \*

(d) *Permits not issued for [certain] limited access highways.* Permits will not [normally] be issued for [occupancy of or] access to [any] a limited access highway. [In exceptional cases, the Department in conjunction with the Federal Highway Administration, where applicable, may make exceptions.] The Department may authorize access to a limited access highway by written agreement, if the applicant submits a written request to the district office, providing information consistent with Design Manual, Part 1.

(e) [ *Waiver of design requirements.* Waiver of design requirements shall be as follows:

(1) If any design requirement set forth in this chapter cannot be met, the director may waive the requirement if the following conditions are satisfied:

- (i) no other reasonable access is available;
- (ii) the applicant has done all that can reasonably be done to satisfy the design requirements;
- (iii) if additional land is required, the applicant provides satisfactory evidence that it cannot be purchased at a reasonable price;
- (iv) no traffic problem will be created; and
- (v) the applicant executes an indemnity agreement satisfactory to the Commonwealth.

(2) In the case of a temporary access for extracting natural resources for a period of no more than one year, any design requirement set forth in this chapter which cannot be met may be waived by the district engineer, provided conditions (i), (ii), (iii), and (v) of paragraph (1) of this subsection are satisfied. ] *Display of placard.* If furnished with the permit, a placard, Form M-945PL, must be posted at the right-of-way line by the permittee. The placard must be posted approximately 4 feet above the surface and approximately 4 feet from the authorized access location so as to be visible from the roadway. The placard must remain posted until the date specified on the placard.

(f) *Permit requiring agreement/security.* [Where the applicant will be required to perform a substantial amount of work, the Department may require the applicant to execute an agreement as a prerequisite to issuance of the permit.] Agreement/security requirements are as follows:

(1) The Department may require the applicant to execute an agreement or provide security, or both, as a prerequisite to issuance of the permit if the work to be performed under the permit:

(i) Is complex or involves a potential for highway damage or failure that the Commonwealth may suffer if the area of the permitted work is not designed, constructed, restored, completed or maintained in a manner acceptable to the Department.

(ii) Involves reimbursement or use of Commonwealth funds by the permittee.

(iii) Involves reimbursement for design expenses, inspection fees or other costs and expenses incurred by the Department in connection with the permit.

(iv) Involves future maintenance obligations of a substantial nature.

(2) If the Department requires an agreement under paragraph (1), the agreement will address highway and access design features, auxiliary lanes, drainage, erosion and sedimentation control plans, construction materials and work methods, inspection of work, work zone traffic control, signalization, utility relocation, right-of-way to be acquired and conveyed or dedicated, responsibility for future maintenance and repair of the highway and access, indemnification and security, coordination and approval with the local municipality, Department and municipal contribution of work or funds if in conjunction with a programmed Department project, access covenants and subdivision questions, permittee's contractor pre-approval, appropriate security, and future highway improvements that may be necessary as well as other areas of interest and concern to the Department.

(3) If the Department requires security under paragraph (1), the security must be delivered to the Department and guarantee the obligations secured for at least 2 years after the acknowledged completion of the permitted work. Security shall be provided in the form of an irrevocable letter of credit issued by a commercial bank, executed by an authorized bank officer and naming the Department as sole beneficiary, to be honored on demand upon presentment at a bank in the Commonwealth, unless another form of security is acceptable to the Department.

(g) [ *Requesting permit time extension.* A permit shall be valid for a six-month ] *Permit supplements.* The permittee may request a supplement to the permit, on Form M-945A, to amend a permit condition. Work under the permit is authorized during a 6-month period, or multiples thereof as specified on the permit[. ], subject to the following conditions:

(1) If the permittee has not completed [all] authorized work by the completion date specified on the permit, [an application shall] a request may be submitted [requesting] to the Department for a time extension to complete work under the permit.

(2) If approved, a supplement to the permit authorizing a new work completion date [may] will be issued by the district office[, authorizing work to continue for an additional six-month period].

(3) An extension of time to complete work under the permit will not be authorized unless the permittee obtains an extension on the duration of security or insurance required under this chapter. The extension of security or insurance must correspond with the permit time extension. The permittee shall provide evidence of the extension to the Department.

(4) Work may not be performed after the date authorized by the permit unless a time extension supplement or new permit is obtained.

(5) A time extension supplement will not be issued for a request received more than 60 days after the date by which work under the permit is to be completed. In that event, an application for a new permit may be submitted to the Department in accordance with this chapter.

(h) *Work completion notification.* When [all] permitted work has been completed in accordance with this chapter, the permit, and the plans, the [self-addressed post card (Form M-945G) which accompanies the permit] permittee shall [be mailed to] provide written notification to the [district office] Department.

(i) [ *Permanent permit microfilm record.* The permit, together with plans, relevant correspondence, and any supplements issued, will be microfilmed, and the microfilm record will be retained in the central permit office. ] *Temporary access permits.* The Department may authorize, by permit, the temporary occupancy of highway right-of-way by an access. Applicants may request a temporary permit to accommodate access for a day or more (for example, a single event such as a fair), or for a season (for example, a construction project), or for a year (for example, extracting natural resources such as timber from private property). The Department may allow coarse aggregate material to be placed on a temporary access surface in lieu of paving, if no material is deposited onto the highway pavement or shoulder and if the temporary access is continuously maintained. Prior to the expiration of a temporary permit, the temporary access shall be removed and the highway shall be restored as directed by the Department.

(j) *Photo documentation.* At least 15 days prior to opening more than 150 linear feet of pavement or shoulder, or both, the permittee shall deliver photo documentation to the district office verifying the preconstruction condition of the pavement and shoulder surfaces in accordance with the following:

(1) The pavement and shoulder that will be disturbed must be photo documented in its entirety with color videotape or another record format acceptable to the Department. Photo documentation must be compatible with district office viewing equipment.

(2) The permittee may also submit color images, color slides or color prints, if each image, slide or print is clearly labeled and arranged to verify the surface condition of each successive 25 linear feet of pavement and shoulder that will be disturbed.

(3) If photo documented pavement and shoulder surface conditions or locations are not discernible, complete or otherwise acceptable, the district office will either return the photo documentation to the permittee for resubmission or the district office will create its own photo documentation record and shall be reimbursed for the costs by the permittee within 30 days after receipt of the Department's invoice.

(4) The date of photo documentation must be identified on each disc, cartridge, slide, print or other record.

#### § 441.6. General conditions.

The following conditions [shall] apply to permits issued under [the provisions of] this chapter:

(1) *Scope of permit.* The permit [shall be] is binding upon the permittee[, its] and property owners, their agents, contractors, successors[, ] and assigns.

\* \* \* \* \*

(v) The permittee [shall be principally] and property owners are liable to the Department for [any] failure to comply with the permit and this chapter. The [principal] liability of the permittee and property owners to the Department [shall] does not preclude the permittee or the property owners or the Department from bringing [any] an action against the permittee's contractor, subcontractor, engineer, architect, [or any other person] assignee, agent, workers, employees or other persons.

(vi) [The permittee shall be the only party in interest in any action against the Department before the Board of Claims involving disputes arising from the permit.

(vii) Disputes between the permittee and the Department shall be governed by the appropriate provisions in Form 408.

(viii) [A permit [shall be] is valid only as long as the [traffic volume of the driveway] site plan, a structure or the type of vehicles or combinations which frequently use the access does not change, or the access ADT does not exceed the [approved] driveway classification [as set forth in] under § 441.8(a) [of this title] (relating to driveway design requirements).

[ (ix) The Department, in granting a permit, will waive none of its powers or rights to require the future change in operation, removal, relocation, or proper maintenance of any access within State highway right-of-way. ] (vii) As a consequence of a change in a Department requirement or standard, a change in the type or character of the highway, a change in traffic conditions, a change to the site plan or to a structure, or a change in the type of traffic frequently using the access or the driveway classification, the Department may require the permittee or property owner to make changes in the operation, location, maintenance of, or removal of an access or structure and associated highway work or improvements.

(A) The Department will provide the permittee or property owner with 30 days written notice which will identify the proposed changes and the reasons for the changes.

(B) The Department may require a new application or require the permittee or property owner to comply with plans prepared by the Department if a reasonable response is not received.

(C) If the permittee or property owner fails to perform the required work within a reasonable time period as determined by the Department, the Department reserves the right to perform the work upon written notice to the permittee or property owner, if practicable, and the permittee or property owner shall reimburse the Department for the costs within 30 days after receipt of the Department's invoice.

(2) *Additional restrictions.* [All work] Work authorized by the permit [shall be] is subject to the following:

(i) [ All applicable ] Applicable laws, rules[ , ] and regulations, including [ but not limited to ] the following:

\* \* \* \* \*

(C) [ Act of October 5, 1978 (P. L. 1104, No. 260) (72 P. S. §§ 4651-1—4651-10) which provides that the Board of Claims shall have jurisdiction of claims against the Commonwealth arising from contracts ] The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

(D) O.S.H.A. construction safety and health regulations[ , 39 Fed. Reg. 22801 (June 24, 1974) and 29 CFR § 1926.1 *et seq.* ] at 29 CFR 1926.1—1926.1051.

(E) [ 42 U.S.C. § 2000d, as implemented by 49 CFR § 21 and 23 CFR § 230.101 *et seq.* ] The Civil Rights Act of 1964 Title VI (42 U.S.C.A. §§ 200d—200d-4a) and implementing regulations.

(F) Ordinances enacted by [ local ] municipalities which contain more stringent minimum safety requirements than this chapter or which have a municipal permit issuance agreement with the Department.

(G) The Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) as implemented by 28 CFR Part 35 (relating to nondiscrimination on the basis of disability in state and local government services).

(H) Chapter 5 of 37 Pa.C.S. (relating to Historic Preservation Act).

\* \* \* \* \*

(3) *Work to conform to Department standards. Permitted work shall conform to Department standards, including the following:*

(i) The permittee shall perform the permitted work [ shall be done ] at [ such ] a time and in [ such ] a manner [ as shall be ] consistent with the safety of the public and [ shall conform to all ] consistent with requirements and standards of the Department including[ , but not limited to, Form 408 ] publications identified in this chapter.

(ii) The permittee shall obtain highway materials from Department-approved sources, which are identified in current Department Publications 34, 35, 41 and 42. Upon request, the permittee shall make available for review certifications for backfill and restoration materials.

(iii) The Department may require the permittee to use contractors that are prequalified under Chapter 457 for work within the roadway.

(iv) If [ at any time it shall be found by ] the Department finds that the permitted work is not being done or has not been properly performed, the permittee [ upon being notified in writing by the Department ] shall [ immediately ] promptly take the necessary steps, at its own expense, to place the work in condition to conform to [ such ] the requirements [ or ] and standards of the Department.

(v) [ In case any ] If a dispute arises between the permittee and the Department's inspector, the Department's inspector [ shall have ] has the authority to suspend work until the question at issue can be referred to and be decided by the [ district office ] district

executive or a designee, from which determination the permittee shall have an opportunity for a hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and Chapter 491 (relating to administrative practice and procedure) by submitting a written request for a hearing within 30 days after the district's determination, to the Administrative Docket Clerk, Office of Chief Counsel, 400 North Street, Harrisburg, Pennsylvania 17120-0041.

(vi) Work not specifically regulated by this chapter is to be performed as authorized by the district office.

(4) *Permittee responsibilities.* Permittee responsibilities [ shall be as follows ] include the following:

\* \* \* \* \*

(ii) [ In the event of failure or neglect by the permittee ] If the permittee fails to or neglects to perform and comply with the permit or the provisions of this chapter, the Department may immediately revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment[ , ] or property belonging to the permittee or its contractors from the legal limits of the right-of-way and to restore the right-of-way to its former condition.

(A) [ In the event ] If the Department determines that [ such ] the structures, equipment[ , ] or property pose a threat to the public safety and the permittee fails to remove the same after notice from the Department to do so, the Secretary or [ his ] the Secretary's attorneys, or [ any ] an attorney of [ any ] a court of record [ shall be ] is authorized to appear for the permittee, and to enter an amicable action of ejectment and confess judgment against the permittee; and the attorney [ shall be ] is authorized to issue forthwith a writ of possession without leave of court, all at the cost of the permittee.

(B) The Department also reserves the right to perform the work upon written notice to the permittee or property owner, if practicable, and the permittee or property owner shall reimburse the Department for the costs within 30 days after receipt of the Department's invoice.

(iii) [ If work is stopped on a project for any reason, other than at the end of any normal work day, and any ditch or trench, in the opinion of the Department, remains open for an unreasonable period, the permittee, if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee is prepared to proceed immediately with the work to its completion. ] The permittee shall protect its openings in the right-of-way to provide for the safety of the general public.

(A) At the end of a workday, the permittee shall cover an opening in the right-of-way with steel plates, or backfill the opening to the adjacent surface elevation, or protect the opening in accordance with Chapter 203 (relating to work zone traffic control) and an approved traffic control plan, consistent with section 901 of Publication 408.

(B) If steel plates are used, the permittee shall extend the plates a minimum of 18 inches from each edge of the opening and shall secure the

plates to prevent the plates from sliding out of place when subjected to traffic loads.

(C) The permittee shall perform backfilling in accordance with § 459.8(g) (relating to special conditions—subsurface operations). Flowable fill material, if requested by the owner and authorized by the district office, may be used to backfill highway openings.

(D) [ In the event ] If the permittee fails to [ refill the ditch or trench ] cover, backfill or protect the opening or to proceed [ to ] until completion of the work [ upon notice from the Department to do so ], the Department may perform the [ necessary and required ] work upon written notice to the permittee, if practicable, and the permittee shall [ be reimbursed ] reimburse the Department for the costs [ by the permittee ] within 30 days after receipt of the Department's invoice.

(iv) If the permittee, after making an opening in the surface to place or repair [ a drainage facility ] an access or structure, or for [ any other ] another purpose, fails to restore [ any portion of ] the right-of-way to conform with Department [ specifications upon notice from the Department to do so, ] requirements and standards or a permit condition, the Department [ may perform the work and the permittee shall reimburse the Department for the costs ] may perform the work or restore the right-of-way upon written notice to the permittee, if practicable, and the permittee shall reimburse the Department for the costs within 30 days after receipt of the Department's invoice.

(v) Unless temporarily exempted by the Department, in writing, the permittee shall prohibit the public from using an access or structure until the permitted work is completed in accordance with this chapter, the permit, approved plans and requirements and standards of the Department.

(vi) If construction or restoration work will be performed in the improved area, the permittee shall identify to the Department both the permittee's contractor and its inspector-in-charge who shall be assigned to monitor the work. The permittee's inspector-in-charge, as well as the permittee, is responsible for ensuring work is performed in compliance with this chapter, the permit, approved plans and requirements and standards of the Department.

(vii) The permittee shall notify the district office at least 5 full workdays prior to the start of work when the permit identifies that the permitted work will be inspected on a more than spot inspection basis.

(viii) Unless the permittee or property owner requests an administrative hearing under 2 Pa.C.S. §§ 501—508, 1 Pa. Code Part II and Chapter 491 within 30 days of the mailing date of an invoice issued for costs incurred by the Department in taking an action under this chapter, the invoice amount will be considered settled, assessed and finally determined against the permittee or property owner and shall, unless paid in full, constitute a first lien on the real and personal property of the permittee or owner of the property on which the

access or structure is located. The lien must be satisfied from the proceeds of sale of the property before any other lien, claim, mortgage or interest. The Department may transmit a certified copy of the lien to the prothonotary of the county where the access or structure is located, to be entered of record, upon which record it will be lawful for writs of scire facias to issue and be prosecuted to judgment and execution. The Department may also immediately revoke and annul the permit, and take recourse against security provided to the Department under this chapter.

\* \* \* \* \*

(6) *Altering drainage prohibited.* Unless specifically authorized by the permit, the permittee [ shall ] may not:

(i) [ alter ] Alter the existing drainage pattern or the existing flow rate or flow velocity of drainage water [ ; or ].

(ii) [ direct ] Direct additional drainage of surface water toward, onto [ or ], into or otherwise affect the highway right-of-way or highway facilities [ in a way which would have a detrimental effect on the highway or highway facilities ].

\* \* \* \* \*

(8) *Equipment damaging highway.* [ Equipment damaging the highway shall conform ] The highway shall be protected in accordance with the following [ conditions ]:

\* \* \* \* \*

(ii) [ In the event that other than rubber equipped machinery is authorized for use, the ] If other than rubber equipped machinery or equipment is used, the permittee shall protect the pavement and shoulders [ shall be protected ] from equipment damage by the use of matting [ , wood, ] or other suitable protective material [ having a minimum thickness of four inches ], unless the permittee submits a written request for a waiver from the use of protective material, wherein the permittee acknowledges its obligation and commitment to repair or reconstruct the pavement and shoulders, if damaged, and to restore the pavement and shoulders to their former condition.

(iii) If the equipment damages the pavement or shoulders, the permittee shall restore the [ pavement or shoulders to their ] damaged pavement or shoulders, or both, to their former condition, [ at the expense of the permittee ] in a manner authorized by the district office.

(9) [ Traffic protection and maintenance. Maintenance and protection of traffic shall be carried out ] Work zone traffic control. The permittee shall carry out work zone traffic control in accordance with the requirements of [ the Department, as set forth in Publication 43 and Publication 90.

(i) The permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property in accordance with instructions furnished by the district office. A traffic

control plan shall be submitted to and approved by the district office before closing any portion of a lane to vehicular traffic.

(ii) Traffic control devices shall be provided in accordance with Publication 43 and Publication 90. Any open trench or hole shall be adequately barricaded to prevent possible injury to pedestrians and the motoring public. All traffic control devices shall be of an approved type. Signs shall conform to the requirements of Publication 68.

(iii) Designated employees shall be assigned by the permittee to direct one lane traffic. Flaggers shall be provided as specified in the permit and in accordance with Publication 43 and Publication 90. ] 75 Pa.C.S. § 6123 (relating to erection of traffic-control devices while working), the approved traffic control plan, and the applicable provisions of Chapter 203, consistent with section 901 of Publication 408.

(10) *Restoration.* [All disturbed] The permittee shall promptly restore disturbed portions of the highway, including slopes [and all], highway appurtenances and structures [such as guard rail or drain pipes, shall be restored by the permittee] to a condition at least equal to that which existed before the start of [any] work [authorized by the permit] and in accordance with current requirements and standards of the Department. [This includes providing appropriate end] At the end of the workday, the permittee shall replace disturbed traffic control devices and guiderail systems. The permittee shall install crashworthy end treatments on [guard rail] guiderail systems [where] if a portion of existing [guard rail is being broken by the driveway] guiderail was removed.

(11) [Approval] *Acknowledgment by inspector.* [Approval] Acknowledgment by the Department's inspector [of all or part of any] that the permitted work [shall] has been completed, does not constitute [acknowledgment that] approval or acceptance of the work or agreement that the work was performed in accordance with the permit[, nor shall such approval of]. Acknowledgment of completion by the inspector will not act as a release of the permittee or waiver by the Department of its right to seek performance or restitution [by] from the permittee.

(12) *Maintenance.* [All driveways] The property owner shall continuously maintain, to the pavement edge, driveways, local roads, structures and adjacent areas [within the highway right-of-way shall be continuously maintained by the property owner] utilized by vehicles gaining access to or from the highway, so as to conform to this chapter and the permit and so as not to interfere or be inconsistent with the design, construction, maintenance[, ] and drainage of the highway, or the safe and convenient passage of traffic upon the highway. The owner may not move or authorize another person to move snow, trash, waste or other material from the property onto the pavement or shoulder or other area of the highway.

(13) *Indemnification.* Indemnification of the Department for property and personal injury will be governed as follows:

(i) [The permittee shall fully indemnify and save harmless and defend the Commonwealth, its agents and employees, of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee, or person engaged or employed in, about, or upon the work, by, at the instance, or with the approval or consent of the permittee; from any failure of the permittee or any such person to comply with the permit or this chapter; and, for a period of two years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.] The permittee shall indemnify fully, hold harmless and, if requested, defend the Commonwealth from liability, loss, injury or damage to persons or property which the Commonwealth, its officers, agents and employees individually may suffer as a result of claims, demands, costs or judgments of any type arising against it or them as a result of the granting of the permit to the permittee, including claims, demands, costs or judgments of any type, whether sounding in tort or otherwise, arising from any of the following:

(A) As a result of activities of the permittee, its agents, employees or others at the permit site or any work or other actions taken by these persons under or in violation of the permit.

(B) As a result of a failure of these persons to conform to all pertinent statutes, ordinances, regulations or other requirements of any governmental authority in connection with the permit.

(C) As a result of right-of-way acquisition and other property damages; or claims arising from the planning, design, utility relocation or construction of the work allowed by the permit or a portion thereof.

(ii) This indemnification may not apply to a portion of a highway, roadway or other facility designed, constructed or reconstructed by the Commonwealth in connection with the work allowed by the permit, nor to work allowed by the permit which is negligently performed by the Commonwealth on behalf of the permittee at the permittee's expense. Right-of-way acquisition and other property damage, as used in this subsection, includes consequential damages; damages arising from de facto or inverse takings; special damages for displacement; damages for the preemption, destruction, alteration, blocking or diversion of facilities; interference with access; and other damages that may be claimed or awarded within the purview of the Eminent Domain Code (26 P.S. §§ 1-101—1-903), the State Highway Law (36 P.S. §§ 670-101—670-1102) and eminent domain case law of the Commonwealth.

(iii) The permittee will be responsible to further indemnify and hold harmless the Commonwealth from all losses, damages, expenses, claims, demands, suits and actions brought by a party against the Commonwealth as a result of the permittee's

failure to comply with the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101–12213), as implemented by 28 CFR Part 35 (relating to nondiscrimination on the basis of disability in state and local government services) and related Department requirements and standards.

(iv) The permittee or its contractor shall add the Commonwealth as an additional insured to the permittee's insurance policy or the insurance policy of the permittee's contractor to secure the permittee's indemnification of the Department for property damage and personal injury under this paragraph. The amount of insurance for other than minimum use driveways shall be at least \$250,000 per person and at least \$1,000,000 per occurrence, or other statutory limitations on Commonwealth damages as the General Assembly may establish. Insurance for minimum use driveways shall be in an amount acceptable to the Department. The policy shall be of a duration acceptable to the Department.

(v) Upon request, the permittee shall deliver to the district office certificates of insurance evidencing that the coverage required under subparagraph (ii) has been obtained.

(14) *Insurance.* [The permittee shall, when requested by the Department, submit to the district office a certificate or certificates of insurance for public liability and property damage, in form and amount satisfactory to the Department, to cover any loss that may be incurred for or on account of any matter, cause, or thing arising out of the permitted construction.] The permittee or its contractor shall obtain, prior to the start of permitted work, a policy of insurance issued by an insurer having a certificate of authority and a licensed agent authorized to transact the business of insurance in this Commonwealth. The policy of insurance shall be in accordance with the following:

(i) The permittee or its contractor shall obtain insurance for public liability and property damage, in form and duration acceptable to the Department to insure any loss that may be incurred by the Department, the permittee or property owner arising from the design, construction, reconstruction, repair, relocation or installation of the permitted access or structure. The amount of insurance for other than minimum use driveways shall be at least \$250,000 per person and at least \$1,000,000 per occurrence. Insurance for minimum use driveways shall be in an amount acceptable to the Department.

(ii) Upon request, the permittee shall deliver to the district office certificates of insurance or insurance policy endorsements, in a form acceptable to the Department, evidencing that the insurance coverage required under subparagraph (i) has been obtained.

(iii) The permittee's obligations to indemnify the Department and obtain insurance to secure indemnification under paragraph (13) and its obligations to restore the highway and obtain security relating to restoration under paragraph (15) are separate from the obligation to obtain insurance for the purposes required under this paragraph. Obtaining insurance under this paragraph does not relieve the permittee of its obligations under paragraphs (13) and (15) of this section.

(15) *Damage to highway.* [Restoration of] Responsibility of the permittee for restoration of the highway [shall include] includes the following:

(i) If there is a failure of the highway, including a slope or [any] other appurtenance thereto, in the [immediate] area of the permitted work within [two] 2 years after the acknowledged completion of the permitted work and there is no similar failure of the highway beyond the [area adjacent to the] area of the permitted work, the permittee [shall have] has absolute responsibility to make [all] temporary and permanent restoration [including restoration of the adjacent area if it has also failed] of this area.

[ (ii) If there is a failure of the highway, including slope or any other appurtenance thereto, in the area adjacent to the immediate area of the permitted work within two years after the completion of the permitted work and there is no similar failure of the highway in the area of the permitted work or beyond the area adjacent to the area of the permitted work, it shall be presumed that the work done by the permittee was the proximate cause of the failure and the permittee shall be responsible to make all temporary and permanent restoration unless the presumption is rebutted by clear and convincing evidence.

(iii) If there is a failure of the highway, including slope or any other appurtenance thereto, in the immediate area of the permitted work, which occurs more than 2 years after the completion of the permitted work, and there is no similar failure of the highway beyond the area adjacent to the area of the permitted work, it shall be presumed that the work done by the permittee was the proximate cause of the failure and the permittee shall be responsible to make all temporary and permanent restoration, including any failure of the adjacent area if it has also failed, unless the presumption is rebutted by clear and convincing evidence.

(iv) If there is a failure of the highway, including slope or any other appurtenance thereto, in the area adjacent to the immediate area of the permitted work, which occurs more than 2 years after the completion of the permitted work, the permittee shall be responsible to make all temporary and permanent restoration if the permitted work was the proximate cause of the failure.

(v) If the permitted work is the proximate cause of damage to the highway, including slope or any other appurtenance thereto, beyond the adjacent area, the permittee shall be responsible for all remedial work and shall make all temporary and permanent restoration.

(vi) Where ] (ii) If the permittee has the responsibility to restore the highway, including a slope or [any] other appurtenance thereto, under [subparagraphs (i)–(v), including instances where a presumption of responsibility has not been rebutted] subparagraph (i), the permittee [shall have] has the duty to restore the improved area in accordance with the permit. If the permittee fails to restore the improved area properly, the Department [will have] has the authority to do the work at the expense of the permittee. The permittee shall reimburse the Department for the costs

within 30 days after receipt of the Department's invoice and thereafter, the Department will have the right of recourse to the security required under this chapter.

(iii) The obtaining of security or an agreement described in § 441.5(f) (relating to issuance of permits) to secure restoration costs does not relieve the permittee of the restoration obligations imposed by subparagraphs (i) and (ii), nor does it relieve the permittee of its obligations under paragraphs (13) and (14). The obtaining of security or an agreement will not act as a release of the permittee from liability under principles of tort law with respect to a failure of the highway in the permitted area occurring after the expiration of the security or agreement.

(16) *Future additional driveways.* Future additional driveways shall [consist of] be governed by the following:

(i) If the Department anticipates that a property may be subdivided and that [such] the subdivision [will] may result in an unacceptable number or arrangement of driveways, or both, in which case the Department may require the property owner to enter into an access covenant (Form [CC-14] M-946) prior to the issuance of a permit.

(ii) The access covenant will [restrict access to the approved locations] prohibit the construction of any future access to the State highway to the property served by the access shown on the plans accompanying the permit application, regardless of whether [the land] that property is [later] subdivided or conveyed to other persons[, or both] at a later date.

\* \* \* \* \*

(iv) The applicant or the Department shall determine whether an access, structure or work authorized under the permit may interfere with or result in consequential damage to another property owner's existing access or structure, in which case the applicant, at the expense of the applicant, shall submit a release executed by each affected property owner in favor of the Department and in a form acceptable to the Department. If the applicant demonstrates that a release cannot be reasonably obtained from each affected property owner, and includes proof of written notice to each affected property owner of the submission of the application to the Department and of the right to appeal under § 441.3(v) (relating to permit application procedure), the Department may agree to accept an indemnification agreement in favor of the Department and in a form acceptable to the Department, if there is no operationally sound alternative available to the applicant. The Department may require the applicant to provide additional security in a form and amount acceptable to the Department.

(17) [Use of highway prohibited. Prohibited use of the highway shall be as follows:] *Prohibited uses of the highway.* The permittee shall proceed with permitted work consistent with the following:

\* \* \* \* \*

(ii) Improvements on private property [adjacent to the right-of-way] shall be so located that parking,

stopping[, ] and maneuvering of vehicles on the right-of-way or within the clear line of vision of entering or exiting vehicles will not be necessary [in order for vehicles or patrons to be served]. New liquid fuel pump islands installed in service stations adjacent to the highway shall be located at least 12 feet outside the right-of-way, [in order for a driveway permit to be issued. See Figure 11 and Figure 12] to preclude the servicing of vehicles within the right-of-way.

(iii) Drainage detention facilities and retention facilities may not be placed within the right-of-way.

(iv) Septic systems and their appurtenances may not be placed within the right-of-way.

(v) Hazardous material storage containers may not be placed within the right-of-way.

(vi) The top of any pipe carrying other than stormwater drainage shall be installed at least 3 feet beneath the surface within the right-of-way unless a lesser depth is authorized by a published Department standard or regulation. A permit may not be issued for a pipe to be installed aboveground within the right-of-way.

§ 441.7. General [driveway] access requirements.

\* \* \* \* \*

(c) *Specific location restrictions.* Specific location restrictions shall include the following:

\* \* \* \* \*

(3) Access to a property which abuts two or more intersecting [streets or] highways or local roads may be restricted to only that [roadway] highway or local road which can more safely and efficiently accommodate [its] traffic.

\* \* \* \* \*

(d) *Local roads.* [An access intended to serve more than three properties or to act as a connecting link between two or more roadways shall be, for the purpose of this chapter, considered a local road and not a driveway regardless of its ownership. As such, its design must be in accordance] The applicant or the Department shall determine whether the access qualifies as a local road under this chapter. A local road shall be designed consistent with the Department's current standards [governing the design of local roads] identified in Publication 70M. [All other requirements of this chapter shall be complied with before the local road will be allowed access onto a State highway.]

(e) *Number of [driveways] access locations.* The [number and location of entrances which may be granted] Department's decision on the number of access locations that will be permitted to serve a property will be based on [usage, interior and exterior traffic patterns, and current design policy of the Department.] preserving the flow of traffic and highway safety, considering the amount and type of traffic the access is expected to serve, the location, type and density of the development, the type and character of roadway which it accesses, interior traffic patterns, frontage and other criteria consis-



tent with the AASHTO publication entitled "A Policy on Geometric Design of Highways and Street."

(1) [ Normally, only ] Only one [ driveway ] access will be permitted for a [ residential ] property [ and not more than two driveways will be permitted for a nonresidential property ] unless the applicant demonstrates that additional access for the property is necessary to accommodate traffic and that highway safety and traffic flow will not be adversely affected by the additional access.

(2) [ If the property frontage exceeds 600 feet, the permit may authorize an additional driveway. ] Access may be restricted to right turn only ingress and egress or to another highway or local road that can more safely and efficiently accommodate traffic.

(3) [ Regardless of frontage, a development may be restricted to a single entrance/exit driveway. ] The Department may require an access to be served by an internal collector road separated from the traveled way.

(f) *Approaches to driveways.* Driveway approaches [ shall ] must conform to the following standards:

\* \* \* \* \*

[ (3) Where the highway is curbed, driveway approaches shall be installed 1 1/2 inches above the adjacent highway or gutter grade to maintain proper drainage. See Figure 5. ]

#### § 441.8. Driveway design requirements.

(a) *General.* General requirements shall be as follows:

(1) The ability of a driveway to safely and efficiently function as an integral component of a highway system requires that its design and construction be based on the amount and type of traffic that it is expected to serve [ and ], the type and character of roadway which it accesses and other nearby highways. This chapter separates driveways into four general classifications, based on the amount of traffic they are expected to serve. A description of each classification [ and typical examples of land uses normally associated with each ] and references to typical figures follows:

[ (i) Minimum use driveway, see Figure 7. A driveway normally used by not more than 25 vehicles per day, such as:

- (A) single family dwellings, duplex houses; or
- (B) apartments with five units or less.

(ii) Low volume driveway, see Figure 8. A driveway normally used by more than 25 vehicles per day but less than 750 vehicles per day, such as:

- (A) office buildings;
- (B) elementary and junior high schools; or
- (C) car washes.

(iii) Medium volume driveway, see Figures 9, 11, and 12. A driveway normally used by more than 750 vehicles but less than 1500 vehicles per day, which does not normally require traffic signalization, such as:

- (A) motels;
- (B) fast food restaurants; or
- (C) service stations and small shopping centers or plazas.

(iv) High volume driveway, see Figure 10. A driveway normally used by more than 1500 vehicles per day, which often requires traffic signalization, such as:

- (A) large shopping centers; or
- (B) multi-building apartment or office complexes. ]

(i) Minimum use driveway, see Figure 9-1. An access having an ADT of not more than 50.

(ii) Low volume driveway, see Figure 9-2. An access having an ADT of more than 50 but less than 1,500.

(iii) Medium volume driveway, see Figure 9-3. An access having an ADT of at least 1,500 but less than 3,000.

(iv) High volume driveway, see Figure 9-4. An access having an ADT of 3,000 or more.

(2) The applicant shall use the design features described in this section and illustrated in the [ attendant ] figures [ are to be used by the applicant in designing ] at the end of this section and § 441.9 (relating to typical access layout figures) to design the [ driveway ] access plans which accompany the application. [ Dimensions shall be selected ] The applicant shall select dimensions from the range of values [ shown on the appropriate figure, unless site conditions warrant a deviation ] provided in this chapter. The Department may require design details which [ are more stringent than ] differ from those specified in this chapter [ to insure the safe and efficient operation of any proposed driveway ] to provide acceptable operation and safety, consistent with site development. Design details which differ from those specified in this chapter must be consistent with the AASHTO publication entitled "A Policy on Geometric Design of Highways and Streets," current edition, and the Department's Design Manual, Part 2.

(3) [ Figures 7, 8, and 9 show two sets of design values. The applicant shall design his driveway using the values appropriate for the posted speed of the roadway being accessed. ] A change to the alignment, grade or cross section of a State highway, resulting from construction of an access, shall be made consistent with Design Manual, Part 2.

(b) *Angle of access [ driveway ] approach.* Angle of access [ driveway approach ] approaches [ shall ] must include the following:

(1) Access [ driveway ] approaches used for two-way operation [ shall ] must be positioned at [ right angles, that is, ] 90 degrees[, ] to the highway or as near thereto as site conditions permit[, except as authorized in Figure 11 ].

(2) When two [ access ] driveways are constructed on the same property frontage and used for one-way operation, each of these driveways may be placed at an angle

less than [ a right angle ] 90 degrees, but not less than 45 degrees to the highway, except that along divided highways where no openings are allowed in the median the minimum angle of [ an exit ] a driveway may be 30 degrees [ , as shown in Figure 12 ].

(c) *Driveways adjacent to intersections.* Driveways serving properties located adjacent to a highway intersection shall be subject to the following:

(1) There shall be a minimum [ ten ] 10 foot tangent distance between the end of the intersecting highway radius and the beginning radius of [ the first ] a permitted driveway.

(2) The distance from the edge of pavement of the intersecting highway to the beginning radius of [ the first ] a permitted driveway shall be a minimum of [ 20 feet on curbed highways and ] 30 feet [ on uncurbed highways ].

[ (3) Paragraphs (1) and (2) of this subsection may be waived only if the intersecting highway radius extends along the property frontage to the extent that compliance is physically impossible. ]

(d) *Property line clearance.*

(1) Except for joint-use driveways, no portion of [ any ] an access [ shall ] or structure must be located [ outside ] in front of the property [ frontage boundary line ] of another person unless the applicant, at the expense of the applicant, submits a release executed by each affected property owner, in favor of the Department and in a form acceptable to the Department. Releases must be notarized and recorded, by and at the expense of the applicant, in the county office of the Recorder of Deeds.

(2) Except for joint-use driveways, no portion of an access or structure may be located on the property of another person.

(e) [ *Multiple* ] *Adjacent driveways.* [ Multiple driveways serving the same property must ] Adjacent driveways shall be separated by a minimum distance of [ 15 feet measured along the right-of-way line and ] 20 feet [ measured along the shoulder, ditch line, or curb ] between the near end of each driveway radius. When the distance between [ multiple ] adjacent driveways is 50 feet or less [ measured along the shoulder or ditch line ] between the near end of each driveway radius, the permit may require this area [ between shall ] to be clearly defined by [ permanent curbing ] curb or other approved structures, in accordance with subsection (g). [ This curb shall be placed in line with existing curb or two feet back of the shoulder or ditch line on uncurbed highways. It shall be extended around the driveway radii to the right-of-way line. ]

(f) *Site requirements.* Site requirements shall be as follows:

(1) All [ nonresidential ] buildings and structures shall be located a sufficient distance from the right-of-way line to provide ample driving area and parking off the right-of-way, to prevent storage of vehicles on the access [ driveways ], and to prevent the back-up and turning of vehicles on the highway [ pavement ].

\* \* \* \* \*

(3) [ Applications for driveways providing access to drive-in-service developments shall, when requested, include information relative to the amount of storage provided between the service facility and the right-of-way, the number of service operations anticipated during peak periods, and the hours and days of operation.

(4) [ The area [ between the right-of-way line adjacent to and ] on both sides of [ a driveway shall be used as a clear zone to provide a physical barrier between the traveled way and activity on private property. This area shall ] an access must remain free of [ any ] vehicles, structures, foliage and other obstructions which may interfere with a clear line of vision for entering or exiting vehicles, in accordance with subsection (h).

(4) Unless determined otherwise by a queuing analysis acceptable to the Department, the distance from the edge of roadway to internal access for parking areas and internal roads must be at least 75 feet for medium volume driveways and at least 150 feet for high volume driveways. To prevent conflicting traffic movements, a raised median or curb may be required by the Department.

(g) [ *Curbing* ] *Curb and other approved structures.* Requirements for [ curbing ] curb and other approved structures shall conform with the following:

(1) The [ permit ] Department may require the installation of [ curbing wherever it is required ] curb or other approved structures to control access or drainage, or both. [ All curbing must be permanent curbing, as defined in § 441.1 of this title (relating to definitions). ]

(2) [ Where ] If property abutting the right-of-way line could be used as a parking area, the [ permit ] Department may require [ curbing, permanent guardrail, or fencing ] curb or other approved structures to be [ constructed along the right-of-way line in order ] placed along the property frontage to prohibit vehicle encroachment upon the [ sidewalk or shoulder area ] right-of-way.

(3) If [ , in the opinion of ] the Department [ , there is a high probability ] anticipates that vehicles would otherwise utilize a portion of the property frontage, other than the [ approved ] driveway, to gain access to the property, the [ permit ] Department may require [ curbing or other physical barriers ] curb or other approved structures to be constructed.

(4) [ When curb exists adjacent to the proposed driveway, the line and grade of the existing curb shall be matched, unless otherwise authorized by the permit. ] The prevailing curb line shall be continued along the property frontage if curb is being constructed or replaced. If curb is being constructed and there is no prevailing curb line, curb shall be placed consistent with Design Manual, Part 2.

(5) Curb must comply with requirements and standards of the Department, including Roadway Construction Standards RC-64M, RC-65M, RC-66M and RC-67M.

(h) *Sight distance.* Conditions for sight distance shall be as follows:

[ (1) Access driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance listed in the appropriate following table:

**Table 1—Safe Sight Distance for passenger cars and single unit trucks exiting from driveways onto two-lane roads.**

<i>Posted Speed (mph)</i>	<i>Safe Sight Distance—Left<sup>1</sup> (feet)</i>	<i>Safe Sight Distance—Right<sup>1</sup> (feet)</i>
25	250	195
35	440	350
45	635	570
55	845	875

<sup>1</sup>Measured from a vehicle ten feet back of the pavement edge.

**Table 2—Safe Sight Distance for buses and combinations exiting from driveways onto two-lane roads.**

<i>Posted Speed (mph)</i>	<i>Safe Sight Distance—Left<sup>1</sup> (feet)</i>	<i>Safe Sight Distance—Right<sup>1</sup> (feet)</i>
25	400	300
35	675	625
45	1225	1225
55	2050	2050

<sup>1</sup>Measured from a vehicle ten feet back of the pavement edge.

**Table 3—Safe Sight Distance for passenger cars and single unit trucks exiting from driveways onto four and six-lane roads.**

<i>Posted Speed (mph)</i>	<i>Safe Sight Distance—Left<sup>1</sup> (feet)</i>	<i>Safe Sight Distance—Right<sup>2</sup> (feet)</i>
25	175	195
35	300	350
45	500	570
55	785	875

<sup>1</sup>Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the outside lane.

<sup>2</sup>Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the median lane.

**Table 4—Safe Sight Distance for buses and combinations exiting from driveways onto four and six-lane roads.**

<i>Posted Speed (mph)</i>	<i>Safe Sight Distance—Left<sup>1</sup> (feet)</i>	<i>Safe Sight Distance—Right<sup>2</sup> (feet)</i>
25	300	300
35	625	625
45	1225	1225
55	2050	2050

<sup>1</sup>Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the outside lane.

<sup>2</sup>Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the median lane.

**Table 5—Safe Sight Distance for passenger cars and single unit trucks entering driveways by left turns.**

<i>Posted Speed (mph)</i>	<i>Safe Sight Distance in Feet<sup>1</sup></i>		
	<i>2-Lane</i>	<i>4-Lane</i>	<i>6-Lane</i>
25	190	205	220
35	300	320	345
45	445	470	500
55	610	645	680

<sup>1</sup>Measured from the point where a left-turning vehicle stops to a vehicle in the outside lane.

**Table 6—Safe Sight Distance for buses and combinations entering driveways by left turns.**

<i>Posted Speed (mph)</i>	<i>Safe Sight Distance in Feet<sup>1</sup></i>		
	<i>2-Lane</i>	<i>4-Lane</i>	<i>6-Lane</i>
25	330	360	390
35	485	530	575
45	690	750	810
55	905	990	1075

<sup>1</sup>Measured from the point where a left-turning vehicle stops for a vehicle in the outside lane. ]

(1) *Formula sight distance.* The formula sight distance for driveways must be determined in accordance with the following:

(i) The measured sight distances in each direction along the highway must exceed the formula sight distance computed from the following:

$$\text{FSD} = 1.47 Vt + \frac{V^2}{30 \left( \frac{a}{32.2} \pm G \right)}$$

Note to formula:

— FSD = Formula sight distance (whole feet).

—1.47 = Conversion factor (mph to fps).

—V = Miles per hour, as measured by speed limit or safe-running speed, as determined by the Department.

—t = Brake reaction time, equal to 2.5 seconds.

—30 = Factor to convert mph to feet, utilizing gravitational constant.

—a = Deceleration rate of 11.2 feet per second squared.

—32.2 = Gravitational constant, in feet per second squared.

—G = Average grade of roadway where braking will occur, divided by 100.

(ii) Table 8-1 identifies formula sight distances for selected roadway speeds and average grades.

(iii) If trucks, longer combination vehicles, buses, special mobile equipment or similar specialized vehicles will frequently use the driveway, the Department may require sight distances greater than the minimum values derived from the formula sight distance, considering number of lanes, medians and roadway geometry, consistent with Chapter 9 of the AASHTO publication entitled "A Policy on Geometric Design of Highways and Streets," current edition, and the Department's Design Manual, Part 2.

(iv) The owner should locate a driveway at a point which provides optimal sight distance. The Department may require sight distances greater than minimum values derived from the formula sight distance if the district office determines another location along the property frontage of the owner will better accommodate the amount and type of traffic that is expected to frequently use the driveway and considering the type, character and 85th percentile speed of the highway which is being accessed.

[ (2) In using Tables 1 through 6 the following additional requirements shall apply:

(i) Tables 2, 4, and 6 shall be used in lieu of Tables 1, 3, and 5 only when combination traffic exceeds 5.0% of the total traffic using the proposed driveway.

(ii) Posted speeds shall be used unless operating speeds vary from the posted speed by more than ten miles per hour, in which case the Department may require that operating speeds be used.

(iii) The sight distances in Tables 1 through 4 apply only when highway grades are zero to 3.0%, either up or down.

(A) When the highway grade in the section to be used for acceleration, after leaving the driveway, ascends at 3.0—5.0%, the sight distance in the direction of approaching ascending traffic may be increased by a factor of 1.4.

(B) When the highway grade ascends at greater than 5.0%, sight distance may be increased by a factor of 1.7.

(C) When the highway grade in the section to be used for acceleration after leaving the driveway descends at 3.0—5.0%, sight distance in the direction of approaching descending highway traffic may be reduced by a factor of 0.6.

(D) When the road descends at greater than 5.0%, sight distance may be reduced by a factor of 0.5.

(iv) The sight distance values in Tables 1 through 6 are desirable for safe operation of the driveway. Sight distance values less than desirable will be accepted only if it is impossible to achieve the desirable value by locating the driveway at any point within the property frontage boundaries. The minimum acceptable sight distance values shall be computed from the following formula:

$$SSSD = 1.47 Vt + \frac{V^2}{30(f+g)}$$

SSSD = Minimum safe stopping sight distance (feet).

V = Velocity of vehicle (miles per hour).

t = Perception time of motorist (average = 2.5 seconds).

f = Wet friction of pavement (average = 0.30).

g = Percent grade of roadway divided by 100. ]

(2) *Measured sight distance.* The correct measurement of sight distance at a driveway is the responsibility of the applicant. The applicant shall record sight distance measurements on Form M-950S, or an electronic format authorized by the Central

Permit Office and consistent with Publication 282. Measurements are subject to verification by the Department.

(i) For the purpose of measuring sight distance, the driver's eye height must be 3.50 feet above the proposed driveway surface and highway pavement surface. The vehicle's height must be measured at 3.50 feet above the proposed driveway surface and highway pavement surface. The placement of vehicles measured at the driveway and on the roadway must be consistent with the operation of the driveway and roadway, as illustrated on Form M-950S and consistent with Publication 282.

(ii) When measuring sight distance lengths, the applicant shall also consider impacts of legally parked vehicles and foliage which may not be present when the measurements are made. For each direction along the highway, the following lengths must be the measured sight distances for that direction, as illustrated on Form M-950S:

(A) The maximum length of roadway along which a driver at a driveway location can continuously see another vehicle approaching on the roadway. Consistent with driver responsibilities contained in 75 Pa.C.S. §§ 3112, 3114, 3323, 3344 and 3361, the driver's eyes must be measured 10 feet back from the traveled portion of the roadway.

(B) The maximum length of roadway along which a driver on the roadway can continuously see the rear of a vehicle which is located in the driver's travel lane and which is positioned to make a left turn into a driveway.

(C) The maximum length of roadway along which a driver of a vehicle intending to make a left turn into a driveway can continuously see a vehicle approaching from the opposite direction. This sight distance length is measured from the location of the approaching vehicle to a point on the roadway where the left-turning vehicle crosses the path of the approaching vehicle.

[ (3) If sight distance requirements as specified in this chapter cannot be met, the Department may:

(i) prohibit left turns by exiting vehicles;

(ii) restrict turning movements to right turns in and out of a driveway;

(iii) require installation of a right turn acceleration lane or deceleration lane;

(iv) require installation of a separate left turn standby lane;

(v) alter the horizontal or vertical geometry of the roadway; or

(vi) deny access to the highway. ]

(3) *Inadequate sight distance remedies.* If measured sight distances do not exceed the formula sight distances computed under this subsection, the Department will deny access to the highway. The applicant may, at its own expense, submit a new application which provides measured sight distances which exceed the formula sight distances computed under this subsection. The new application must incorporate one or more of the following remedies:

(i) Removal of physical obstructions from the drivers' line of vision.

(ii) **Prohibition of left turns out by exiting vehicles.**

(iii) **Installation of a left turn in standby lane or other auxiliary lanes.**

(iv) **Prohibition of left turns in by entering vehicles.**

(v) **Alteration of the horizontal or vertical geometry of the roadway or driveway.**

(i) *Grade of access [driveway].* Grade of access [driveway] shall be constructed in the following manner:

(1) **[All driveways shall] Driveways, local roads, auxiliary lanes and structures must be constructed so as not to impair highway drainage [within the right-of-way], alter the stability of the improved area, or [change] impair the drainage of adjacent areas.**

(2) **[Where] If a drainage ditch or swale exists, the permittee shall maintain the ditch or swale flow line across the access. The permittee may be required to install adequate pipe under the [driveway in accordance with Form] access or structure, consistent with Design Manual, Part 2 and Publication 408. Drainage pipe installed under [driveways] an access or structure shall be at least [15] 18 inches in diameter or have an equivalent capacity. Larger diameter pipe may be required to accommodate the predicted flow of drainage. The ends of drainage pipes within the improved area shall be fitted with end sections that match existing contours.**

(3) **The side slopes for driveway embankments [within the right-of-way shall not be steeper than ten to one. See Figure 6] shall be constructed in accordance with Figure 8-6.**

(4) **Grade requirements in uncurbed shoulders [within the right-of-way] shall conform to Figure [1] 8-1.**

*(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figure 1 on 67 Pa. Code page 441-25, serial page (216133).)*

(5) **Grade requirements where curbs and sidewalks are present.**

(i) **The [driveway approaches] curb reveal shall be installed 1 1/2 inches above the adjacent roadway or the gutter grade to maintain proper drainage. See Figure [5] 8-5. Depressed curb is preferable to the alternative of extending curb around the driveway radii in situations involving minimum use driveways, low volume driveways with an ADT below 500 or existing buildings which preclude other than a depressed curb design.**

(ii) **The difference between the cross slope of the roadway and the [upward] grade of the driveway approach [shall] may not exceed [8.0%] 8%.**

(iii) **[When] If a planted area exists in front of the sidewalk, one of the following [three cases shall] apply:**

(A) **[When] If the grass strip between the curb and the sidewalk is wide enough to maintain an [8.0%] 8%**

maximum driveway approach grade, construct the driveway as shown in Figure [2] 8-2.

*(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figure 2 on 67 Pa. Code page 441-26, serial page (216134).)*

(B) **If the driveway grade [would exceed 8.0%] exceeds 8% in the area between the curb and the sidewalk, depress the outer edge of the sidewalk and maintain a maximum sidewalk cross slope of [6.0%] 2%. This will enable the driveway [slope] grade to stay within [the 8.0% slope limit] 8%. See Figure [3] 8-3.**

*(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figure 3 on 67 Pa. Code page 441-26, serial page (216134).)*

(C) **If the sidewalk cross slope [would exceed 6.0%, as indicated in clause (B) of this subparagraph] exceeds 2%, depress the entire sidewalk. The amount of depression [shall] may not exceed 1 1/2 inches at the inner edge of the sidewalk. The longitudinal [slope] grade of the sidewalk [shall] may not exceed [two inches per foot] (8%). See Figure [3] 8-3.**

(iv) **[When] If the sidewalk [is] directly [against] abuts the back of the curb and the sidewalk is at least [five] 5 feet wide, the curb shall be sloped as shown in Figure [5 of this subsection] 8-5. This will eliminate the need for depressing the back edge of the sidewalk. For sidewalks narrower than [five] 5 feet, the curb [will] shall be sloped and the back edge of the sidewalk [will] shall be depressed [( ) to a maximum of 1 1/2 inches( )] to maintain [an 8.0%] a 2% maximum [grade] sidewalk cross slope on the driveway. The longitudinal grade of the sidewalk [shall] on the driveway may not exceed (8%). See Figure 8-4.**

*(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figures 4—6 on 67 Pa. Code pages 441-27 and 441-28, serial pages (216135) to (216136).)*

(j) **Auxiliary lanes. Auxiliary [lanes shall consist of] lane requirements include the following:**

\* \* \* \* \*

(2) **[Left turn stand-by] Turn lanes.** The permit may require the installation of a left turn [stand-by] standby lane, a two-way left turn lane or a right turn lane to separate and protect [left] turning vehicles from through traffic if failure to do so would result in unacceptable traffic operations or an undue hazard [to] for the traveling public, as determined by a traffic study approved by the Department.

(3) **[Additional right-of-way for lanes. Where the width of the highway right-of-way is insufficient to permit the construction of a needed auxiliary lane, the permittee shall provide any necessary additional right-of-way.**

(4) **Cost. When required, auxiliary] Construction.** Auxiliary lanes shall be constructed, at no cost to the Department, [in accordance with the Roadway Construction Standards and Form 408] consistent with the Department's requirements and standards, including Design Manual, Part 2 and Publication 408.

[ (5) ] (4) *Lane in front of another property.* If an auxiliary lane must be located in front of property of another person, the applicant, at the expense of the applicant, shall [ be required to secure the approval of the other person or indemnify the Commonwealth against any action which the other person may bring against the Commonwealth ] submit a release executed by each affected property owner in favor of the Department and in a form acceptable to the Department. If the applicant demonstrates that a release cannot be reasonably obtained from each affected property owner, and includes proof of written notice to each affected property owner of the submission of the application to the Department and of the right to appeal under § 441.3(v) (relating to permit application procedure), the Department may agree to accept an indemnification agreement in favor of the Department and in a form acceptable to the Department, if there is no operationally sound alternative available to the applicant. The Department may require the applicant to provide additional security in a form and amount acceptable to the Department. The Department may also require documentation relative to the use of land as described in § 441.3(n) and (p), if applicable.

(5) *Longitudinal joints.* The applicant or the Department shall determine whether motorists may be misdirected by unaligned longitudinal pavement joints resulting from a pavement widening, in which case the Department may require a full pavement width overlay and new pavement markings.

(k) *Access [ driveway ] pavement.*

(1) [ Access ] Minimum use driveways shall be [ appropriately surfaced with a stabilized material between the traveled way and the right-of-way line ] constructed with selected material surfacing meeting the requirements of section 677 of Publication 408 unless a higher type material is specified by the permit. The applicant shall construct the access pavement to the pavement edge or, if the shoulder is paved, to the outside edge of the existing shoulder.

(2) Low, medium[ , ] and high volume driveways and local roads which provide access to paved highways shall be paved [ within ] from the pavement edge to at least 20 feet beyond the right-of-way and joints shall be sealed. [ Materials used in the construction of driveways shall meet the requirements of Form 408. The driveway pavement shall be at least four inches thick within the right-of-way. ]

(3) Bituminous access pavements shall have the following materials placed from the pavement edge to at least 20 feet beyond the right-of-way:

(i) Subbase material meeting the requirements of section 350 of Publication 408 with a minimum depth of 6 inches.

(ii) A bituminous concrete base course meeting the requirements of section 305 or section 309 of Publication 408, with a minimum depth of 4 1/2 inches.

(iii) A wearing course of ID-2 material meeting the requirements of section 420 of Publication 408 or superpave asphalt material meeting the require-

ments of section 409 of Publication 408, with a minimum depth of 1 1/2 inches.

(4) Cement concrete may be placed within the right-of-way only as directed by the district office.

(l) *Driveways relative to ramps.* Ramps are intended to provide access from one roadway or roadway system to another with a minimum amount of conflict or interference from other traffic. To [ insure ] ensure the integrity of this intended function, [ no ] an access [ driveway ] will not be permitted on a ramp or within 50 feet [ of ] from either the end of the ramp radius or the intersection of the edge of pavement of the ramp [ or its ] speed change lane [ with ] to the [ edge of pavement of the intersecting roadway ] beginning of the access radius. [ Exceptions will be considered only if the enforcement of this subsection would result in the prohibition of reasonable access from the adjacent property to the highway system. ]

(m) [ *Median openings* ] *Medians.* Median [ openings ] requirements shall consist of the following:

(1) The removal or alteration of a portion of median divisor along a divided highway to provide [ access to and from traffic in both directions ] left turn ingress or egress will not be permitted unless it is determined that the operating characteristics of the highway system will be improved by [ such ] the action.

(2) A left turn standby lane shall be installed to separate and protect left turning vehicles whenever a median opening or alteration is permitted.

(3) Requests for removal of a median divisor will not be granted without the approval of the [ director ] district executive or higher Departmental authority.

(4) The applicant, at the expense of the applicant, shall submit a release, in favor of the Department and in a form acceptable to the Department, executed by each abutting or adjacent property owner whose existing access pattern will be affected by the placement or alteration of a median. If the applicant demonstrates that a release cannot be reasonably obtained from each affected property owner, and includes proof of written notice to each affected property owner of the pendency of the application and of the right to appeal under § 441.3(v), the Department may agree to accept an indemnification agreement in favor of the Department and in a form acceptable to the Department, if there is no operationally sound alternative available to the applicant. The Department may require the applicant to provide additional security in a form and amount acceptable to the Department.

(5) The Department may require the placement or alteration of a median to improve the operating characteristics of the highway system.

(n) *Shoulder upgrading.* [ Where ] Shoulder upgrading may be required, as follows:

(1) If the existing shoulder on either side of a proposed low, medium[ , ] or high volume driveway or local road is not structurally or operationally adequate to allow its use by turning vehicles, the permittee shall upgrade the shoulder area for a minimum of 100 feet [ on either side of the driveway ] from the end of each access radius.

(2) If vehicles traveling on the roadway will utilize the shoulder on the opposite side of the roadway to bypass vehicles attempting to turn left into the access, and a left turn standby lane is not warranted, the Department may require the permittee to upgrade the existing shoulder for a sufficient distance to enable that use.

(3) If curb is required under subsection (g), the shoulder area between the near edge of the pavement and curb must be constructed with a Type 6 paved shoulder in accordance with section 656 of Publication 408 or constructed to match the existing pavement or shoulder type, whichever is higher.

(4) [ The ] If the permit requires the installation of a paved shoulder to control drainage, the type of shoulder to be installed will be specified by the permit, in accordance with the volume and type of traffic expected to use the [ driveway ] access.

(o) *Traffic control devices.* Requirements for traffic control devices [ shall be ] are as follows:

\* \* \* \* \*

(2) *Electrically powered devices.* Electrically powered devices shall consist of the following:

\* \* \* \* \*

(iii) Traffic signals must be designed, placed and operated in accordance with the traffic signal permit, consistent with Department Publication 148 (relating to traffic standards—signals) and Department Publication 149 (relating to traffic signal design).

(3) *Islands.* Islands must be designed consistent with the AASHTO publication entitled "A Policy on Geometric Design of Highways and Streets." A raised island must be at least 100 square feet and each side of the island must be at least 15 feet in length, after the rounding of corners.

(p) *Required right-of-way.* The Department may require the applicant to acquire additional right-of-way necessary to accommodate work to be authorized under the permit, and may require the applicant to utilize property acquisition policies, practices and procedures of the Department. Right-of-way must be acquired by the applicant in a manner acceptable to the Department and conveyed to the Department in fee simple or other acceptable interest. When work authorized under the permit provides a significant public benefit, the Department may authorize and empower the municipality or other authority in the jurisdiction of the permit to acquire required right-of-way on behalf of the Department. Work authorized under the permit includes the construction of the following:

- (1) Auxiliary lanes.
- (2) Turning lanes.
- (3) Drainage.
- (4) Structures.
- (5) Transportation facilities.
- (6) Curb.
- (7) Traffic signals.

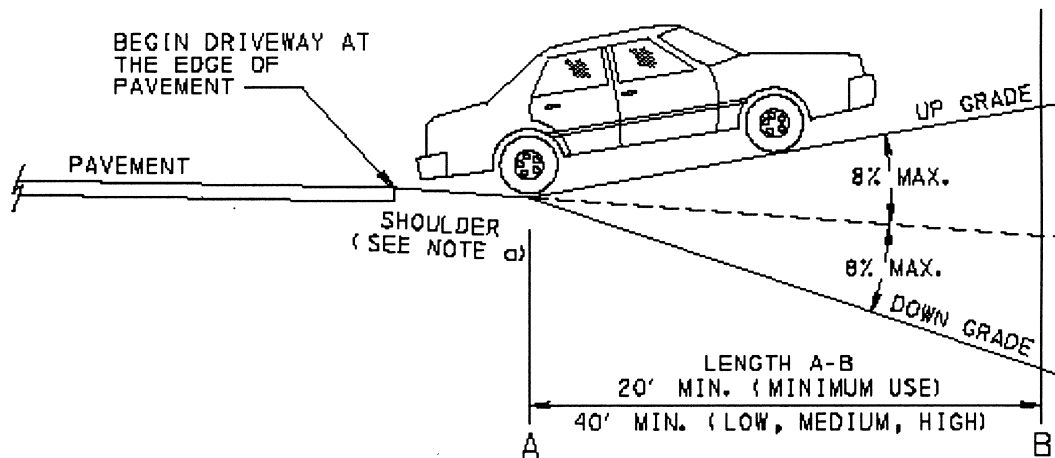
Table 8-1: Sample Formula Sight Distances

Average Grade (G) (Percent)

Speed (V) (MPH)	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	152	150	149	147	146	144	143	142	141	139	138
30	197	194	192	190	188	186	184	182	180	179	177
35	246	243	240	237	234	231	229	226	224	222	220
40	300	296	292	288	285	281	278	275	272	269	266
45	359	354	349	344	339	335	331	327	323	320	316
50	423	417	410	404	399	393	388	383	379	374	370
55	492	484	476	469	462	456	449	443	438	432	427

Speed (V) (MPH)	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	154	155	157	160	162	164	167	170	173	176
30	199	202	205	208	211	214	218	222	227	231
35	249	253	257	261	266	270	276	281	287	293
40	305	310	315	320	326	332	339	346	354	362
45	365	371	378	385	392	400	408	417	427	438
50	430	438	446	454	464	473	484	495	507	520
55	501	510	519	530	541	552	565	579	593	609

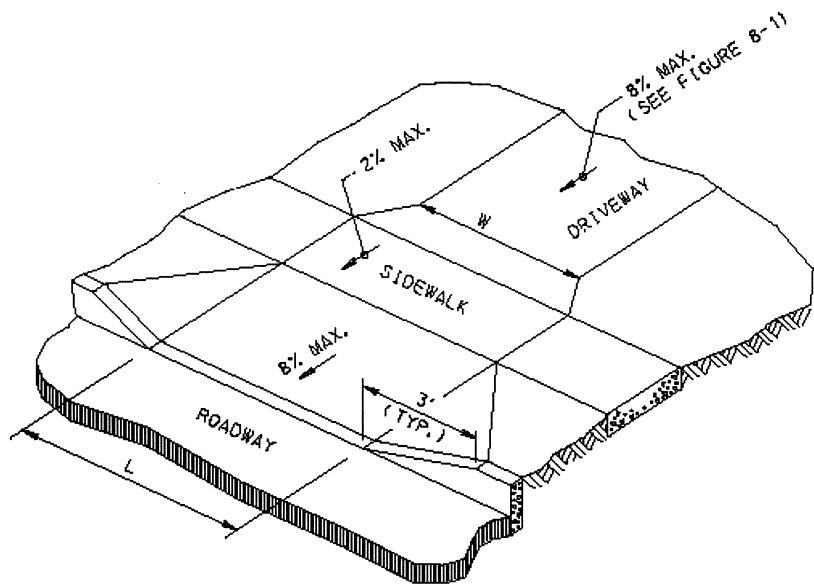
Figure 8-1

NOTES

- (a) The shoulder slope usually varies from 2% to 12.5%. The existing shoulder slope shall be maintained across the full shoulder width.
- (b) If an existing drainage course is disturbed, it shall be restored by the permittee in a manner authorized by the district office.
- (c) The access grade along length A-B shall be no more than 8%.
- (d) Use a 40-foot minimum vertical curve for a high volume driveway.

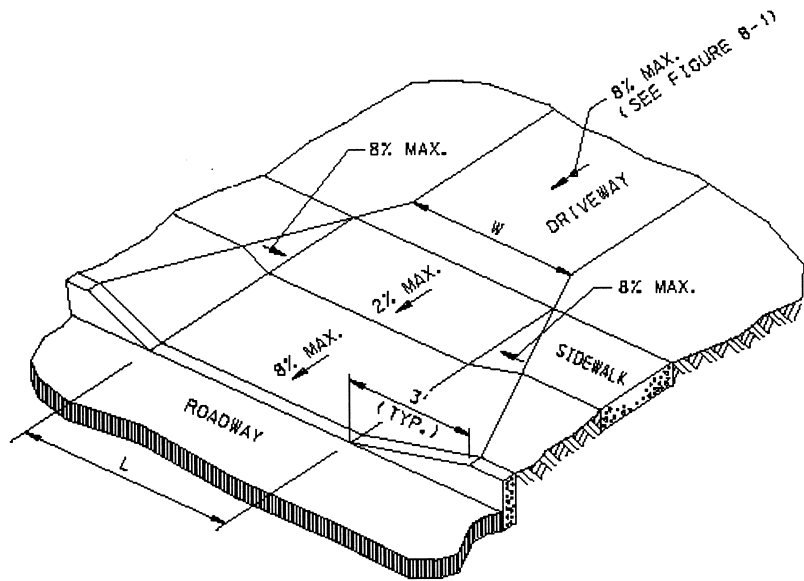


Figure 8-2



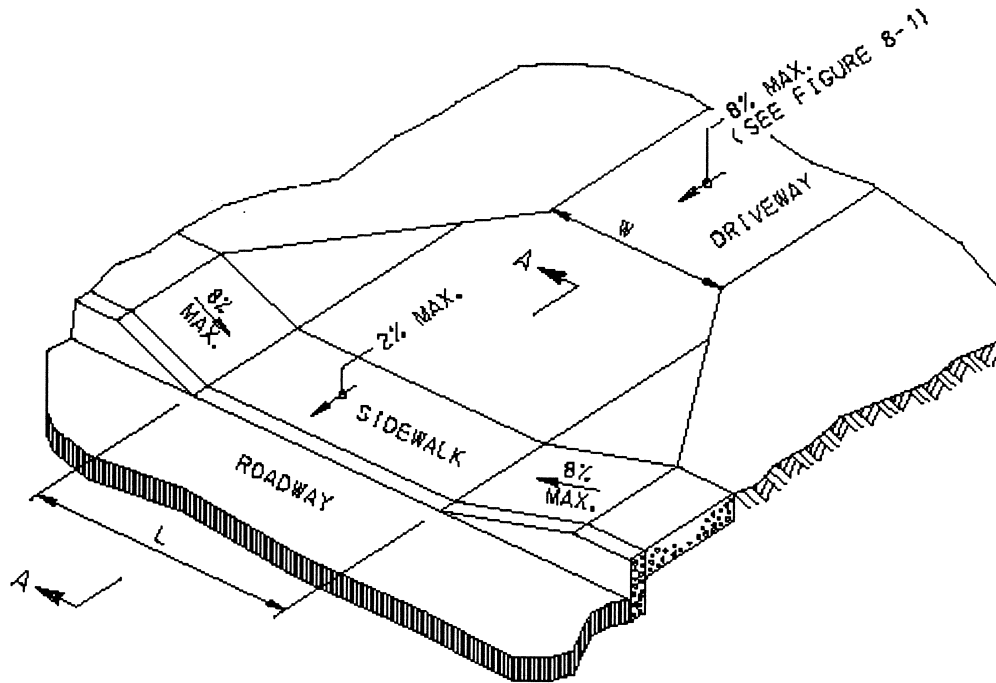
NOTE: The L distance shall be adequate to accommodate the largest vehicle expected to frequently use the driveway.

Figure 8-3



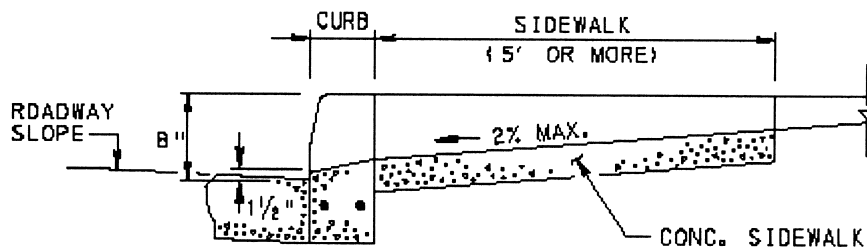
NOTE: The L distance shall be adequate to accommodate the largest vehicle expected to frequently use the driveway.

Figures 8-4 & 8-5



NOTE: The L distance shall be adequate to accommodate the largest vehicle expected to frequently use the driveway.

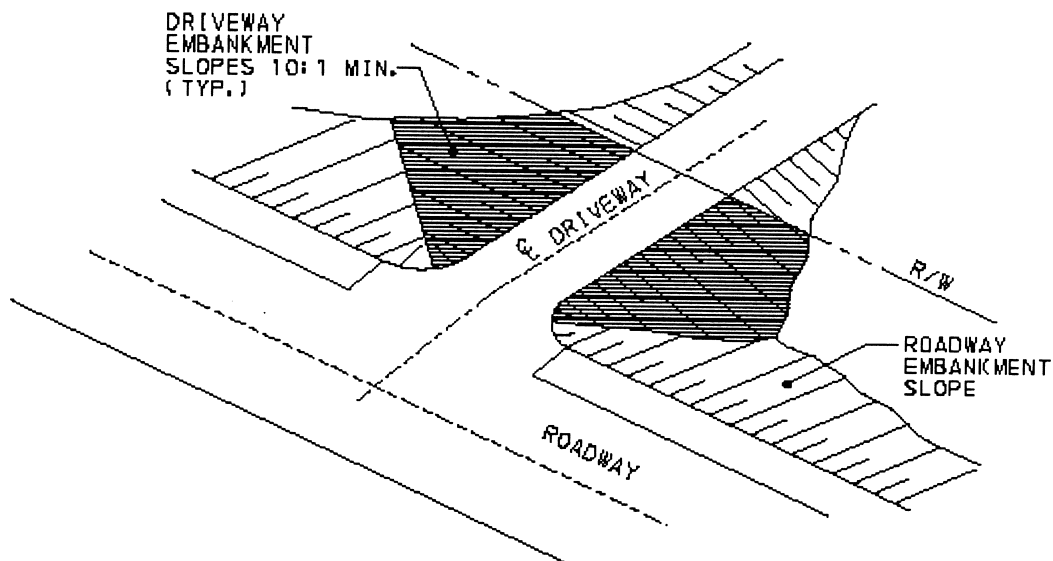
Figure 8-4



NOTE: Place curb consistent with RC-64M, Publication 72M.

FIGURE 8-5. (SECTION A-A OF FIGURE 8-4)

Figure 8-6



- (a) Where the roadway slope is 3:1 or flatter, the driveway embankment slopes shall be 10:1 or flatter.
- (b) Where the roadway slope is steeper than 3:1, the Department may authorize guiderail to be installed at the top of the roadway slope. If guiderail is present, steeper slopes may be authorized on the driveway embankment slopes.

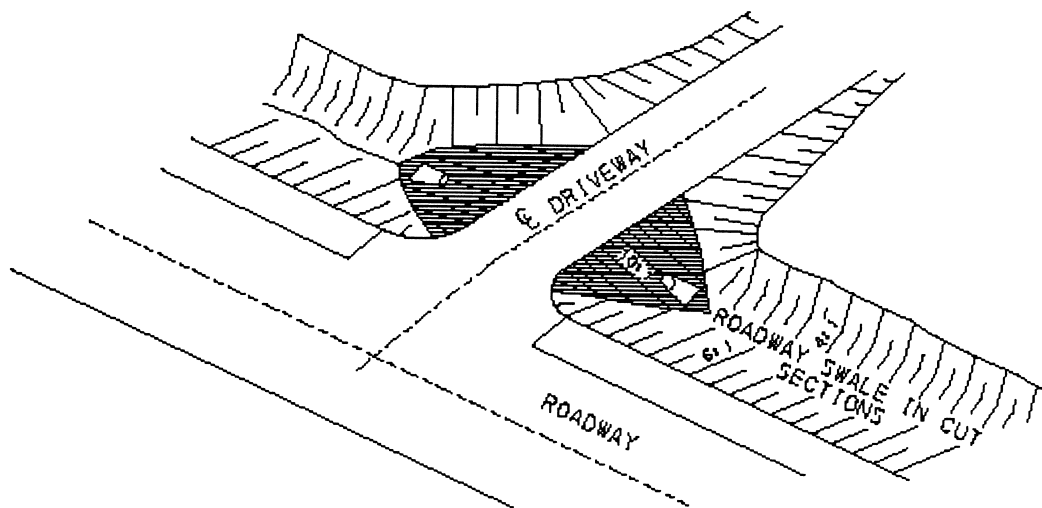


FIGURE 8-6. DRIVEWAY FILL SLOPES

§ 441.9. [ Driveway ] Typical access layout [ illustrations ] figures.

(a) **General rule.** Figures [ 7 ] 9-1 through [ 12 ] 9-5 illustrate and supplement the minimum design requirements described in this chapter. [ Although site conditions may not allow strict adherence to the dimensions shown in these illustrations, every effort shall be made to design and construct the safest and most efficient access onto the State highway. ] These typical figures are provided to assist applicants in developing the access plans which will accompany the application. Applicants shall use the appropriate typical figure as a guide to provide safe and efficient highway access.

(b) **Additional requirements.** The Department may also require the following:

(1) Additional access width to provide additional turning lanes for adequate traffic flow and highway safety.

(2) Restricted access dimension values, to accommodate only the largest vehicles or combinations which will frequently use the access.

(3) Additional access dimension values to accommodate vehicles which have a larger turning radius, including fire trucks and school buses, if these vehicles will frequently use the access.

(c) **Sidewalks.** Sidewalks must be designed and constructed consistent with Design Manual, Part 2, and section 676 of Publication 408. The applicant shall continue the prevailing sidewalk line along the property frontage, if sidewalk is constructed or replaced.

(d) **Curb ramps.** If curb exists or is to be constructed, the applicant shall comply with the following when constructing or replacing curb ramps at pedestrian crosswalks and at sidewalks:

(i) Americans With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) as implemented by 28 CFR Part 35 (relating to nondiscrimination on the basis of disability in state and local government services).

(ii) Americans With Disabilities Act Accessibility Guidelines (ADAAG) as implemented by 36 CFR Part 1191 (relating to Americans With Disabilities Act (ADA) accessibility guidelines for buildings and facilities).

(iii) Section 102(f) of the Highway Safety Act of 1966 (23 U.S.C.A. § 402(f)) regarding highway safety programs.

(iv) Section 1 of the act of May 20, 1976 (P. L. 129, No. 56) (53 P. S. § 1898) regarding purpose; authority to install.

(v) Design Manual, Part 2, where applicable.

(vi) Section 694 of Publication 408.

(vii) Roadway Construction Standard RC-67M for curb ramp construction or replacement at pedestrian crosswalks and at sidewalks, if curb exists or is to be constructed.

(*Editor's Note:* As part of this proposed rulemaking, the Department is proposing to delete Figures 7—12 on 67 Pa. Code pages 441-31—441-441-36, serial pages (216139) to (216144).)

Figure 9-1

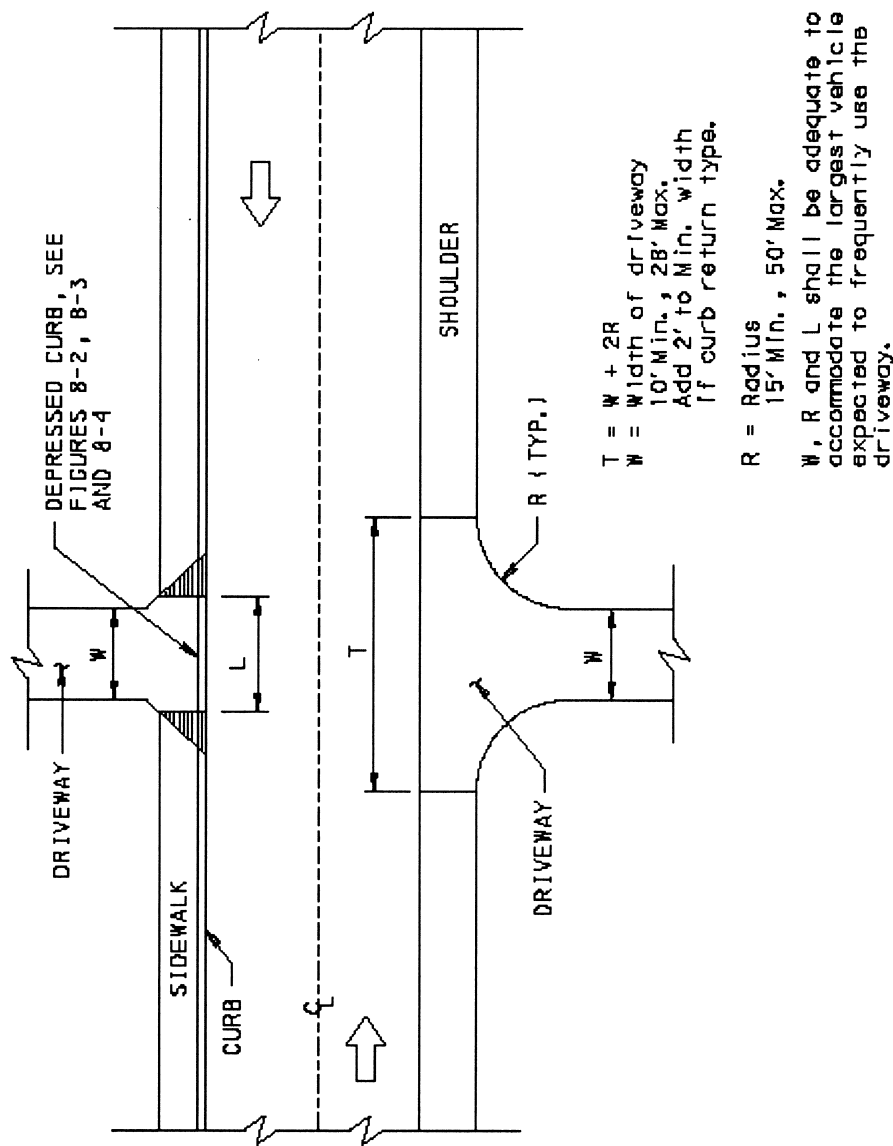


FIGURE 9-1. TYPICAL MINIMUM USE DRIVEWAY

Figure 9-2

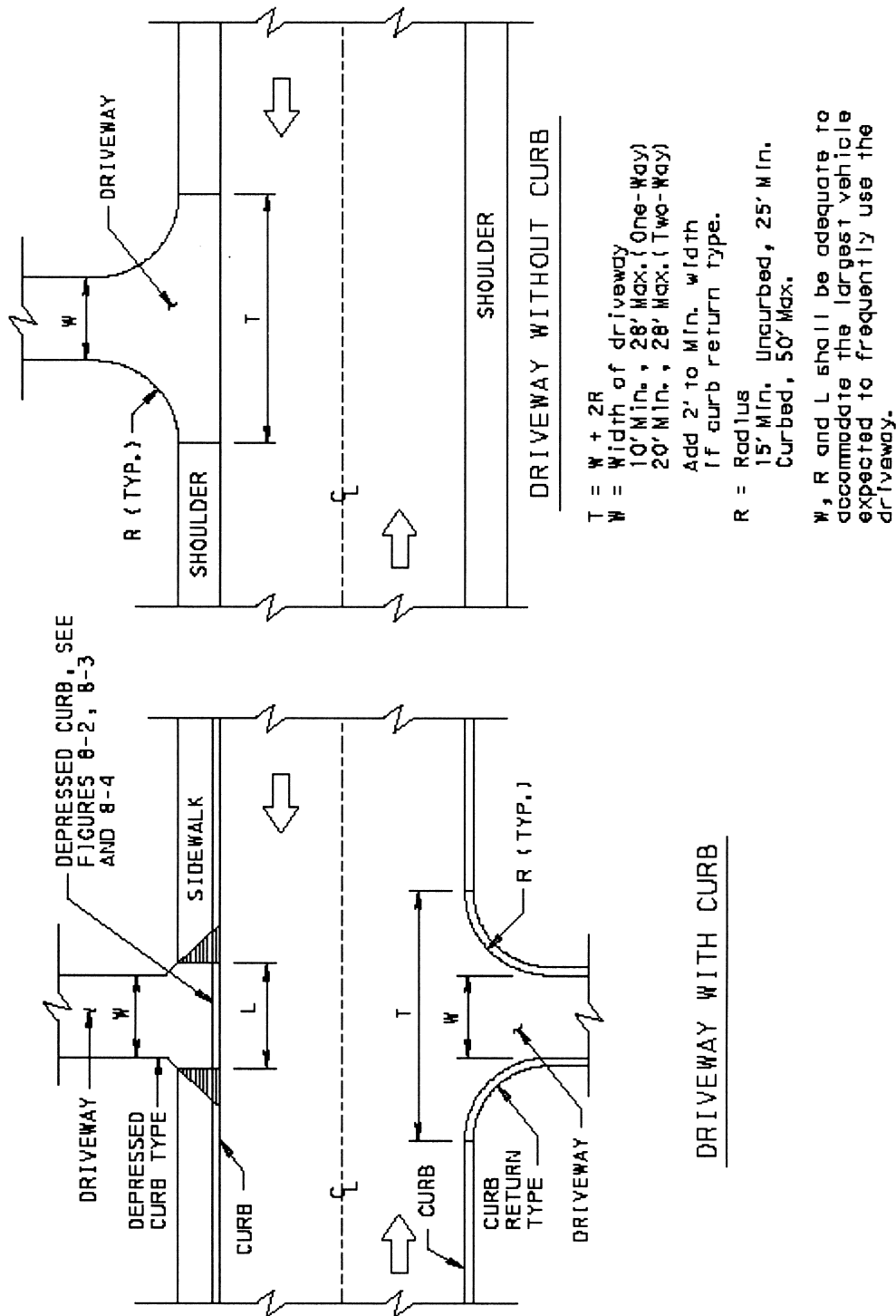


FIGURE 9-2. TYPICAL LOW VOLUME DRIVEWAY







## NOTES

1. This figure is merely one example of a high volume driveway.

Use the design requirements of this chapter and the notes for this figure when designing a high volume driveway to satisfy site conditions and anticipated traffic.

2. Design consistent with Design Manual, Part 2 and the AASHTO publication entitled "A Policy on Geometric Design of Highways and Streets."

3. Number and configuration of lanes as determined by a capacity analysis.

4. The need for auxiliary lanes and their required length shall be consistent with the criteria in Publication 282.

5. Provide signing consistent with Publications 236M, 68 (Chapter 211), and 111M. Provide pavement markings consistent with the MUTCD, Publication 68 (Chapter 211) and TC- 8600.

6. Provide signalization, if warranted, consistent with Publication 201M (Chapter 201) and the MUTCD.

7. Traffic signal design and operation shall be consistent with Publications 149, 148P and 68 (Chapter 211), and the MUTCD.

8. Align driveway across from another driveway or roadway whenever possible.

9. The need for channelization and the required type shall be based on site conditions and anticipated traffic. Design islands consistent with § 441.8(o)(3).

10. Provide Pedestrian accommodation consistent with § 441.9(c) and (d).

#### § 441.10. Penalties and enforcement.

(a) *General rule.* A violation of this chapter or the permit requirements **[shall constitute]** constitutes grounds for imposition of **[any or all]** one or more of the following penalties:

(1) Upon receipt of **[oral or]** written notice of a violation from **[the authorized]** a representative of the Department or a police officer whose jurisdiction includes the **[permitted]** work area, the permittee, **property owner or person performing the work** shall cease to perform further work in the **[permitted area]** right-of-way except to restore the area to a safe condition. Further work may not **[commence]** be performed in the **[permitted area]** right-of-way until the violation has been remedied or a permit or supplement has been obtained. **[If the permittee has received oral notice of the violation, written notice shall be sent to the permittee within 10 days of receipt of the oral notice.]**

\* \* \* \* \*

(4) The Department may **[block driveways or sever, remove or block drainage facilities constructed without a permit or in violation of this chapter.]** take the following actions:

(i) **If a permitted or unpermitted access or structure is designed, constructed, altered, repaired, maintained or used in violation of a condition of the permit or this chapter, or constitutes a hazard to traffic or interferes with the proper use of the highway by the Department or the general public,**

the Department may perform or require the following remedies to be performed, at the full cost and expense of the permittee or property owner:

(A) Block or limit the access.

(B) Sever, remove, block or unblock the structure.

(C) Bring the access or structure into conformance with the provisions of this chapter, the permit and requirements and standards of the Department.

(ii) The Department will provide written notice to the permittee or property owner in advance of an action specified in subparagraph (i) unless impracticable or because the violation, hazard or use creates a dangerous highway condition or an immediate threat to the general public.

(iii) The Department will provide an invoice to the permittee or property owner detailing costs incurred or to be incurred by the Department in taking an action specified in subparagraph (i), for which assessed and determined amount the permittee or property owner shall be finally liable to the Department, to be paid in full within 30 days after the invoice mailing date unless the permittee or property owner requests an administrative hearing within 30 days after the invoice mailing date, under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and Chapter 491 (relating to administrative practice and procedure).

\* \* \* \* \*

(6) **[The other action]** Other actions as may be deemed necessary or proper after consultation with the Office of Chief Counsel.

(7) Other conditions which may be specified on a Departmental Citation, Form M-945C.

(b) *Additional grounds for revocation.* Additional grounds for revocation **[shall be]** are as follows:

(1) The **[Secretary]** Department may revoke a permit whenever **[he]** it determines that **[the driveway or]** a structure or an access, its approaches, or their use **[constitute]** is not being maintained, is in violation of a condition of the permit or this chapter, constitutes a hazard to traffic or interferes with the proper use of the highway by the Department or the public.

(2) The Department may revoke a permit where it has provided written notification to the permittee or property owner that the Department requires changes in design, operation, location, maintenance of, or removal of an access or structure, and the permittee or property owner has failed to comply with the Department's requirements within a reasonable time period as determined by the Department.

(3) The **[director]** Department may revoke a permit for nonpayment of a fee **[specified]** authorized in § 441.4 (relating to permit fees) including default **[of]** on a check submitted for the payment.

(c) *Revocation procedure.* Prior to revocation of a permit, except for nonpayment as specified in **[paragraph]**

(2) ] subsection (b)(3), the [ applicant ] permittee or current property owner shall be given an opportunity for a hearing in accordance with 2 Pa.C.S. §§ 501—508 [ relating to practice and procedure of Commonwealth agencies ], 1 Pa. Code Part II and Chapter 491.

**§ 441.11. Modification of conditions.**

(a) *General rule.* When a term or condition of this chapter—other than § 441.8(h) (relating to driveway design requirements)—cannot be met, an applicant may request, in writing, that the district office modify that term or condition if it is not required by law, and shall provide justification acceptable to the Department, including evidence of each of the following:

(1) That the applicant has done everything that can reasonably be done to comply with the term or condition.

(2) That no other access is available to or from the property.

(3) That the proposed modification satisfies the intent of the term or condition to be modified.

(4) That the proposed modification represents the minimum feasible deviation from the term or condition to be modified.

(5) That the reason for the requested modification is the impracticability of meeting the exact terms or conditions of this chapter rather than mere economic benefit to the applicant.

(b) *Granting of modification.* The Department reserves the right not to grant a modification under this chapter. If a requested modification is granted, the permit will specify the allowable modification. A permit issued under authority of this section shall be signed only by the district executive or higher Departmental authority. The granting of a modification will be predicated on the applicant's complying with each of the following:

(1) Unless the applicant is excused in writing, the execution of a hold harmless and indemnity agreement acceptable to the Department, consistent with § 441.6(13) (relating to general conditions).

(2) Unless the applicant is excused in writing, the procurement of security acceptable to the Department guaranteeing highway restoration and maintenance costs, consistent with § 441.6(15).

(3) Unless the applicant is excused in writing, the procurement of public liability insurance for personal injury and property damage on behalf of the Department, its officers, agents and employees, in a form and amount acceptable to the Department, for the life of the access or structure.

(4) Unless the applicant is excused in writing, the execution of an agreement acceptable to the Department, consistent with § 441.5(f) (relating to issuance of permits).

(5) Permit conditions, including use restrictions, special traffic control devices, safety features and recording of the permit.

(c) *Restrictions.* A municipality authorized to issue permits for the Department may not modify a term or condition of this chapter without obtaining written authorization from the district executive. If the modification is granted by the district executive, the municipality shall require the applicant to provide security or satisfy other conditions required by the district executive. The municipality shall indemnify and hold harmless the Department for negligence by the municipality in issuing the permit.

(d) *Effect of modification upon third parties.* The modification of a term or condition by the Department does not create rights in a third party.

(e) *Right of appeal.* If a requested modification is not granted, the applicant may appeal under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and Chapter 491 (relating to administrative practice and procedure), by submitting a written request for a hearing within 30 days after the mailing of the document containing the determination, to the Administrative Docket Clerk, Office of Chief Counsel, 400 North Street, Harrisburg, Pennsylvania 17120-0041. A filing fee as prescribed under Chapter 491, made payable to the "Commonwealth of Pennsylvania," must accompany each request.

[Pa.B. Doc. No. 04-1816. Filed for public inspection October 1, 2004, 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 act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 21, 2004.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-21-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County  Purchase of assets/assumption of liabilities of three branch offices of Charter One Bank, N. A., Cleveland, OH  Located at: 1006 North Elmira Street Sayre Bradford County  1520 West 26th Street Erie Erie County  1702 East 38th Street Erie Erie County	Philadelphia	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-15-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Erie WalMart 2711 Elm Street Erie Erie County	Opened
9-15-04	Irwin Bank & Trust Company Irwin Westmoreland County	20 North Pennsylvania Avenue Suite 204 Greensburg Westmoreland County	Opened

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1817. Filed for public inspection October 1, 2004, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Consolidated Plan for Federal Fiscal Years 2004-2008; Public Meeting

The Department of Community and Economic Development (Department) proposes to adopt the Commonwealth's Action Plan (Plan) for Federal Fiscal Year (FFY) 2005 and the program year that starts on January 1, 2005. The Plan is an update of the Commonwealth's Consolidated Plan for FFY 2004-2008 (Consolidated Plan). The Plan is the first annual update of the Consolidated Plan submitted by the Commonwealth.

The Plan updates documents previously submitted to the United States Department of Housing and Urban Development (HUD). These documents include the nonhousing community development plan and any changes that the Department may have implemented concerning the four programs administered by the Commonwealth. The programs administered by the Department are the Community Development Block Grant, the Home Investment Partnerships and the Emergency Shelter Grant programs. The Department of Health administers the Housing Opportunities for Persons with AIDS program.

This summary is designed to provide an opportunity for citizens, local governmental officials and interested organizations of this Commonwealth to comment on the Plan. Written comments should be submitted to Karen Overly Smith, Center for Community Building, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by October 18, 2004, to be included as testimony in the Plan.

### Public Meeting

The public meeting will be conducted electronically by means of the Internet. The format will be more accessible in that persons who wish to make a comment or discuss policy may participate directly from their personal computer or from a computer location at their public library. Access to the discussion by means of the Internet will occur between 10 a.m. and 1 p.m. on October 28, 2004. This more widely available personal computer access will replace the usual public meeting.

Individuals or organizations may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, the content of the Plan and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Persons who wish to participate must register in advance online by means of the Internet. Contact Karen Overly Smith at (717) 214-5340 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. Internet public meeting access will be open from 10 a.m. to 1 p.m. on October 28, 2004. During the meeting, if support is required, call (866) 224-4890, enter the pin number 6315 and then press the pound (#) sign.

### Purpose

The Plan is the first update to the 5-year Consolidated Plan. This Plan will describe how the programs will be

administered in 2005. HUD must approve this Plan for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. Applicants for funding from Federal housing programs must obtain certification that their proposed use of HUD assistance will be consistent with the applicable Plan for the area. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Plan will have a major impact on the types, location and number of affordable housing units generated and preserved in this Commonwealth as well as the infrastructure and public facilities, services and other economic and community development initiatives that Commonwealth communities will undertake.

### Content

The Consolidated Plan was substantially changed for FFY 2004 by incorporating outcome measures for housing and community development programs. One minor update is included in the Plan. That update is a better description of how the Commonwealth will utilize funding under the American Dream Downpayment Initiative.

### Public Review

The Consolidated Plan is available on the Internet or in hardcopy for public comment October 4, 2004, through November 4, 2004, at county offices, Department regional offices and 27 district libraries in this Commonwealth. Call (717) 214-5340 for locations.

Audio cassette copies of the Consolidated Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind, Patricia Summers, Coordinator, Harrisburg Area Radio Reading Services, 1800 North Second Street, Harrisburg, PA 17102, (717) 238-2531.

The draft Plan can be viewed on the Internet at [www.inventpa.com](http://www.inventpa.com). The final Plan will be made available again at these same locations following HUD approval.

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 04-1818. Filed for public inspection October 1, 2004, 9:00 a.m.]

# DEPARTMENT OF EDUCATION

## Application of Allentown Business School for Approval of Changes to Status, Name and Articles of Incorporation

### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Allentown Business School for a Certificate of Authority approving the institution's change of status to a 2-year academic degree granting college, change of name to Lehigh Valley College and change of its Articles of Incorporation to reflect this change in status.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing,

unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.25 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Interested parties wishing to initiate hearing procedures must file a notice of intervention, petition to intervene or protest and a request for hearing within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

Petitions to intervene, protests and requests for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623) on or

before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula Fleck at (717) 772-3623 to discuss how the Department can best accommodate their needs.

GERALD L. ZAHORCHAK, Ed.D.,

*Acting Secretary*

[Pa.B. Doc. No. 04-1819. Filed for public inspection October 1, 2004, 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

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0056375	Linda and Steve Ziegler 2020 Broad Street Perkasie, PA 18944	Bucks County Hilltown Township	Deep Run	Y
PA0057185	Edward and Nhung Sweeney 1941 Ridley Creek Road Media, PA 19063	Delaware County Upper Providence Township	Ridley Creek	Y

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0060658 Sewage	Washington Park Sanitary Company 1199 Laurel Run Road Wilkes-Barre, PA 18702-9979	Wyoming Washington Township	UNT to North Branch Susquehanna River 4G	Y
PA0063169 Minor Industrial	Pocono Food, Inc. Route 611 Mount Bethel, PA 18343	Northampton County Upper Mount Bethel Township	Allegheny Creek 1F	Y

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0100617 IW	GKN Sinter Metals 15420 Route 120, Box 493 Emporium, PA 15834-9797	Emporium Borough Cameron County	West Creek 8-A	Y
PA0010651 IW	GKN Sinter Metals 15420 Route 120, Box 493 Emporium, PA 15834-9797	Shippin Township Cameron County	Portage Creek 8-A	Y

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0002976	Zippo Manufacturing Company 33 Barbour Street Bradford, PA 16701-2906	City of Bradford McKean County	East Branch Tunungwant Creek 16-C	Y
PA0220931	Butler Country Club P. O. Box 348 Butler, PA 16003	Penn Township Butler County	Unnamed tributary to Thorn Creek 20-C	Y
PA0101010	Extendicare Homes, Inc. d/b/a Abington Crest Nursing Center 1267 South Hill Road Erie, PA 16509	Summit Township Erie County	Unnamed tributary to Walnut Creek 15-WC	Y

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

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

**PA0020915-A1**, Sewage, **Pine Grove Joint Treatment Authority**, 6 Longstretch Road, P. O. Box 426, Pine Grove, PA 17963. This proposed facility is in Pine Grove Township, **Schuylkill County**.

Description of Proposed Activity: Amendment of NPDES permit to discharge treated sewage at a revised outfall location.

The receiving stream, Swatara Creek, is in the State Water Plan watershed no. 7D and classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Dauphin Consolidated Water Supply is on the Susquehanna River, approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.5 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Phosphorus as "P"	2	3	4
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	.5		1.2
Dissolved Oxygen	minimum of 6 at all times		

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

**PA0086282**, Industrial Waste, SIC Code 4422, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056. This facility is in East Hanover Township, **Dauphin County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, unnamed tributary to Bow Creek, is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Pennsylvania American Water Company on the Swatara Creek at Sand Beach, approximately 6 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 0.14 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
pH			from 6.0 to 9.0 inclusive		
Total PCBs			$9.77 \times 10^{-8}$	$1.95 \times 10^{-7}$	$1.95 \times 10^{-7}$

Individuals may make an appointment to review the Department 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.*

**PA0228834**, Sewage 4952, **River Hill Power Company, LLC.**, 94 Spruce Street, Indiana, PA 15701-8424. This proposed facility is in Karthaus Township, **Clearfield County**.

Description of Proposed Activity: Proposing Outfall 002 from a new biological packaged sewage treatment plant to be at the proposed facility.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 8D and classified for WWF. The nearest downstream public water supply intake is on the West Branch Susquehanna River, approximately 120 miles downstream of the proposed point of discharge near Milton, PA.

The proposed effluent limits, based on a design flow of 0.006 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Flow		Report
Fecal Coliform		
(5-1 to 9-30)	200/100 mL	
(10-1 to 4-30)	2,000/100 mL	
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Chlorine Residual	1.0	2.3
pH	within the range of 6.0 to 9.0	

**PA0010421**, Industrial Waste SIC, 3089, **West Pharmaceutical Services Inc.**, 6453 US Route 15, Montgomery, PA 17752. This existing facility is in Clinton Township, **Lycoming County**.

Description of Proposed Activity: Renewal of an NPDES permit for an existing discharge of noncontact cooling, treated sewage and process waters.

The receiving stream, Black Hole Creek, is in the State Water Plan watershed 10C and classified for TSF. The nearest downstream public water supply intake for the Pennsylvania American Water Company is on West Branch Susquehanna River, 12 miles below the point of discharge.

The proposed effluent limits for Outfall 002 noncontact cooling water based on a design flow of 0.075 mgd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow	Report	Report			
pH					
Total Chlorine Residual			0.75		1.0
Heat = $Q_d \cdot 8.34 \cdot (T_d - T_r)$ = Million Btu					
$Q_d$ = Discharge mgd, $T_d$ = Discharge °F, $T_r$ = Reference °F					

<i>Heat</i>	<i>Reference Temperature</i>	<i>Million Btu Maximum Daily</i>
(1-1 to 1-31)	40	62
(2-1 to 2-29)	40	56
(3-1 to 3-31)	46	158
(4-1 to 4-15)	52	90
(4-16 to 4-30)	58	270
(5-1 to 5-15)	64	99
(5-16 to 5-31)	68	165
(6-1 to 6-15)	70	29
(6-16 to 6-30)	72	48
(7-1 to 7-31)	74	5
(8-1 to 8-15)	80	41
(8-16 to 8-31)	87	72
(9-1 to 9-15)	84	67
(9-16 to 9-30)	78	46
(10-1 to 10-15)	72	66
(10-16 to 10-31)	66	43
(11-1 to 11-15)	58	72
(11-16 to 11-30)	50	31
(12-1 to 12-31)	42	46
Temperature	shall not change the steam temperature by more 2°F in any 1-hour period	

The proposed effluent limits for Outfall 003 treated sewage water based on a design flow of 0.009 mgd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow	Report	Report			
pH					
CBOD <sub>5</sub>			10		20
TSS			10		20
Total Chlorine			1.0		3.3
Fecal Coliform	less than 200/100 ml as a geometric mean nor greater than 1,000/100 ml in more than 10% of the samples tested				

The proposed effluent limits for Internal Outfall 202 treated process water based on a design flow of 0.006 mgd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow	Report	Report			
pH					
BOD <sub>5</sub>	1.1	2.5			61
TSS	1.8	5.6			146
Oil and Grease			15		30
Total Copper			0.59	1.2	

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

**PA0092380**, Industrial Waste, SIC, 3679, **Warek Manufacturing Company, Inc.**, P. O. Box 70, Main Street, Whitney, PA 15693. This application is for renewal of an NPDES permit to discharge noncontact cooling water in Unity Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Nine Mile Run, 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 Buffalo Township Municipal Authority at Freeport, greater than 50 miles below the discharge point.



*Outfall 001:* existing discharge, design flow of 0.0055 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
Total Residual Chlorine				0.5	1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0205028**, Industrial Waste, SIC, 5171, **BP Exploration & Oil, Inc.**, 4850 East 49th Street, CC-11, Cleveland, OH 44125. This application is for renewal of an NPDES permit to discharge treated stormwater from the Greensburg Terminal in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Jacks Run, 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 Westmoreland County Municipal Authority—McKeesport, P. O. Box 730, Greensburg, PA 15601, 39.9 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.0087 mgd (Interim Limits).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			Monitor and Report		
Oil and Grease			15		30
Aluminum			Monitor and Report		
Iron			Monitor and Report		
Benzene			Monitor and Report		
Total BTEX			Monitor and Report		
Ethylbenzene			Monitor and Report		
Toluene			Monitor and Report		
Xylenes, Total			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001:* existing discharge, design flow of 0.0087 mgd (Final Limits).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30		75
Oil and Grease			15		30
Aluminum			0.68		1.7
Iron			2.1		5.25
Benzene			0.001		0.0025
Total BTEX			0.1		0.25
Ethylbenzene			Monitor and Report		
Toluene			Monitor and Report		
Xylenes, Total			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0030350**, Sewage, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926. This application is for renewal of an NPDES permit to discharge treated sewage from the Lakewood Sewage Treatment Plant in Indian Lake Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Lake, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Hooversville Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.012 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
((5-1 to 9-30) (10-1 to 4-30))	200/100 ml as a geometric mean			
Total Residual Chlorine	2,000/100 as a geometric mean			
pH	1.4			3.3
	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0090557**, Sewage, **Extendicare Health Services, Inc.**, 257 Georgetown Road, Beaver Falls, PA 15010. This application is for renewal of an NPDES permit to discharge treated sewage from the Beaver Valley Nursing & Rehabilitation Center STP in South Beaver Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale of Painter Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the East Liverpool Water Works.

*Outfall 001*: existing discharge, design flow of 0.015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0092886**, Sewage, **Southeastern Greene School District**, 1000 Mapleton Road, Greensboro, PA 15338. This application is for renewal of an NPDES permit to discharge treated sewage from the Mapleton High School Sewage Treatment Plant in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Whiteley Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Masontown Waterworks on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.007 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.08			0.18
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

---

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

**PA0026832, Amendment No. 1**, Sewage, **Ellwood City Borough**, 525 Lawrence Avenue, Ellwood City, PA 16117. This proposed facility is in Ellwood City Borough, **Lawrence County**.

Description of Proposed Activity: Permit amendment for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>, NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale intake on the Beaver River, approximately 8.5 miles below point of discharge.

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

The proposed effluent limits for Outfall 005—008 are based on a design flow of N/A mgd:

The discharges shall consist of uncontaminated stormwater runoff from the treatment plant site.

Special Conditions: Stormwater best management practices; and sanitary sewer overflows.

The EPA waiver is not in effect.

**PA0020257**, Sewage, **Borough of Grove City**, Greenwood Drive, Grove City, PA 16127-0110. This proposed facility is in Grove City Borough, **Mercer County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Salvation Army—Camp Allegheny intake on the Slippery Rock Creek, approximately 25 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 3.0 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX	XX			
CBOD <sub>5</sub>					
(5-1 to 10-31)	375	560	15	22.5	30
(11-1 to 4-30)	625	1000	25	40	50
Total Suspended Solids	750	1125	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	87.5		3.5		7
(11-1 to 4-30)	250		10		21
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a geometric average			
(10-1 to 4-30)		3,600/100 ml as a geometric average			
Total Residual Chlorine		0.39			1.27
Dissolved Oxygen		minimum of 5 mg/l at all times			
pH		6.0 to 9.0 standard units at all times			

XX—Monitor and Report

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

This discharge shall consist of uncontaminated stormwater runoff from the treatment plant site.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 2304404**, Sewerage, **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342-1341. This proposed facility is in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a pumping station for a development of 22 twin houses, 28 town houses and 2 existing houses.

**WQM Permit No. 1504411**, Sewerage, **London Grove Township Municipal Authority**, 372 Rosehill Road, Suite 300, West Grove, PA 19390. This proposed facility is in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewer line and pumping station.

**WQM Permit No. 0904414**, Sewerage, **Chalfont and New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901. This proposed facility is in New Britian Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a 124-unit residential subdivision and pump station.

**WQM Permit No. 0904201**, Sewerage, **North Penn and North Wales Water Authority**, 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is in Chalfont Borough, **Bucks County**.

Description of Proposed Action/Activity: Expanding plant capacity from 30 mgd to 43 mgd.

**WQM Permit No. 4604413**, Sewerage, **Borough of Conshohocken Authority**, 601 East Elm Street, Conshohocken, PA 19428-1914. This proposed facility is in Conshohocken Borough, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of 5 building consisting 375 apartments and clubhouse.

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

**WQM Permit No. 3604413**, Sewerage, **East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519. This proposed facility is in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction of a submersible pumping station for the Blue Ball Commons Development.

**WQM Permit No. 2104405**, Sewerage, **Borough of Shippensburg Sewer Authority**, 111 North Fayette Street, P. O. Box 129, Shippensburg, PA 17257-0129. This proposed facility is in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for the construction of upgrades to a wastewater treatment plant.

**WQM Permit No. 2170410 04-1**, Sewerage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428. This proposed facility is in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization for the construction modification of an existing chlorine contact tank to UV disinfection and operation of the new process.

**WQM Permit No. 0604203**, Industrial Waste, **Sunsweet Growers, Inc.**, 105 S. Buttonwood Street, Fleetwood, PA 19522. This proposed facility is in Fleetwood Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization for the replacement of a wastewater lagoon liner.

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

**WQM Permit No. 2604402-A1**, Sewerage, **Brownsville Municipal Authority**, P. O. Box 330, Brownsville, PA 15417. This proposed facility is in Brownsville Borough, **Fayette County**.

Description of Proposed Action/Activity: Application for the modification and operation of a sanitary sewer system improvement project phase II to serve the Brownsville WWTP.

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

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

**WQM Permit No. 6104405**, Sewerage, **Sugarcreek Borough**, 212 Fox Street, Franklin, PA 16323. This proposed facility is in Sugarcreek Borough, **Venango County**.

Description of Proposed Action/Activity: This project is for the construction of a wastewater collection system to serve SR 417, Cherrytree Road, Warren Road, Keely Road, Seysler Road and Front Street areas and will include gravity sewers, pump stations and new sewers along with rehabilitation of existing sewer lines.

---

#### **IV. NPDES Applications for Stormwater Discharges from MS4**

---



---

#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

---



---

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

---

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904010	Cabot Supermetals Demolition/Site Restoration at CSM	Bucks	Nockamixon Township	Rapp Creek EV
PAI010904011	Steven Grabowski Property 6550 Meetinghouse Road New Hope, PA 18938	Bucks	Solebury Township	Aquetong Creek HQ
PAI011504066	Southdown Homes, LP Porter Tract 55 Country Club Drive, Suite 200 Downingtown, PA 19335	Chester	West Vincent Township	Pickering Creek HQ
PAI011504067	Sisters, Servants of the Immaculate Heart Villa Maria House of Studies 1140 King Road Malvern, PA 19355	Chester	East Whiteland Township	Ridley Creek HQ-TSF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504068	Honey Brook Partners Evergreen Ridge III Subdivision 2500 East High Street, Suite 610 Honey Brook, PA 19464	Chester	Honeybrook Township	Unnamed tributary Pequea Creek HQ-CWF
PAI011504069	Bancroft Development Hunt Meadow Subdivision 44 Bancroft Mill Wilmington, DE 19806	Chester	East Nantmeal Township	Beaver Creek HQ-TSF-MF
PAI011504070	Zook Molasses Company Building Additions—Expanded Parking 4960 Horseshoe Pike P. O. Box 160 Honey Brook, PA 19344	Chester	Honeybrook Township	Unnamed tributary West Branch Brandywine Creek HQ-TSF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504022	Sciota Village Estates, Inc. P. O. Box 245 Sciota, PA 18354	Monroe	Hamilton Township	Lake Creek HQ-CWF McMichael Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033104001	John G. Gilliland Wild Cherry Subdivision 1 War Path Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	Warriors Mark Run HQ-CWF
PAI033604007	Stephen J. Barr & John D. Byler Subdivision P. O. Box 7 Gap, PA 17527	Lancaster	Brecknock Township	UNT Pequea Creek HQ-WWF
PAI033604005	Frey Brothers Manufacturing, Inc. 372 Puseyville Road Quarryville, PA 17566	Lancaster	East Drumore and Little Britian Townships	UNT to West Branch Octoraro Creek HQ-CWF
PAI033604006	Soco Enterprises, Inc. 1330 Charlestown Road Phoenixville, PA 19460	Lancaster	Earl and East Earl Townships	Mill Creek HQ-CWF
PAI003604008	Donegal Presbyterian Church 1891 Donegal Springs Road Mount Joy, PA 17552-8900	Lancaster	East Donegal Township	Donegal Springs HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS804805 Stormwater	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Centre	Union Township	Spring Creek HQ-CWF

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

*Washington County Conservation District: 602 Court House Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056304006	North Strabane Township Municipal Authority 1959 Route 519 South Canonsburg, PA 15317	Washington	North Strabane Township	Little Chartiers Creek HQ-WWF

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.  
Crawford Conservation District, (814) 724-1793.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI062003002(1)	Richard Astor Conneaut School District 219 West School Drive Linesville, PA 16424	Crawford	Sadsbury Township	Tributary Conneaut Lake HQ

*Jefferson Conservation District, (814) 849-7463.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI063303002(1)	Department of Transportation 2550 Oakland Avenue Indiana, PA 15701	Jefferson	Washington Township	Horn Run CWF Falls Creek HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from 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

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

#### Permit No. 4904501, Public Water Supply.

Applicant	Municipal Authority of the City of Sunbury
Township or Borough	City of Sunbury
County	Northumberland
Responsible Official	Dan Ramer, General Manager Municipal Authority of the City of Sunbury 462 South Fourth Street Sunbury, PA 17801
Type of Facility	PWS—Construction.
Consulting Engineer	John P. Mazich, P. E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Application Received Date	September 20, 2004
Description of Action	Addition of process chemicals, new liquid chemical feeder and a streaming current detector.

### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth

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

**WA39-272D, Water Allocations, Northampton Borough Municipal Authority, 1 Clear Springs Drive, Northampton, PA 18067-0156, Northampton Borough, Lehigh and Northampton Counties.** This applicant proposes to modify their existing service area in Allen Township to include the entire Township. All other service areas of Northampton Borough, Whitehall Township,

Coplay Borough, North Catasauqua Borough and North Whitehall Township remain unchanged. There is no change in the permitted withdrawals from the Lehigh River and Spring Creek.

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Houghton Intl, Inc.**, Lower Providence Township, **Montgomery County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington St., Norristown, PA 19401 on behalf of Larry Steward, Houghton Intl Inc., 945 Madison Ave., Norristown, PA 19403 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with no. 2 fuel oil. The intended future use of the subject property is to remain as a commercial/light industrial facility.

**Union Cleaners**, City of Philadelphia, **Philadelphia County**. Jason Free, RT Environmental Svcs., Suite 306, Pureland Complex, 510 Heron Drive, P.O. Box 521, Bridgeport, NJ 08014 on behalf of John Capoferri, Leverington Holdings, LP, 8038 Crittenden, Philadelphia, PA 19118 has submitted a Notice of Intent to Remediate. Mineral spirits released from an underground storage tank system was the primary contaminate in groundwater. Groundwater was impacted by naphthalene and 1,2,3 trimethylbenzene. Intended future use is for residential dwellings.

**East Rockhill Township Spill Site**, East Rockhill Township, **Bucks County**. Samuel Kucia, Environmental Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Steve Funk, East Rockhill Township, 1622 Ridge Rd., Perkasio, PA 18944 has submitted a Notice of Intent to Remediate. A tractor-trailer overturned while traveling southbound on Route 563 and subsequently released petroleum product that impacted the surface soil onsite. Soil at the site has been impacted by diesel fuel. There are no future plans for the development of the subject property.

**Salmon and Butler Streets Site**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Svcs., Inc., 215 W. Church Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. This site consists of several properties at 2655 and 2701 East Castor Ave. as well as 3715 and 3755 East Thompson St. Soil at the site has been impacted with metals and PHA; groundwater at the site has been impacted with benzene and lead. Future use of the property will be as a retail department store.

**Umbria Street Property**, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., 3001 Market St., Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by inorganics and PAH; chlorinated solvents have impacted groundwater at the site. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on September 2, 2004.

**Boeing Company/Center North Site**, Ridley Township/Eddystone Borough, **Delaware County**. Brian McGuire, Langan Engineering & Environmental Services, Inc., River Dr. Center 1, Elmwood Park, NJ 07407 on behalf of Daniel Meyer, The Boeing Co., P. O. Box 16858, MA P29-02, Philadelphia, PA 191425 has submitted a Notice of Intent to Remediate. The site is currently utilized for the production of rotorcraft and associated components. Chlorinated solvents, other organics and inorganics have impacted soil and groundwater at the site. Metals contamination from historic industrial site operations. Anticipated future site use is nonresidential.

**Porter Instrument Co., Inc.**, Franconia Township, **Montgomery County**. Bruno M. Mercuri, Mercuri and

Assoc., Inc., 627 Hampton Ave., Southampton, PA 18966 has submitted a Notice of Intent to Remediate. Pump contaminated groundwater from the aquifer and treat by means of granular activated carbon filters prior to discharge to an unnamed tributary of Skippack Creek. Use of the property will continue to be industrial. A summary of the Notice of Intent to Remediate was published in *The Reporter* on August 9, 16, 23 and 30, 2004.

**Skelp Level Road**, East Bradford Township, **Chester County**. Jon M. Mollison, Golder Assoc., Inc., 1100 Hector Ave., Suite 225, Conshohocken, PA 19428 on behalf of Sonoco Products Co., 1 N. 2nd St., Hartsville, SC 29550 has submitted a Notice of Intent to Remediate. The landfill portion of the site was used for the disposal of recycled paper, products rejects and possibly other materials generated as part of a paperboard manufacturing operation from 1968 until the early 1970s. Soil and groundwater at the site have been impacted with arsenic. The future use of the property is to preserve it as greenspace woodlands and a nature preserve with limited public access.

**131 Rockhill Road Property**, Lower Merion Township, **Montgomery County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA on behalf of Richard Heany, OPG Residential Holdings, LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. A gasoline and diesel fuel underground storage tanks were removed. Soil and groundwater at the site were impacted by leaded gasoline, diesel fuel and unleaded gasoline. The future intended use of the property is for residential purposes.

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

**Jiffy Lube No. 341**, City of Wilkes-Barre, **Luzerne County**. David Teeter, Teeter Environmental Services, Inc., R. R. 1, Box 124B, Sayre, PA 18840 has submitted a Notice of Intent to Remediate (on behalf of Rochester Lube LLC, 668 North Coastal Highway, Laguna Beach, CA 92651) concerning the remediation of soils found or suspected to have been impacted by waste motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the notice is expected to be published in *The Times Leader* on or about September 21, 2004.

**Country Crest Mobile Home Park—Lot 27**, Lehman Township, **Luzerne County**. Stephen B. Fulton, P. E., P. G., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797 has submitted a Notice of Intent to Remediate (on behalf of Community Banks, c/o Ray Granger, Vice President, P. O. Box 350, Millersburg, PA 17061) concerning the remediation of soils found or suspected to have been impacted by home heating oil as the result of an accidental release from an aboveground tank. The applicant proposes to remediate the site to meet the residential Statewide Health Standard. A summary of the notice was expected to have been published in *The Times Leader* on or about September 10, 2004.

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

**C. E. Kelly Support Facility/Neville Island Maintenance Facility**, Neville Island, **Allegheny County**. John Mason, CH2MHILL, 1700 Market Street, Suite 1600, Philadelphia, PA 19103 (on behalf of Steven R. Lenney, Charles E. Kelly Support Facility, 6 Loubaugh

Street, Oakdale, PA 15701) has submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Site-Specific. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on August 27, 2004.

**Bernard Yuzawich (Tanker Truck Spill Site)**, Borough of Monroeville, **Allegheny County**. Mark Burrell, Shaw Environmental, Inc., 2790 Mossdale Boulevard, Monroeville, PA 15146 (on behalf of Bernard Yuzawich, 1015 Penn Avenue, Pittsburgh, PA 15221 and Rhonda Giovannitti, Sunoco, Inc. (R & M), 5733 Butler Street, Pittsburgh, PA 15201) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on December 22, 2003.

**Ionics, Inc.**, Borough of Bridgeville, **Allegheny County**. Kenneth Battyanyi, Four Gateway Center, 444 Liberty Ave., Suite 700, Pittsburgh, PA 15222 (on behalf of Randolph Gounder, Ionics, Inc., P. O. Box 99, 3039 Washington Pike, Bridgeville, PA 15017) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics and chlorinated solvents. The applicant proposes to remediate the site to meet the Background and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bridgeville Area News* on September 30, 2004.

**LTV Steel Company, Inc. Coke Plant**, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Bill Widdoes, ALMONO, LP, c/o RIDC, 425 6th Avenue, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on August 27, 2004.

#### MUNICIPAL WASTE GENERAL PERMITS

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM028. Granger Electric of Morgantown, LLC**, 16980 Wood Road, Lansing, MI 48906-1044. The Department, Bureau of Land Recycling and Waste Management, has received an application for General Permit WMGM028. The application is for the processing and beneficial use of landfill gas, generated at Conestoga Landfill, as an alternative fuel for an electrical generator proposed to be installed at the landfill. The electricity produced will be: (1) used by the Conestoga Landfill for its daily needs; (2) transmitted to the local electric utility grid; and/or (3) distributed for



direct consumers use. The Department determined the application to be administratively complete on September 17, 2004.

Comments concerning the application should be directed to 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. Persons interested in obtaining more information about the general permit application should contact the Division at (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

**36-03141B: Kellogg USA, Inc.** (2050 State Road, Lancaster, PA 17604) for replacement of their boiler burners with larger burners in their East Hempfield Township, **Lancaster County** facility.

**67-05001B: LWB Refractories Co.** (232 East Market Street, P. O. Box 1189, York, PA 17404) for installation of a regenerative thermal oxidizer on tunnel kilns TK5 and TK6 in their West Manchester Township, **York County** facility. The RTO will reduce VOC emissions.

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

**14-00002F: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) for construction of a pulverized limestone system and installation of associated air cleaning devices (fabric collectors) in Spring Township, **Centre County**.

**08-399-045A: OSRAM Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for construction of a new thermal spray system and associated air cleaning device, a HEPA filter, in North Towanda Township, **Bradford County**.

**08-399-023F: OSRAM Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for installation of a replacement fabric collector to control emissions from metal powder handling equipment in their Grade Mix Powder Department in North Towanda Township, **Bradford County**.

**08-399-019D: OSRAM Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for construction of a new Corp digestion reactor in their Cobalt Chemical Division to be utilized as a backup reactor in North Towanda Township, **Bradford County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act 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.*

**46-0167: Montgomery County Geriatric and Rehabilitation Center** (1600 Black Rock Road, Royersford, PA 19468) for modification of two existing boilers rated at 14.3 mmBtu/hr and 14.3 mmBtu/hr (boilers) at the Montgomery County Geriatric and Rehabilitation Center long-term care nursing facility at 1600 Black Rock Road, Upper Providence Township, **Montgomery County**. The modification of the boilers may result in the emissions of:

6.56 tons per year of NO<sub>x</sub>; 5.08 tons per year of CO; 4.88 tons per year of SO<sub>x</sub>; 1.46 tons per year of PM; 2.24 tons per year of VOCs; and 2.24 tons per year of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0005Y: Merck and Co., Inc.** (P. O. Box 4, WP20-208, 770 Sumneytown Pike, West Point, PA 19486-0004) for installation of an alternate operating scenario of their pharmaceutical manufacturing processes at their Merck pharmaceutical manufacturing and research facility in Upper Gwynedd Township, **Montgomery County**. The facility currently has Title V Permit TVOP-46-00005. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The installation of an alternate operating scenario of the pharmaceutical manufacturing process will result in no increase in the previously permitted emissions. The Plan Approval and Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements. Further details on the conditions and reasons for their inclusion are available upon request.

**09-0037E: CMS Gilbreth Packaging Systems, Inc.** (3001 State Road, Croydon, PA 19021) for installation of the automated parts washing system that uses n-propyl acetate as the cleaning solvent at the company's commercial printing/gravure/manufacturing facility in Bristol Township, **Bucks County**. The facility currently has Title V Permit TVOP-09-00037. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The installation of the automated parts washing system will result in no increase in the previously permitted emissions. The Plan Approval and Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements. Further details on the conditions and reasons for their inclusion are available upon request.

**09-0087D: Air Products and Chemicals, Inc.** (351 West Philadelphia Avenue, Morrisville, PA 19067) for construction of distillation equipment for the purification of chlorine at their Morrisville Plant, Falls Township, **Bucks County**. This is a minor facility. The proposal includes processing of 839,800 pounds of chlorine per year. The emissions from the chlorine purification and filling process will be controlled by an existing bubbler and counter-current packed column caustic scrubber. The scrubber also controls emissions from other chlorine processes: product recovery/liquid drain, laboratory analytical and cylinder conditioning. The scrubber is proposed to have a control efficiency of 99%. The Plan Approval will require stack tests to be performed. Appropriate monitoring and recordkeeping requirements will be included.

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

**48-304-032: Victaulic Co. of America** (4901 Kesslerville Road, Easton, PA 18045) for construction and operation of a cold core box system, two supporting sand handling systems and associated air cleaning devices at their facility in Forks Township, **Northampton County**. Particulate emissions from the core-sand handling systems will be controlled by cartridge filters and the cold

box core machine will be controlled by a packed bed scrubber. The expected particulate emission rate from the cartridge filters will be less than 0.02 grain/dscf. The VOC emission rate from the packed bed scrubber will be 0.12 pound per hour. The company will operate the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Title V Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**54-317-004: Keystone Potato Products, Inc.** (P. O. Box 27, Hegins, PA 17938-0027) for construction of a dehydrated potato processing operation and associated air cleaning devices at their site in Frailey Township, **Schuylkill County**. This facility is a non-Title V facility. The boiler will be subject to NSPS Subpart Dc when firing propane. When firing landfill gas (methane), the boiler shall meet a destruction/removal efficiency of at least 98% (by weight) for total nonmethane organic compounds or to reduce NMOC concentration to 20 PPM as hexane by volume, dry basis at 3% O<sub>2</sub>, or less (if approved by the Department). Particulate emissions from the baghouses shall not exceed 0.02 grain/dscf. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for opacity. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. Monitoring and recordkeeping requirements will be contained in the Plan Approval.

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

**06-05066D: Exide Technologies** (Spring Valley Road and Nolan Street, Reading, PA 19605) for modification of the secondary lead smelter furnaces at their facility in Muhlenberg Township, **Berks County**. The modification will change the maximum annual hours of operation of the furnaces and change the annual daily average production rate limits on each furnace. The facility is subject to 40 CFR Part 52, Prevention of Significant Deterioration (PSD), Part 60, Subpart L, Standards of Performance for New Stationary Sources, and Part 63, Subpart X, National Emissions Standards for Hazardous Air Pollutants from Secondary Lead Smelters. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements. The facility is presently covered by Title V Operating Permit 06-05066. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**07-05029B: Chicago Rivet and Machine Co.** (Industrial Park, Tyrone, PA 16686) to allow for maximum VOC emissions of 150g/hr (0.33 lb/hr) from the airless/airtight degreasing machine in Tyrone Borough, **Blair County**. This is an increase of 50g/hr (0.11 lb/hr) over the emission limits established in Plan Approval 07-05029A. The plan approval will include emission limitations designed to keep the source operating within all applicable air quality requirements. Facility wide VOC emissions are expected to be below major levels. The plan approval will be incorporated into the facility wide operating permit.

**44-05014B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for addition of a wet processing section to the existing crushing plant at their Hostetler Quarry in Armagh Township, **Mifflin County**.

The new installations are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Plant emissions will not measurably change from this action. The plan approval and State-only operating permit will include monitoring, recordkeeping and reporting requirements along with work practices to ensure the facility complies with the applicable air quality standards.

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

**08-00012A: Taylor Packing Co., Inc.** (P. O. Box 188, Wyalusing, PA 18853) for construction of a 41.84 million Btu per hour natural gas, no. 2 fuel oil, tallow and biogas-fired boiler and a biogas flare at their facility in Wyalusing Township, **Bradford County**.

The boiler will replace an existing 43.2 million Btu per hour natural gas, no. 2 fuel oil, no. 6 fuel oil and tallow-fired boiler. It will be equipped with a low NOx burner. The biogas burned in the boiler will be captured from the facility's existing wastewater lagoons. The boiler will emit up to 24.99 tons of NOx, 52.56 tons of CO, 55.96 tons of SOx, 4.10 tons of PM (including PM10) and 1.01 tons of VOCs per year.

The flare will be used to burn biogas when the boiler is out of service. It will emit up to .38 ton of NOx, 2.05 tons of CO, .78 ton of VOCs and 2.5 tons of SOx per year. The capture of biogas from the wastewater lagoons will reduce the emission of malodorous air contaminants and VOCs from the lagoons by an unknown quantity.

The Department's review of the information submitted by Taylor Packing Company, Inc. indicates that the proposed boiler and flare will comply with all air quality requirements pertaining to air contamination sources and the emission of air contaminants including the particulate matter emission requirements of 25 Pa. Code §§ 123.11 and 123.13, the SOx emission requirements of 25 Pa. Code §§ 123.21 and 123.22, the visible air contaminant emission requirements of 25 Pa. Code § 123.41 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the boiler and flare.

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

1. No more than 695,000 gallons of tallow shall be burned in the boiler in any 12 consecutive month period.
2. The boiler shall not be operated on biogas more than 6,240 hours in any 12 consecutive month period.
3. The boiler shall be equipped with a low NOx burner.
4. The NOx emissions from the boiler shall not exceed 30 parts per million at 3% oxygen while firing natural gas and 90 parts per million at 3% oxygen while firing no. 2 fuel oil. Additionally, the NOx emissions shall not exceed .153 pound per million Btu while firing tallow, .049 pound per million Btu while firing biogas, .132 pound per million Btu while firing no. 2 fuel oil and .043 pound per million Btu while firing natural gas.
5. The CO emissions from the boiler shall not exceed .009 pound per million Btu while firing tallow, .092 pound per million Btu while firing biogas, .29 pound per million Btu while firing no. 2 fuel oil and .29 pound per million Btu while firing natural gas.

6. The SOx emissions from the boiler shall not exceed .0015 pound per million Btu while firing tallow and .451 pound per million Btu while firing biogas.

7. The sulfur content of any no. 2 fuel oil fired in the boiler shall not exceed .3% by weight. Additionally, the no. 2 fuel oil shall not contain any reclaimed or reprocessed oil, waste oil or other waste materials.

8. The VOC emissions from the boiler shall not exceed .0012 pound per million Btu while firing tallow, .0054 pound per million Btu while firing biogas, .0019 pound per million Btu while firing no. 2 fuel oil and .0055 pound per million Btu while firing natural gas.

9. The particulate matter emissions from the boiler shall not exceed .049 pound per million Btu while firing tallow, .0072 pound per million Btu while firing biogas, .0144 pound per million Btu while firing no. 2 fuel oil and .0074 pound per million Btu while firing natural gas.

10. The NOx, CO, SOx, VOC and PM emissions from the boiler shall not exceed 24.99, 52.56, 55.96, 1.01 and 4.10 tons, respectively in any 12 consecutive month period.

11. Within 120 days of startup, the boiler shall be stack tested for NOx, CO and SOx while burning tallow and also while burning biogas.

12. The biogas flow to the flare shall not exceed 500 cubic feet per minute at any time. The biogas flow to the flare shall be continuously monitored and recorded.

13. The flare shall not be operated more than 500 hours in any 12 consecutive month period.

14. The flare shall be equipped with a flame monitor and an automatic interlock system to shut down the biogas flow should no flame be present.

15. The NOx, CO, VOC and SOx emissions from the flare shall not exceed 1.51, 8.19, 3.1 and 9.99 pounds per hour, respectively, nor shall they exceed .38, 2.05, .78 and 2.5 tons in any 12 consecutive month period, respectively.

16. There shall be no visible air contaminant emissions from the flare other than steam or water vapor.

#### PUBLIC HEARING

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

**PA 03075: Defense Energy Support Center** (8725 John J. Kingman Road, Suite 2833, Fort Belvoir, VA 22060-6222) for construction of a vacuum enhanced skimming operation with two 7 million Btu per hour thermal oxidizers at the former Defense Supply Center Philadelphia (DSCP), 2800 South 20th Street, City of Philadelphia, **Philadelphia County**.

In response to comments received from the public, the Philadelphia Department of Public Health, Air Management Services (AMS), will conduct a public hearing at the Thomas F. Donatucci, Sr. Branch of Free Library of Philadelphia, 1935 Shunk Street on October 20, 2004, at 6 p.m. and continuing to the conclusion of testimony. The hearing is being held to receive comments from the public on the preliminary determination to approve Plan Approval 03075 for the Defense Energy Support Center.

The project consists of a system to apply low-level vacuum around existing collection wells to enhance recovery of hydrocarbon products, primarily comprised of jet fuel and gasoline, from an underlying plume at DSCP and Passyunk Home properties. The VOC vapors recovered

will be treated in the thermal oxidizers before discharge to the atmosphere. The plan approval includes the following allowable emission limits.

<i>Pollutant</i>	<i>lbs/hr</i>	<i>Tons/Year</i>
VOCs	5.50	24.10
NOx	1.32	5.76
CO	0.56	2.45
SO <sub>2</sub>	0.15	0.68
Particulates	0.11	0.47

Copies of all documents and information concerning this permit are available for review in Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Karol Bowman, (215) 685-7572, at the previous address.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, services or other accommodation to participate in the proceeding should contact Irene Malone at (215) 685 7585 to discuss how the AMS can accommodate their needs.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**08-00024: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for operation of a sand and gravel processing facility in Canton Township, **Bradford County**.

The sand and gravel processing facility incorporates various pieces of crushing, screening and conveying equipment, as well as a 37 horsepower diesel engine. The fugitive PM emissions from the primary and secondary portions of the facility are controlled by a water spray dust suppression system. The facility is expected to emit up to 20.96 tons of PM10, 5.02 tons of NOx, 1.08 tons of CO and .58 ton of SOx per year. The respective facility is not a major (Title V) facility for any air contaminant.

The Department proposes to incorporate into the operating permit to be issued all relevant conditions established in Plan Approval 8-310-004, issued on October 21, 2003.

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

**25-00383: Erie Hard Chrome, Inc.** (1570 East 12th Street, Erie, PA 16511) for a Natural Minor Operating Permit for emissions from hard chromium electroplating operations in the City of Erie, **Erie County**.

**62-00171: Meridien Hardwoods of PA, Inc.** (Old Pittsfield Road, Pittsfield, PA 16340) for a Natural Minor Operating Permit to operate a waste-oil boiler at their hardwood finish mill in Pittsfield Township, **Warren County**.

**37-00321: New Castle Recycling, Inc.** (215 Gardner Avenue, New Castle, PA 16101) for a Natural Minor Permit to operate a scrap steel cutting operation in the City of New Castle, **Lawrence County**.

**16-00130: Eden, Inc.** (SR 338, Knox, PA 16232) for a Natural Minor Operating Permit for emissions from the surface coating of wooden doors and molding in Knox Borough, **Clarion County**.

## **COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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

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

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

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

#### *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*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity\*

\* The parameter is applicable at all times.

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

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**03990108 and NPDES Permit No. PA0202371. Stitt Coal Company, Inc.** R. D. 1, Box 197A, Ford City, PA 16226. Renewal application for continued operation and reclamation of an existing bituminous surface mine in Kittanning Township, **Armstrong County**, affecting 24.6 acres. Receiving streams: unnamed tributaries to Garrets Run and Garrets Run (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Kittanning Township Elementary School. Renewal application received September 13, 2004.

*California District Mining Office: 2 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**56890703. NPDES Permit No. PA0214141, Svonavec, Inc.** (150 West Union Street, Suite 201, Somerset, PA 15501), to renew the permit for the Milford No. 3 Coal Refuse Disposal in Milford Township, **Somerset County** and related NPDES permit. No additional discharges. Application received August 2, 2004.

**30010701. NPDES Permit No. PA0235440, Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine No. 2 Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit from RAG Cumberland Resources, LP. No additional discharges. Application received September 2, 2004.

**30743711. NPDES Permit No. PA0033511, Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit from RAG Cumberland Resources, LP. No additional discharges. Application received September 2, 2004.

**30753712. NPDES Permit No. PA0215724, Emerald Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine No. 1 Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES permit from RAG Emerald Resources, LP. No additional discharges. Application received September 2, 2004.

**30831303. NPDES Permit No. PA0013511, Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine in Whiteley Township, **Greene**

**County** and related NPDES permit from RAG Cumberland Resources, LP. No additional discharges. Application received September 2, 2004.

**30841307. NPDES Permit No. PA0213438, Emerald Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** and related NPDES permit from RAG Emerald Resources, LP. No additional discharges. Application received September 2, 2004.

**30921301. NPDES Permit No. PA0213900, River Processing Corporation** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Monongahela Resource Mine in Jefferson Township, **Greene County** and related NPDES permit from RAG River Processing Corporation. No additional discharges. Application received September 2, 2004.

**30921601. NPDES Permit No. PA0214060, River Processing Corporation** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Monongahela Resource Tipple in Jefferson Township, **Greene County** and related NPDES permit from RAG River Processing Corporation. No additional discharges. Application received September 2, 2004.

**30960701. NPDES Permit No. PA0215201, Emerald Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine No. 1 Coal Refuse Disposal Area No. 2 in Franklin Township, **Greene County** and related NPDES permit from RAG Emerald Resources, LP. No additional discharges. Application received September 2, 2004.

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

**49783007R4. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and refuse disposal operation in Coal Township, **Northumberland County** affecting 337.3 acres, receiving stream: none. Application received September 15, 2004.

#### *Noncoal Permit Applications Received*

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

**53042801. Goodwin & Son Gravel Pit** (658 Gromhill Road, Coudersport, PA 16915), commencement, operation and restoration of a small industrial minerals (sand and gravel) permit in Roulette Township, **Potter County** affecting 4 acres. Receiving streams: unnamed tributary, tributary to Allegheny River. Application received August 18, 2004.

## **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 Depart-

ment 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 303 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).**

---

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E64-250. Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501 in Dyberry Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing temporary structure and to construct and maintain a single-span prestressed concrete spread box beam bridge, having a clear normal span of 56.6 feet and an underclearance of 8.0 feet, across Big Brook (HQ-CWF). The previous flood damaged structure was removed and the temporary bridge was constructed in September 2003 under Emergency Permit EP6403401. The project is along SR 0191, Section 673, Segment 0640, Offset 0788, approximately 1 mile upstream of the confluence of Big Brook and Dyberry Creek (Aldenville, PA Quadrangle N: 4.0 inches; W: 2.0 inches).

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

**E22-483. Highspire Borough**, 640 Eshelman Street, Highspire, PA 17034 in Highspire Borough, **Dauphin County**, ACOE Baltimore District.

The Borough of Highspire proposes to construct and maintain approximately 4,555 linear feet of nature trail including 910 linear feet of boardwalk tributary to a UNT to Susquehanna River (WWF) on the Steelton, PA Quadrangle (N: 14.9 inches; W: 3.8 inches) in Highspire Borough, Dauphin County. The amount of permanent wetland impact is considered a de minimis impact of 0.004 acre and wetland mitigation is not required.

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

**E08-419. Wysox Creek Watershed Association, Inc.**, P. O. Box 174, Rome, PA 18837. Northeast School/Johnson Creek Restoration Project in Pike and Orwell Township, **Bradford County**, ACOE Baltimore District (Le Raysville, PA Quadrangle N: 20.2 inches; W: 15.7 inches).

The applicant is proposing to restore 11,355 linear of Johnson Creek (CWF) by means natural channel design techniques. The restoration project intends to reduce the slope of the existing embankments, incorporate instream rock and log structures to direct high velocities away from the stream banks, narrow the bankfull channel to improve sediment transport and improve the pool-riffle sequence. The completed project is intended to improve stream stability, reduce near-bank velocities, reduce sediment supply and provide improved instream and riparian habitat.

**E47-080. PPL Montour Preserve**, 700 Preserve Road, Danville, PA 17821. Chillisquaque Creek Restoration Project in Anthony Township, **Montour County**, ACOE Baltimore District (Washingtonville, PA Quadrangle N: 17 inches; W: 5.5 inches).

The applicant is proposing to restore 2,300 linear of Chillisquaque Creek (WWF) by means natural channel design techniques. The restoration project intends to reduce the slope of the existing embankments, incorporate instream rock and log structures to direct high velocities away from the stream banks, narrow the bankfull channel to improve sediment transport and improve the pool-riffle sequence. The completed project is intended to improve stream stability, reduce near-bank velocities, reduce sediment supply and provide improved instream and riparian habitat.

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

**E0476706-A1. Beaver County Corporation for Economic Development**, Suite 300, 250 Insurance Street, Beaver, PA 15009. Construct a marina repair facility in Bridgewater Borough, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 12.9 inches; W: 6.2 inches and Latitude: 40° 42' 30" and Longitude: 80° 17' 30"). The applicant proposes to amend Permit 0476706 originally issued to Crain Brothers, Inc. to construct and maintain a marina repair facility on and along the right bank of the Ohio River at Mile Point 25.7. The permit was transferred to Beaver County Corporation for Economic Development in 1999. The Beaver County Corporation for Economic Development is proposing to remove the existing structures, to construct and maintain walking trails, parking area and access roads and their associated fill on top of the existing barges and land behind the barges within the floodway of the Ohio River (WWF) for a proposed development to be known as Bridgewater Crossings. The project is southeast of the Wolfe Lane and Mulberry Street extension intersection.

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

**E10-399, Connoquenessing Borough**, P. O. Box 471, Connoquenessing, PA 16027. Stream restoration project in Connoquenessing Borough, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 22.4 inches; W: 4.0 inches).

To restore and maintain an unnamed tributary to Connoquenessing Creek (WWF) to its original contours by: (1) removing sediment and debris from approximately 330 feet of stream channel; and (2) removing 230 feet of riprap protection with accumulated sediment and debris beginning at a point along Main Street, 1,000 feet north of the borough line and extending east approximately 550 feet.

**E20-538, John Lane, Cambridge Area Joint Authority**, 161 Carringer Street, Cambridge Springs, PA 16403. Pleasant Hills Subdivision Sewer Extension in the Borough of Cambridge Springs and Cambridge Township, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 7.0 inches; W: 9.7 inches).

The applicant proposes to construct and maintain approximately 2,600 feet of gravity sewer line consisting of 8-inch diameter PVC pipe to convey sanitary sewage from the existing Pleasant Hills Subdivision WWTP in the Cambridge Township, Crawford County to an existing sanitary sewer at the intersection of Brink Drive and Lura Road in the Borough of Cambridge Springs, Crawford County. The project includes a 190-foot long crossing of a PEM wetland and a 580-foot long crossing of an 11.18-acre PEM/PSS/PFO wetland and a crossing of a stream with a contributory drainage of less than 100 acres. Project includes decommissioning of the existing WWTP. The project proposes to temporarily impact 0.19 acre of wetland.

**E62-402, Leslie J. Lindemuth**, 2 McGuire Run Road, Tidioute, PA 16351-1208. Lindemuth bridge across McGuire Run in Tidioute Borough, **Warren County**, ACOE Pittsburgh District (Tidioute, PA Quadrangle N: 11.6 inches; W: 3.3 inches).

To operate and maintain a steel beam bridge having a clear span of 26 feet and an underclearance of 6 feet across McGuire Run on a private driveway extending northeast from McGuire Run Road approximately 1,700 feet east of Morrison Hill Road. The bridge replaced an existing structure destroyed by flooding in July 2003 and was authorized by DEP Emergency Permit EP6203603.

#### **WATER QUALITY CERTIFICATIONS REQUESTS**

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

Certification Request initiated by PPL Holtwood, LCC, Two North Ninth Street, Allentown, PA 18101. Wallenpaupack Hydroelectric Project (FERC Project No. 487, Project) on Lake Wallenpaupack in Hawley Borough, Wayne and Pike Counties, ACOE Philadelphia District (Hawley Quadrangle N: 16.25 inches; W: 0.75 inch) (discharge), source water (Lake Wallenpaupack) is approximately 3.5 miles up stream.

On September 23, 2003, the Department certified that there is reasonable assurance that the Lake Wallenpaupack Hydroelectric Project (Project) owned and operated by PPL Holtwood, LLC (Owner), on the Lackawaxen River will comply with section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341) and 25 Pa. Code Chapters 93 and 96. Notice of the Department's September 23, 2003, certification was published at 33 Pa.B. 5475 (November 1, 2003).

On October 23, 2003, the Owner appealed the Department's September 23, 2003, certification to the Environmental Hearing Board. As a result of settlement negotiations, the Department intends to modify the September 23, 2003, certification as follows:

1. The following paragraph has been added to paragraph 2a of the certification:

"The pH of the discharge may be less than the standard/range as specified in 25 Pa. Code § 93.7 if the Owner can demonstrate that the pH of the discharge is not less than the pH of the lake water as measured at the penstock tap in the powerhouse building. The Department will accept simultaneous sampling as a component of such a demonstration."

2. Paragraph 2b of the certification has been modified to read as follows:

"The Owner shall conduct annual in-stream benthos monitoring in the years 2006, 2007 and 2008 at two stations, Station 1 above the discharge approximately 600 feet and Station 2 below the discharge approximately 1,300 feet in accordance with the *PADEP—RBP Benthic Macroinvertebrate Sample Collection and Processing Methodology for Cause/Effect Surveys* attached hereto as Appendix A. Thereafter, the Owner shall conduct in-stream benthos monitoring as set forth in this paragraph once every five years. The station locations are fixed and should not change without prior approval from the Department. The Owner will follow the sample collection protocol set forth in Appendix A for a stream greater than 50 feet in width. Samples must be collected between August 1 and October 31 during normal to low stream flow conditions. The benthic macroinvertebrate report shall be submitted by February 1st of the following year to the Department.

---

## **ACTIONS**

---

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

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

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

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

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

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

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

### **I. NPDES Renewal Permit Actions**

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0063118 IW	Tri-Cell Plastics 1149 Franklin Street Old Forge, PA 18518	Old Forge Borough Lackawanna County	St. John's Creek 5A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0008036 Industrial Waste	Ingersoll-Rand, Co. 101 Main Street Athens, PA 18810	Bradford County Athens Borough	Chemung River 4B	Y
PA0208914 Sewerage	Great Dane Limited Partnership 70 Strick Road Danville, PA 17821	Limestone Township Montour County	UNT County Line Branch 10-D	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0025852 Industrial Waste	Marathon Ashland Petroleum LLC 1100 Glass House Road Jefferson Hills, PA 15025	Allegheny County Jefferson Borough	Lobbs Run Monongahela River	N
PAS206108 Industrial Waste	Crown Cork & Seal Company, Inc. 1840 Baldridge Street Connellsville, PA 15425	Fayette County South Connellsville	Youghiogheny River 001—003	Y



<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0020788 Sewage	Borough of Derry 114 East Second Street Derry, PA 15627	Westmoreland County Derry Borough	McGee Run	Y
PA0025810 Sewage	Shade-Central City Joint Authority 429 Sunshine Avenue Central City, PA 15926	Somerset County Shade Township	Dark Shade Creek	Y
PA0032425 Sewage	Department of Conservation and Natural Resources Bureau of State Parks Ohiopyle State Park P. O. Box 105 Dinnerbell Road Ohiopyle, PA 15470-0105	Fayette County Stewart Township	UNT of Youghiogheny River	Y

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

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

**NPDES Permit No. PA0058858**, Sewage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is in Upper Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal and is authorized to discharge from a facility known as Reeve Track WWTP into a tributary to Jericho Creek in Watershed 2E.

**NPDES Permit No. PA0045187**, Sewage, **Richland Meadows MHP**, 232 Yankee Road, Quakertown, PA 18951. This proposed facility is in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal and is authorized to discharge into a dry swale to Morgan Creek in Watershed 2D.

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

**PAS-212214**, Stormwater, **Gustin Stone Supply, Inc.**, R. R. 2, Box 2790, Lakewood, PA 18439. This proposed facility is in Preston Township, **Wayne County**.

The receiving streams, unnamed tributary to Meshoppen Creek and unnamed tributary to Equinunk Creek, are in the State Water Plan watershed 1A and are classified for HQ-CWF.

The proposed effluent limits for Outfalls 001:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
Total Phosphorus				Report
Total Kjeldahl Nitrogen				Report
Iron (Dissolved)				Report

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

**NPDES Permit No. PAS223502**, Stormwater, **Frey Brothers, Inc.**, 372 Puseyville Road, Quarryville, PA 17566. This proposed facility is in East Drumore Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to UNT West Branch of the Octoraro Creek in Watershed 7-K.

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

**PA0208779**, Industrial Waste SIC, 3111, **Clearfield Leather Inc. d/b/a Wickett & Craig of America**, 120 Cooper Road, Curwensville, PA 16833-1542. This existing facility is in Curwensville Borough, **Clearfield County**.

Description of Proposed Activity: Renewal of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 8B and classified for WWF. The nearest downstream public water supply intake for Reliant Energy is on the West Branch Susquehanna River, 16 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.12 mgd.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			within the range of 6.0 to 9.0		
BOD <sub>5</sub>	57	127	55	120	138
Ammonia-N					
(5-1 to 10-31)	60	119	45	90	114
(11-1 to 4-30)	119	239	90	180	228
TSS	82	179	79	173	198
Total Phenols			3.3	5.2	
Oil and Grease			15		30
Total Chromium	1.3	3.2	1.2	3.1	

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

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

**WQM Permit No. 1583402**, Sewerage, **County of Chester Department of Facilities Management**, 14 East Biddle Street, P. O. Box 2748, West Chester, PA 19380. This proposed facility is in Pocopson Township, **Chester County**.

Description of Proposed Action/Activity: Amending existing wastewater treatment plant.

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

**WQM Permit No. 6786437, Amendment 04-1**, Sewerage, **William Linnemans, Chairperson, Eastern York County Sewer Authority**, 44 Walnut Springs Road, P. O. Box 6206, Hellam, PA 17406-6206. This proposed facility is in Hallam Borough, **York County**.

Description of Proposed Action/Activity: Construction/operation of the Buttonwood Farms/Friendship Avenue sewer extension.

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

**WQM Permit No. 0804405**, Sewerage, **Charles Miller**, R. R. 2 Box 128G, Ulster, PA 18850. This proposed facility is in Sheshequin Township, **Bradford County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility to serve a residence. The treatment facility will discharge to an unnamed tributary to Deer Lick Creek (WWF).

**WQM Permit No. 1704402**, Sewerage 4952, **Woodward Township Sewage and Water Authority**, 131 Punkin Hollow Drive, Houtzdale, PA 16651. This proposed facility is in Woodward Township, **Clearfield County**.

Description of Proposed Action/Activity: The Woodward Township Sewage and Water Authority has been approved for treatment upgrades and an increase in allowable design flow for the waste water treatment plant in Woodward Township, Clearfield County. The proposed treatment upgrades and re-rate of design flow will prepare the Authority for any possible expansions to include additional services from Woodward and Gulich Townships, per the Act 537 Plan.

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

**WQM Permit No. 0204406**, Sewerage, **Keith Gray**, 36 Werner Camp Road, Pittsburgh, PA 15238. This proposed facility is in West Deer Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage treatment plant to serve the Yhelka property.

**WQM Permit No. 0404404**, Sewage, **Andrew Yhelta**, 140 School Road, Aliquippa, PA 15001. This proposed facility is in Independence Township, **Beaver County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage treatment plant to serve the Yhelka property.

**WQM Permit No. 6304202**, Industrial Waste, **U. S. Army Corps of Engineers, Pittsburgh District**, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. This proposed facility is in Carroll Township, **Washington County**.

Description of Proposed Action/Activity: Settling ponds to serve the Victory Hollow Site.

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

**QM Permit No. 4304412**, Sewerage, **Pine and Liberty Townships**, 545 Barkeyville Road, Grove City, PA 16127. This proposed facility is in Pine and Liberty Townships, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction of a sewer extension with grinder pumps to serve a proposed subdivision name The Villas at Grove City with 60 single family homes and 84 condominiums.

**WQM Permit No. 2504409**, Sewerage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. This proposed facility is in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a pump station and sewer extension to serve a residential area and 18-hole golf course.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Waiver Granted (Y/N)</i>
Clinton Township 118 Clark Road Factoryville, PA 18419	Wyoming	Clinton Township	Tunkhannock Creek TSF	Y
Lowhill Township 7000 Herber Road New Tripoli, PA 18066	Lehigh	Lowhill Township	Jordan Creek TSF, MF Lyon Creek HQ-CWF, MF Switzer Creek HQ-CWF, MF Mill Creek CWF, MF Hassen Creek HQ-CWF, MF	Y
Freeland Borough P. O. Box 117 Centre and Walnut Street Freeland, PA 18224	Luzerne	Freeland Borough	Black Creek CWF	Y
Banks Township P. O. Box 231 Tresckow, PA 18254	Carbon	Banks Township	Strip Mines Catawissa Creek CWF Beaver Creek CWF	Y
Beaver Meadow Borough P. O. Box 215 100 E. Broad Street Beaver Meadows, PA 18216-0215	Carbon	Beaver Meadows Borough	Beaver Creek CWF	Y
Carbondale Township 115 Main Street Carbondale Township, PA 18407	Lackawanna	Carbondale Township	Lackawanna River TSF	Y
Chapman Borough 1400 Main Street Bath, PA 18014	Northampton	Chapman Borough	Monocacy Creek Basin HQ-CWF	Y
Conyngham Township P. O. Box 1 10 Pond Hill Road Mocanaqua, PA 18655	Luzerne	Conyngham Township	Black Creek, Turtle Creek and Rocky Run CWF Little Wapwallopen Creek CWF Big Wapwallopen Creek CWF Susquehanna River WWF	Y
East Bangor Borough 204 Bray Street East Bangor, PA 18013	Northampton	East Bangor Borough	Discharges go to various quarries; Martins Creek Watershed	Y
East Penn Township 167 Municipal Road Lehighton, PA 18235	Carbon	East Penn Township	Lehigh River TSF	Y

## NOTICES

5419

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Waiver Granted (Y/N)</i>
Sugarloaf Township Box 61 Sybertsville, PA 18251	Luzerne	Sugarloaf Township	Nescopeck Creek TSF-CWF Little Nescopeck Creek CWF UNT to Little Nescopeck CWF	Y
Franklin Township 900 Fairyland Road Lehighton, PA 18235	Carbon	Franklin Township	Lehigh River TSF Long Run CWF Pohopoco Creek CWF	Y
Glendon Borough Fourth and Franklin Streets Glendon, PA 18042	Northampton	Glendon Borough	Lehigh Canal WWF	Y
Hazle Township P. O. Box 506 Harleigh, PA 18225-0506	Luzerne	Hazle Township	Black Creek CWF	Y
Lehighton Borough P. O. Box 29 Lehighton, PA 18235	Carbon	Lehighton Borough	Lehigh River TSF Mahoning Creek CWF	Y
Mahoning Township 2685 Mahoning Drive East Lehighton, PA 18235	Carbon	Mahoning Township	Lehigh River TSF Beaver Run CWF Mahoning Creek CWF Nis Hollow CWF	Y
Palmerton Borough 443 Delaware Avenue Palmerton, PA 18071	Carbon	Palmerton Borough	UNT to Martins Creek CWF	Y
Upper Mt. Bethel Township 387 Ye Olde Hwy. Mount Bethel, PA 18343	Northampton	Upper Mt. Bethel Township	Jacoby Creek CWF Allegheny Creek CWF Oughoughton Creek CWF Martins Creek CWF	Y
Washington Township Flicksville Road Bangor, PA 18013	Northampton	Washington Township	Martins Creek CWF Little Martins Creek CWF Oughoughton Creek CWF	Y
Fell Township P. O. Box 55 Simpson, PA 18407	Lackawanna	Fell Township	Lackawanna River TSF	Y
Luzerne Borough 144 Academy Street Luzerne, PA 18709	Luzerne	Luzerne Borough	Toby's Creek TSF	Y

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Waiver Granted (Y/N)</i>
Archbald Borough 400 Church Street Archbald, PA 18403	Lackawanna	Archbald Borough	Lackawanna River CWF Aylesworth Creek CWF Laurel Run CWF White Oak Run CWF Wildcat Creek CWF	Y
Roseto Borough Box 361 Roseto, PA 18013	Northampton	Roseto Borough	UNT to Martins Creek CWF	Y
Newton Township 1528 Newton-Ransom Blvd. Clarks Summit, PA 18411	Lackawanna	Newton Township	Gardner Creek CWF Buttermilk Falls CWF	Y
Tatamy Borough 423 Broad Street P. O. Box 218 Tatamy, PA 18085	Northampton	Tatamy Borough	Bushkill Creek CWF-HQ	Y
Courtdale Borough Box 197 Courtdale, PA 18704	Luzerne	Courtdale Borough	Toby Creek	Y
Weisenberg Township 2175 Seipstown Road Fogelsville, PA 18051	Lehigh	Weisenberg Township	Jordan Creek TSF, MF Little Lehigh Creek HQ-CWF	N
Clinton Township R. R.1, Box 1401 Waymart, PA 18472	Wayne	Clinton Township	Lackawanna River HQ-CWF	Y
Hanover Township 2202 Grove Road Allentown, PA 18103	Lehigh	Hanover Township	Lehigh River WWF	Y
Canaan Township R. R. 2, Box 2011 Waymart, PA 18472	Wayne	Canaan Township	VanAuken Creek HQ-TSF, MF Middle Creek	Y
Dalton Borough P. O. Box 95 Dalton, PA 18414	Lackawanna	Dalton Borough	Ackerly Creek and UNTs to Ackerly Creek CWF	Y
Exeter Township R. R. 1, Box 191 Pittston, PA 18643	Luzerne	Exeter Township	Susquehanna River	Y
Pen Argyl Borough 11 N. Robinson Ave. P. O. Box 128 Pen Argyl, PA 18643	Northampton	Pen Argyl Borough	Waltz Creek CWF, MF	N
Wind Gap Borough 29 Mechanic St. Wind Gap, PA 18091	Northampton	Wind Gap Borough	Tributary to Little Bushkill Creek HQ-CWF	N
Palmerton Borough 443 Delaware Ave. Palmerton, PA 18071	Carbon	Palmerton Borough	Aquashicola Creek and Lehigh River	Y
Dalton Borough P. O. Box 95 Dalton, PA 18414	Lackawanna	Dalton Borough	Ackerly Creek and UNTs to Ackerly Creek CWF	N

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133582	East Prospect Borough P. O. Box 334 East Prospect, PA 17317	York	East Prospect Borough	Canadochly Creek WWF Tributary to Canadochly Creek WWF Cabin Creek WWF	Y

---

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

---

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904004	8500 New Falls Road, LLC Proposed Walgreen's P. O. Box 1010 Concordville, PA 19331	Bucks	Bristol Borough	Unnamed tributary Delaware River CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304003	Girl Scouts—Great Valley Council, Inc. 2633 Moravian Ave. Allentown, PA 18103-5596	Carbon	Kidder Township	Black Creek HQ-CWF
PAI023904019	Darlene Williams 3638 Blacksmith Rd. New Tripoli, PA 18066	Lehigh	Weisenberg Township	Lyon Creek HQ-CWF
PAS10Q185-R	Lehigh Valley Hospital & Health Network Cedar Crest and I-78 P. O. Box 689 Allentown, PA 18105-1556	Lehigh	City of Bethlehem	Monocacy Creek HQ-CWF
PAS10U123R	Pinewood Associates, LLC P. O. Box 324 Orwigsburg, PA 17961	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI025204006	Hemlock Farms Community Association 1007 Hemlock Farms Hawley, PA 18428	Pike	Blooming Grove Township	York Creek HQ-CWF Rock Hill Creek HQ-CWF
PAS10V034(1)	Samall Associates, Inc. P. O. Box 927 Milford, PA 18337	Pike	Westfall Township	Tributary to Delaware River HQ-CWF
PAI025204005	Bill Goodwin Excavating, Inc. HCR 1, Box 26A Paupack, PA 18451	Pike	Palmyra Township	Decker Creek HQ-CWF, MF

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

*Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056304001	Metz Development, Inc. 524 Waterdam Road McMurray, PA 15317	Washington	North Strabane Township	Little Chartiers Creek HQ-WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064204001	Elk County Fishermen 6231 Shawmut Road Ridgway, PA 15853	McKean	Sergeant Township	Two Mile Run HQ-CWF

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

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

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

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

#### *General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
New Garden Township Chester County	PAG2001504055	Summit Realty Advisors, LLC CVS Pharmacy—New Garden 621 Delaware Street New Castle, DE 19720	East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hanover Township Luzerne County	PAR10R191R	Greater Wilkes-Barre Development Corp. 2 Public Square Wilkes-Barre, PA 18710-5340	West Branch Warrior Run/East Branch Warrior Run (Garringers Creek) CWF	Luzerne County Conservation District (570) 674-7991
Smithfield Township Monroe County	PAG2004504005	Capstone Development Corp. P. O. Box 926 Castine, ME 04421	Brodhead Creek TSF, MF	Monroe County Conservation District (570) 629-3060
Williams Township Northampton County	PAG2004804018	Placido and Maria Calantoni 288 Browns Dr. Easton, PA 18042	UNT Delaware River WWF, MF	Northampton County Conservation District (610) 746-1971
City of Pottsville Schuylkill County	PAG2005404021	Barefield Development Group Craig Shields 410 Laurel Blvd. Pottsville, PA 17901	Unnamed tributary Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Boyertown Borough Berks County	PAG2000604075	Dana Eichert Boyertown Area Multi-Service, Inc. 301 West Spring Street Boyertown, PA 19512	Swamp Creek CWF	Berks Conservation District P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Reading Berks County	PAG2000604093	Chuck Looper Penske Truck Leasing Route 10, Green Hills Reading, PA 19603	Schuylkill River CWF	Berks Conservation District P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Perry Township Berks County	PAG2000604094	Michael Miller Mike & Daughter, Partnership 7041 Daniel Boone Road Birdsboro, PA 19508	Schuylkill River WWF	Berks Conservation District P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Lower Heidelberg Township Berks County	PAG2000604095	Joe Capellupo Capellupo Construction 2851 Centre Avenue Reading, PA 19605	Spring Creek TSF	Berks Conservation District P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Tioga County Putnam Township	PAG2005903018	Lewis and Meda Hilfiger P. O. Box 205 Covington, PA 16917	UNT Tioga River CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Tioga County Lawrence Township	PAG2005904004	Brion and Debbie Farr R. R. 2, Box 246C Tioga, PA 16946	Tioga River WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Tioga County Tioga Township	PAG2005904006	Department of Transportation P. O. Box 218 Montoursville, PA 17754	Bentley Creek WWF Tioga River WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Union County Limestone Township	PAG2006004010	Adrienne Levin 10 St. George St. Lewisburg, PA 17837	UNT Turkey Run CWF	Union County Conservation District 88 Bull Run Crossing Lewisburg, PA 17837 (570) 523-8782
Clearfield County Sandy Township	PAG2001704012	Jason Gray DuBois Area Catholic Schools P. O. Box 567 DuBois, PA 15801	UNT Sandy Lick Creek CWF	Department of Environmental Protection Water Management 208 W. 3rd St. Suite 101 Williamsport, PA 17701 (570) 327-3574
Allegheny County Plum Borough	PAG2000203106	#1 Cochran Automotive 4520 William Penn Hwy. Monroeville, PA 15146	Thompson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000204006	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Campbells Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Findlay Township	PAG2000204039	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Harrison Township	PAG2000204047	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000204058	Signature Homes, Inc. 12630 Perry Highway Wexford, PA 15090	Pine and Big Sewickley Creeks CWF	Allegheny County Conservation District (412) 241-7645



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Moon Township	PAG2000204066	Sonoma Ridge, LP 772 Pine Valley Drive Pittsburgh, PA 15239	Ohio River TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Penn Hills	PAG2000204068	YMCA of Pittsburgh 330 Boulevard of the Allies Pittsburgh, PA 15222	Sandy Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Ohio and Kilbuck Townships	PAG2000204069	Animal Friends, Inc. 2643 Penn Avenue Pittsburgh, PA 15222	Lowries Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Bethel Park	PAG2000204073	Commerce Group, Inc. 1280 West Newport Center Drive Deerfield, FL 33442	Ohio River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Marshall Township	PAG2000204077	Bob Evans Farms, Inc. 3776 South High Street Columbus, OH 43207	Brush Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000204080	Plaza Group, LLC 1046 Pittsburgh Street Springdale, PA 15144	Unnamed Tributary to Thompson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Richland Township	PAG2000204081	Marathon Partners, LP 433 Hartmann Road Evans City, PA 16033	Deer Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000204088	East Hills, LP c/o Telesis Pgh., Inc. 1123 Broadway Suite 404 New York, NY 10010  and  Repal Construction Co. 11075 Parker Drive N. Huntingdon, PA 15642	Nine Mile Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County East Deer Township	PAG2000204090	VKC Development Associates, LP 323 Hopwood-Coolsprings Road Hopwood, PA 15445	Unnamed tributary to Crawford Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Wilkesburg Borough	PAG2000204091	Wilkesburg Borough 605 Ross Avenue Pittsburgh, PA 15221	Unnamed tributary to Nine Mile Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County West Mifflin Borough	PAG2000204100	United States Department of Energy Pgh. Naval Reactors 814 Pittsburgh-McKeesport Blvd. West Mifflin, PA 15122-0109	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Beaver County Big Beaver Borough	PAG2000403005	Beaver County Corp. for Economic Development 250 Insurance Street Beaver, PA 15009	Beaver River WWF	Beaver County Conservation District (724) 774-7090
Beaver County Big Beaver Borough	PAG2000404012	Big Beaver Municipal Authority 114 Forest Drive Darlington, PA 16115	Stockman Run WWF	Beaver County Conservation District (724) 774-7090
Beaver County Hopewell, Center and Independence Townships	PAG2000404014	National Fuel Gas Supply Corporation 1100 State Street Erie, PA 16501	Unnamed tributary to Raccoon Creek WWF	Beaver County Conservation District (724) 774-7090
Fayette County Georges Township	PAG2002604028	Department of Transportation P. O. Box 459 Uniontown, PA 15401	Georges Creek WWF	Fayette County Conservation District (724) 438-4497

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Fayette County South Union Township	PAG2002604029	Thomas Jamieson 105 Regency Drive Uniontown, PA 15401	Coal Lick Run WWF	Fayette County Conservation District (724) 438-4497
Indiana County Armstrong, Center, Conemaugh, Rayne, Washington, White and Young Townships	PAG2003204007	Michael Duffalo ICMSA 827 Water Street Indiana, PA 15701	Blacklegs and UNT CWF Fulton Run and UNT CWF Harpers Run, McKee Run and UNT CWF	Indiana County Conservation District (724) 463-8547
Indiana County Armstrong Township	PAG2003204011	Daniel Cessna Department of Transportation District 10 P. O. Box 429 Indiana, PA 15701	Crooked Creek WWF Walker Run CWF	Indiana County Conservation District (724) 463-8547
Washington County North Franklin Township	PAG2006304028	Washington County Commissioners 700 Court House Square 100 West Beau Street Washington, PA 15301	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Erie County Erie City	PAG2002504020(1)	Greater Erie Industrial Development Corp. 5240 Knowledge Parkway Erie, PA 16510	Lake Erie CWF, Municipal Storm Sewer	Erie Conservation District (814) 825-6403
Erie County Fairview Township	PAG2002504028	Walter Bender 12076 Edinboro Road Edinboro, PA 16412	Trout Run CWF, MF	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAG2002504029	New Motors Larry New 8670 Peach Street Erie, PA 16509	UNT Walnut Creek CWF, MF	Erie Conservation District (814) 825-6403
Erie County Harborcreek Township	PAG2002504030	BT Group, LLP 200 Union Avenue Altoona, PA 16602	UNT Lake Erie CWF; MF	Erie Conservation District (814) 825-6403
Erie County Erie City	PAG2002504032	Gordon Naughton JH Bennett Moving and Storage Company 1705 Raspberry Street Erie, PA 16502-1557	Municipal Separate Storm Sewer	Erie Conservation District (814) 825-6403
Venango County Cornplanter Township	PAG2006104006	Holmden 1 Pipeline Belden and Blake Corp. 22811 Titusville Road Pleasantville, PA 16341	Pithole Creek CWF	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Philadelphia Philadelphia County	PAR200041	Abington Metals Refining & Mfg. Inc. 4924 Wellington St. Philadelphia, PA 19135	Delaware River 3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600071	Essington Avenue Auto Parts 6746 Essington Ave. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Falls Township Bucks County	PAR800090	Norfolk Southern Railway Co. 98 Cabot Blvd. East Langhorne, PA 19047	Rock Run/UNT to Lake Caroline 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Hatfield Township Montgomery County	PAR800128	Atlas Cold Storage 2525 Bergey Rd. Hatfield, PA 19440	UNT to Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
West Rockhill Township Bucks County	PAR230085	Teva Pharmaceutical USA 650 Cathill Rd. Sellersville, PA 18960	Perkiomen Creek 3E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Falls Township Bucks County	PAR230086	MG Industries One Steel Rd. East Morrisville, PA 19067	Delaware River 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Horsham Township Montgomery County	PAR110052	Pilling Surgical Co. 200 Precision Rd. Suite 200 Horsham, PA 19044	UNT to Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
North Manheim Township Cressona Borough Schuylkill County	PAR212221	Schuylkill Products, Inc. 121 River Street Cressona, PA 17929-1133	West Branch of Schuylkill River CWF Panther Creek	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Lancaster County Manor Township	PAR503501	Lancaster County Solid Waste Management Authority 1299 Harrisburg Pike Lancaster, PA 17604-4425	Manns Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Armstrong Township Lycoming County	PAR804873	ANR Western Storage Company P. O. Box 2511 Huston, TX 77252	UNT West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Union Township Centre County	PAG045068	Chad D. Dechow 187 Jacobs Road Julian, PA 16844	UNT to Bald Eagle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Sheshequin Township Bradford County	PAG045185	Charles Miller R. R. 2 Box 128G Ulster, PA 18850	UNT to Deer Lick Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Delmar Township Tioga County	PAG045078	William Freeman R. R. 5, Box 297A Wellsboro, PA 16901	Unnamed tributary to Wilson Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Beaver County Independence Township	PAG046284	Andrew Yhelka 140 School Road Aliquippa, PA 15001	UNT to Raccoon Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>Permit Type—PAG-5</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Adams County Mount Joy Township	PAG053581	Patrick Flinn 1660 Fairfield Road Gettysburg, PA 17325	Rock Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
<i>General Permit Type—PAG-6</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Borough of West Homestead Allegheny County	PAG066123	West Homestead Borough 456 West Eighth Avenue West Homestead, PA 15120	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-8 (SSN)</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Philadelphia City Philadelphia County	PAG080004	Philadelphia Water Department Biosolids Recycling Center 1101 Market St. Philadelphia, PA 19153	Kirk Farm Fulton Township Lancaster County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-10*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Petrolia Borough Butler County	PAG108306	INDSPEC Chemical Corporation 133 Main Street Petrolia, PA 16050-0307	South Branch Bear Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act.

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

**Operations Permit** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2350070, Jefferson Township, **Lackawanna County** on September 15, 2004, for the operation of facilities approved under Construction Permit No. 3502501 issued on August 21, 2002, and Minor Amendment issued on August 2, 2002.

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Somerset Township	615 Vanceville Road Eighty Four, PA 15330	Washington

*Plan Description:* The approved plan provides for construction of a 400-gallon per day single residence sewage treatment plant to serve the Timothy Zyra single family home. The property is at 150 Lanik Road. The proposed discharge point is an unnamed tributary of the north branch of Pigeon Creek (WWF). The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the applicant as appropriate.

## HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

### Prompt Interim Response

#### Currie Landfill Site, Millcreek Township, Erie County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Currie Landfill Site (Site). This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Site is along 15th Street, Millcreek Township, Erie County. The Site consists of an abandoned municipal and industrial mixed-waste landfill. Access to the Site is unrestricted and it is evident that trespassers frequent the Site.

The Department conducted a remedial investigation of the Site in November 2003 and observed numerous abandoned drums on the vegetated western edge of the Site. The drums appear to have been disposed after the closure of the landfill (that is, they are not severely corroded and drum markings are clearly visible in many cases). The exact contents of the drums are unknown and will be defined during the response. However, some drum markings include the phrase "combustible liquids."

For this prompt interim response, the Department considered two alternatives for the site: (1) no action; and (2) excavation and offsite disposal of the containerized wastes and associated visibly contaminated soils.

Each alternative was evaluated with respect to four comparison criteria of: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses Applicable or Relevant and Appropriate Requirements; (3) the extent to which each

alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis, the Department chose to implement Alternative 2 as the prompt interim response for the Site. This alternative was selected because it would, in the most cost effective manner, protect the public and environment from direct contact containerized wastes and associated visibly contaminated soils and eliminate the ongoing release and threat of release of those wastes into the environment.

This notice is being provided under section 506(b) of the HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment Monday through Friday from 8 a.m. to 4 p.m. at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Contact the Northwest Regional Office at (814) 332-6648 for an appointment.

The administrative record will be open for comment from October 2, 2004, until December 31, 2004. Persons may submit written comments into the record during this time only by sending or delivering them to John Morettini, Project Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. Persons wishing to present comments must register with John Morettini before November 2, 2004, by telephone or in writing. Persons interested in finding out if anyone has registered should contact John Morettini. If no one registers to present oral comments before November 2, 2004, the public hearing will not be held.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call John Morettini at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

## 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 se-

lecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Lincoln Avenue and Penn St. Site**, Newtown Borough, **Bucks County**. Christopher Orzechowski, RT Environmental Svcs., Inc., 215 W. Church Rd., King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with PAH. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Namico Plant**, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19102 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics, PAH and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Christian and Swanson St., 3-7 Christian Street**, City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Assoc., Inc., P. O. Box 1128, North Wales, PA 19454-0128 on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063 has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel, fuel oil nos. 1 and 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline used motor oil and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Christian and Swanson St., 9-15 Christian Street**, City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Assoc., Inc., P. O. Box 1128, North Wales, PA 19454-0128 on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063 has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel, fuel oil no. 1, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organ-

ics, unleaded gasoline used motor oil and PAH; and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Christian and Swanson St., 836-844, 846-850 Swanson Street**, City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Assoc., Inc., P. O. Box 1128, North Wales, PA 19454-0128 on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063 has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel, fuel oil no. 1 and 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline used motor oil and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Betzwood Industrial Park Area 8N**, Norriton Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of Valley Forge Center Assoc., LP, Michael Trio, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Proposed Brookhaven Development**, Upper Milford and Hereford Townships, Lehigh and **Berks County**. Ethan Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 has submitted a Remedial Investigation Report (on behalf of Judd Builders and Developers, 1750 Walton Road, Blue Bell, PA 19422-0465) concerning the remediation of soils found to have elevated arsenic concentrations as the result of pesticide application to former orchards. The report was submitted in partial fulfillment of the Site-Specific Standard.

**Former Blue Ridge Winkler Wastewater Treatment Plant**, Washington Township, **Northampton County**. Lehigh Valley Economic Development Corporation, Northampton County, 669 Washington Street, Easton, PA 18042 has submitted a Final Report concerning the remediation of soils found or suspected to have been contaminated with metals and polynuclear aromatic hydrocarbons. The report was submitted to document attainment of the Residential Statewide Health Standard.

**Luzerne County Transit Authority—Diesel Fuel Remediation**, Kingston Borough, **Luzerne County**. Martin Gilgallon, P. G., Project Hydrogeologist, PA Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Final Report (on behalf of Luzerne County Transit Authority, 315 Northampton Street, Kingston, PA 18704) concerning the remediation of soils found or suspected to have been contaminated with compounds related to diesel fuel. The report was submitted to document attainment of the Nonresidential Statewide Health Standard for soils.

**Former Allentown Paint Property**, City of Allentown, **Lehigh County**. Vincent M. Carbone, P. G., Project Geologist, Lawler, Matusky & Skelly Engineers, LLP, The

Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a revised Final Report (on behalf of Ramzi Haddad, Allen Street Development, Inc., 1111 Sixth Street, Whitehall, PA 18052) concerning the remediation of soils found or suspected of being contaminated with lead, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and BTEX components. A final report for this site was previously approved on October 12, 2000, after demonstrating attainment of the Nonresidential Statewide Health Standard. The revised report reflects a change to propose to meet the Residential Statewide Health Standard for onsite soils.

**PPL—Quarry Substation (East Market Street)**, City of Bethlehem, **Northampton County**. Donald Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 has submitted a Final Report (on behalf of PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101) concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report was submitted to demonstrate attainment of the site to the residential Statewide Health Standard.

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

**Fusion Coatings, Inc.**, Heidelberg Township, **Berks County**. ARM Group Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of Fusion Coatings, Inc. c/o Ken Harms, 201 Sanibel Lane, Wyomissing, PA 19610, submitted a revised combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

**Allfirst Bank**, Shillington Borough, **Berks County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Allfirst Bank, 2055 South Queen Street, MC 182-00-01, York, PA 17402, resubmitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and fuel oil no. 2. The report is intended to document the remediation of the site to a combination of Statewide Health and Site-Specific Standards.

**Dalloz Safety Inc.**, City of Reading, **Berks County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Dalloz Safety, Inc., 1150 First Avenue, Parkview Tower, Suite 400, King of Prussia, PA 19406, submitted a Remedial Investigation and a Risk Assessment concerning remediation of site soils and groundwater contaminated with fuel oils no. 2 and 4—6, chlorinated solvents and PAHs. The applicant intends to remediate the site to a combination of Statewide Health and Site Specific Standards.

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

**C.E. Kelly Support Facility/Neville Island Maintenance Facility**, Neville Island, **Allegheny County**. John Mason, CH2MHILL, 1700 Market Street, Suite 1600, Philadelphia, PA 19103 (on behalf of Steven R. Lenney, Charles E. Kelly Support Facility, 6 Loubaugh Street, Oakdale, PA 15701) has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**LTV Southside Works (Parcel 2CA)**, City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and Soffer SSW Public Spaces L. P., 400 Penn Centre Boulevard, Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**LTV Southside Works (Parcel 2CE)**, City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and Soffer Restaurant Park Associates, L. P., 400 Penn Centre Boulevard, Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**LTV Southside Works (Parcel C2B and C2C)**, City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and 2700 Sidney Street Associates, L.P., 400 Penn Centre Boulevard, Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**LTV Southside Works (Parcel C1A)**, City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and 2700 East Carson Street Associates, L. P., 400 Penn Centre Boulevard, Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Eastman Chemical Resins, Inc. (Formerly Hercules Inc.—Jefferson Plant)**, Jefferson Borough, **Allegheny County**. William A. Baughman, Cummings/Riter Consultants, Inc., 339 Haymaker Road, Parkway Building, Suite 201, Monroeville, PA 15146 (on behalf of William C. Hendon, Eastman Company, SR 837, P. O. Box 567, West Elizabeth, PA 15088-0567 and Joseph A. Keller, Hercules Inc., Research Center, Building 8139/15,500 Hercules Road, Wilmington, DE 19808-1599) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, other organics, diesel fuel, leaded gasoline, unleaded gasoline, used motor oil and PAHs. The Remedial Investigation Report is intended to document remediation of the site to meet the Site-Specific, Background and Statewide Health Standards.

**Frankstown-Sterrett Plan of Lots—Lot No. 1**, City of Pittsburgh, **Allegheny County**. Susan R. Frund, P. G., Michael Baker Jr., Inc., 100 Airside Drive, Moon Township, PA 15108 (on behalf of John Coyne, Urban Redevel-

opment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Final Report concerning remediation of site soil contaminated with VOCs, SVOCs, PCBs and metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:



*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Keystone Floor Products**, Bensalem Township, **Bucks County**. Erik Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of Keystone Floor Products, 2969 Samuel Dr., Bensalem, PA 19020 has submitted Remedial Investigation, Remedial Assessment and Cleanup Plan Reports concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, PAH and pesticides. The Remedial Investigation, Remedial Assessment and Cleanup Plan Reports were approved by the Department on August 27, 2004.

**Penn Beer Distributors Site**, City of Philadelphia, **Philadelphia County**. Rodd W. Bender, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of Matthew J. Funchion, Penn Beer Distributors, Inc., 401 Domino Lane, Philadelphia, PA 19128 has submitted Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with chlorinated solvents, inorganics, lead, MTBE and other organics. The Remedial Investigation Report and Cleanup Plan were approved by the Department on July 23, 2004.

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

**Proposed Brookhaven Development**, Upper Milford and Hereford Townships, **Lehigh and Berks County**. Ethan Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 submitted a Remedial Investigation Report (on behalf of Judd Builders and Developers, 1750 Walton Road, Blue Bell, PA 19422-0465) concerning the remediation of soils found to have elevated arsenic concentrations as the result of pesticide application to former orchards. The report was submitted in partial fulfillment of the Site-Specific Standard for soils and was approved on September 13, 2004.

**Kerr-McGee Chemical LLC—Avoca Property**, Avoca Borough, **Luzerne County**. David R. Kerschner, P. G., Principal, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 submitted a combined Remedial Investigation Report and Risk Assessment Report (on behalf of Kerr-McGee Chemical LLC, P. O. Box 25861, Oklahoma City, OK 73125) concerning the characterization and remediation of site soils found or suspected to be contaminated with lead and other inorganics, PAHs and other organics. The reports were submitted in partial fulfillment of the Site-Specific Standard and were approved on September 9, 2004.

**Godshalk Residence (2460 North Delaware Drive)**, Upper Mount Bethel Township, **Northampton County**. Kevin S. Keat, Senior Environmental Scientist, MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report and addendum (on behalf of Valerie Godshalk, Swiftwater, PA) concerning the remediation of groundwater found to have been contaminated with no. 2 home heating oil due to an accidental release. The report demonstrated attainment of the Residential Statewide Health Groundwater Standard and was approved on September 9, 2004.

**Former Allentown Paint Property**, City of Allentown, **Lehigh County**. Vincent M. Carbone, P. G., Project Geologist, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a revised Final Report (on behalf of Ramzi Haddad, Allen Street Development, Inc., 1111

Sixth Street, Whitehall, PA 18052) concerning the remediation of soils found or suspected of being contaminated with lead, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and BTEX components. A final report for this site was previously approved on October 12, 2000, after demonstrating attainment of the Nonresidential Statewide Health Standard. The revised report reflected a change to meet the Residential Statewide Health Standard and was approved on August 23, 2004.

**PPL—Quarry Substation (East Market Street)**, City of Bethlehem, **Northampton County**. Donald Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 submitted a Final Report (on behalf of PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101) concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report demonstrated attainment of the site to the Residential Statewide Health Standard and was approved on August 12, 2004.

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

**Former BOC Gases**, East Petersburg Borough, **Lancaster County**. ENSR International, Suite 100, 2005 Cabot Boulevard West, Langhorne, PA 19047, on behalf of Auto-Metrics of Lancaster, 1800 West State Street, East Petersburg, PA 17520, submitted a final report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 20, 2004.

**Warren Keller Property**, Heidelberg Township, **Lebanon County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Warren Keller, 17 St. Joseph Drive, Lebanon, IL 62254, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The Final Report was submitted within 90 days of a release and it demonstrated attainment of the Statewide Health Standard. The Department approved the report on August 26, 2004.

**Former Phillips Office Equipment**, Hampden Township, **Cumberland County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Ephrata, PA 17522, on behalf of The Phillips Group, 501 Fulling Mill Road, Middletown, PA 17057, submitted a Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 26, 2004.

**Federal Mogul Corporation**, City of Lancaster, **Lancaster County**. Environmental Strategies Consulting LLC, 300 Corporate Center Drive, Suite 200, Moon Township, PA 15108, on behalf of Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034, submitted a revised combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with heavy metals, solvents, BTEX, PHCs and PAHs. The combined report demonstrated attainment of the Site-Specific Standard and was approved by the Department on August 30, 2004.

**Hanover Shoe Farms**, Union Township, **Adams County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Hanover Shoe Farms, Inc., P. O. Box 339, Hanover, PA 17331-0339, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 31, 2004.

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

**Bernard Yuzawich (Tanker Truck Spill Site)**, Borough of Monroeville, **Allegheny County**. Mark Burrell, Shaw Environmental, Inc., 2790 Mossie Boulevard, Monroeville, PA 15146 (on behalf of Bernard Yuzawich, 1015 Penn Avenue, Pittsburgh, PA 15221 and Rhonda Giovannitti, Sunoco, Inc. (R & M), 5733 Butler Street, Pittsburgh, PA 15201) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 5, 2004.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permits Issued 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 municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM022. Kinsley Construction, Inc.**, 2700 Water Street, York, PA 17405-2886. General Permit WMGM022 is for: (1) processing and beneficial use of waste concrete (that is, waste concrete from roadways, curbs, sidewalks, building footers, bridge demolition, concrete masonry units, brick, crushed aggregate previously used as subgrade or sub-base material in roadway construction, shot rock and roof ballast) as roadway construction material, parking lot construction material and as a substitute for Department of Transportation approved aggregate; (2) beneficial use of recycled asphalt pavement materials as the feedstock in a bituminous products plant; and (3) processing and beneficial use of timber waste (that is, tree stumps, limbs, clean pallets, clean wood, untreated and unpainted lumber, shrubs, clean skids and packing crates) and leaf and yard waste (that is, source segregated leaf and yard waste, grass clippings, clean wood chips from processing facility) to produce bedding material for livestock. The general permit was issued by the Central Office on September 17, 2004.

Persons interested in reviewing the general permit should 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 should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permits Denied under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application Number WMGM018. L & W Demolition Co. Inc.**, 2224 Paxton St., Harrisburg, PA 17111. The application proposed beneficial use of wood recycled from construction and demolition debris as landscaping mulch and a bulking agent in sewage sludge and other waste composting. The permit application was denied by the Central Office on September 15, 2004, due to chemical quality of the mulch and noncompliance by the applicant.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Approved under the Solid Waste Management Act, the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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

**Registration under General Permit No. WMGR097R001. Kyler Environmental Services, Ltd.**, 1269 Piedmont Road, Somerset, PA 15501. General Permit WMGR097 authorizes R & D activities. This general permit was issued in support of R & D activities related to the lime stabilization of wastewater treatment sewage sludge generated from municipal sewage collection and treatment systems or treatment works, using a portable processing unit, for land application at mine sites for mine reclamation purposes. The Central Office approved this registration for coverage under the general permit on September 17, 2004.

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

#### MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Harvey Leon Davis, Jr.**, 8 Whales Ct., Elkton, MD 21921. **Authorization No. WH5894.** Effective September 7, 2004.

**Tri-Axel Trucks & Construction**, 579 Hawthorne Ave., Newark, NJ 07112. **Authorization No. WH6495.** Effective September 14, 2004.

**Roe Services, Inc.**, 82 W. Forge Rd., Glen Mills, PA 19324. **Authorization No. WH6503.** Effective September 2, 2004.

**HSW Trucking**, 194 Autumn St., Passaic, NJ 07055. **Authorization No. WH6521.** Effective September 2, 2004.

**Creative Landscapes, Inc.**, 49 Hanover Rd., Bethlehem, PA 18020. **Authorization No. WH6522.** Effective September 2, 2004.

**Sadi F. Costa**, 84 Somme St., Newark, NJ 07105. **Authorization No. WH6523.** Effective September 2, 2004.

**RDA Transportation, Inc.**, 10-67 Hart St., Brooklyn, NY 11237. **Authorization No. WH6524.** Effective September 2, 2004.

**McCusker Landscaping, Inc.**, 18 S. New Middletown Rd., Media, PA 19063-5201. **Authorization No. WH6526.** Effective September 2, 2004.

**Iria Express Corp.**, 40-11 72nd St., Woodside, NY 31377. **Authorization No. WH6527.** Effective September 2, 2004.

**Jose Cardena**, 552 Ferry St., Newark, NJ 07105. **Authorization No. WH6528.** Effective September 2, 2004.

**Russell Muffley Roofing & Siding**, 767 Fireline Rd., Palmerton, PA 18071. **Authorization No. WH6529.** Effective September 2, 2004.

**Royal Truck & Equipment, Inc.**, 6910 Route 309, Coopersburg, PA 18036. **Authorization No. WH6530.** Effective September 7, 2004.

**MTX Construction**, P. O. Box 102, Bartonsville, PA 18321. **Authorization No. WH6531.** Effective September 7, 2004.

**Primeau Services**, 21 W. Meadow St., Tremont, PA 17981. **Authorization No. WH6532.** Effective September 7, 2004.

**Jagjivah Singh**, 85-31 120th St., Apt. 4E, New Gardens, NY 11415. **Authorization No. WH6533.** Effective September 7, 2004.

**Straub Trucking LTD**, 487 Black Meadow Rd., Chester, NY 10918. **Authorization No. WH6534.** Effective September 7, 2004.

**David Betz Building & Remodeling**, 9625 SR 44, Watsonstown, PA 17777-8281. **Authorization No. WH6535.** Effective September 7, 2004.

**Tim Martin Paving & Excavating**, 5051 Wayne Rd., Chambersburg, PA 17201. **Authorization No. WH6537.** Effective September 7, 2004.

**Hri Kaim**, 9 Chestnut St., Edison, NJ 08817. **Authorization No. WH6538.** Effective September 7, 2004.

**Serafine Hauling**, P. O. Box 214, Chicora, PA 16025. **Authorization No. WH6539.** Effective September 8, 2004.

**G F Her Trucking, Inc.**, 2 Ashwood Ave., Apt. 1, Summit, NJ 07901. **Authorization No. WH6540.** Effective September 8, 2004.

**Stropes Wrecking Yard, Inc.**, R. R. 3 Box 87, Towanda, PA 18848. **Authorization No. WH6541.** Effective September 8, 2004.

**D-U Construction Company, Inc.**, 1574 Rose Hedge Dr., Poland, OH 44514. **Authorization No. WH6542.** Effective September 8, 2004.

**Emerald Environmental Services, Inc.**, 1621 St. Clair Ave., Kent, OH 44240. **Authorization No. WH6543.** Effective September 14, 2004.

**C. Arnolds Contracting**, 29 Second St., Sayre, PA 18840. **Authorization No. WH6544.** Effective September 14, 2004.

**Maria A. Hatias**, 636 Hilton Ave., Lyndhurst, NJ 07071. **Authorization No. WH6548.** Effective September 14, 2004.

**Figas Contracting**, 671 E. Second St., Weatherly, PA 18255. **Authorization No. WH6549.** Effective September 14, 2004.

**Searight Excavating, Inc.**, 5 Shingles St., McKees Rocks, PA 15136. **Authorization No. WH6550.** Effective September 14, 2004.

**Alvin M. Rose**, 10 Old William Penn Highway, Blairsville, PA 15717. **Authorization No. WH6551.** Effective September 8, 2004.

**Andrews Trucking, Inc.**, Belmont Turnpike South, R. R. 2 Box 170, Forest City, PA 18421-9532. **Authorization No. WH6552.** Effective September 8, 2004.

**Frank Lima**, 681 Stewart St., Ridgefield, NJ 07657. **Authorization No. WH6553.** Effective September 9, 2004.

**W. G. W. Trucking Corp.**, 424 Seventeenth St., Union City, NJ 07087. **Authorization No. WH6554.** Effective September 14, 2004.

**NYESC Leasing Corp.**, 701 Penn Ave., Marcus Hook, PA 19061. **Authorization No. WH6556.** Effective September 14, 2004.

**A1 Remodeling**, 639 Seybert St., Hazleton, PA 18201-4445. **Authorization No. WH6557.** Effective September 15, 2004.

**Anthony L. Smith Contracting**, 7075 Mountain Rd., Macungie, PA 18062. **Authorization No. WH6558.** Effective September 15, 2004.

**Accell, Inc.**, 100 A Love Rd., Reading, PA 19607-9628. **Authorization No. WH6560.** Effective September 15, 2004.

**Aria Hauling & Excavating, Inc.**, 1800 County Rd., Weirton, WV 26062. **Authorization No. WH6561.** Effective September 15, 2004.

**Masseys Trucking, LLC**, 12916 Edgewood Ave., Richmond, VA 23222. **Authorization No. WH6564.** Effective September 15, 2004.

**Joshua J Spinale**, 2082 Hemlock Farms, Hawley, PA 18428. **Authorization No. WH6565.** Effective September 15, 2004.

**A Payne Trucking**, 4280 Maple Grove Rd., P. O. Box 334, Bemus Point, NY 14712. **Authorization No. WH6566.** Effective September 15, 2004.

## 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.*

**46-302-227GP: Blommer Chocolate Co.** (P. O. Box 45, 1101 Blommer Drive, East Greenville, PA 18041) on September 16, 2004, to operate a steam generating boiler in Upper Hanover Township, **Montgomery County.**

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

**GP3-29-03003: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on September 14, 2004, for portable nonmetallic mineral processing plants under GP3 in Ayr Township, **Fulton County**.

**GP4-1-44-03015: Kardex Systems, Inc.** (MCIDC Plaza Boulevard 35, 6395 SR 103 North, Lewistown, PA 17044) on September 16, 2004, for burn off oven under GP4 in Granville Township, **Mifflin County**.

**GP4-21-03065: RAM Industrial Services, Inc.** (5460B Pottsville Pike, P. O. Box 748, Leesport, PA 19533) on September 17, 2004, for burn off ovens under GP4 in Lower Allen Township, **Cumberland County**.

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

**42-208: M and M Royalty, Ltd.—Big Shanty** (Big Shanty Road, Lewis Run, PA 15738) on September 17, 2004, to install a compressor engine in Lafayette Township, **McKean County**.

---

**Plan Approvals Issued under the Air Pollution Control Act 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.*

**06-05069E: East Penn Manufacturing Co.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on September 15, 2004, to construct and modify various sources used in the manufacturing of lead/acid storage batteries controlled by various fabric collectors and mist eliminator at Assembly Plant A-2 in Richmond Township, **Berks County**.

**28-03025B: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570-0026) on September 14, 2004, to construct two pellet mills and a high efficiency cyclone system for their Shippensburg Mill, Southampton Township, **Franklin County**.

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

**37-011C: Dairy Farmers of America** (Routes 208 and 18, New Wilmington, PA 16142) on September 7, 2004, to modify Plan Approval 37-011B in Wilmington Township, **Lawrence County**.

---

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

---

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

**09-0009D: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914) on September 15, 2004, to operate a printing press and thermal oxidizer in New Britain Township, **Bucks County**.

**09-0152: Gelest, Inc.** (612 William Leigh Drive, Tullytown, PA 19007) on September 15, 2004, to operate equipment for specialty chemicals in Falls Township, **Bucks County**.

**15-0094: Metallurgical Products Co.** (P. O. Box 598, West Chester, PA 19380) on September 20, 2004, to operate a bag filter dust collector in West Goshen Township, **Chester County**.

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

**54-317-004: Keystone Potato Products, Inc.** (P. O. Box 27, Hegins, PA 17938-0027) for construction of a dehydrated potato processing operation and associated air cleaning devices at their site in Frailey Township, **Schuylkill County**. This facility is a non-Title V facility. The boiler will be subject to NSPS Subpart Dc when firing propane. When firing landfill gas (methane), the boiler shall meet a destruction/removal efficiency of at least 98% (by weight) for total nonmethane organic compounds or to reduce NMOC concentration to 20 PPM as hexane by volume, dry basis at 3% O<sub>2</sub>, or less (if approved by the Department). Particulate emissions from the baghouses shall not exceed 0.02 grain/dscf. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for opacity. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. Monitoring and recordkeeping requirements will be contained in the Plan Approval.

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

**41-303-008A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on September 14, 2004, to operate a reprocessed oil-fired drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, until January 12, 2005, in Loyalsock Township, **Lycoming County**. The plan approval has been extended.

**14-00014A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on September 17, 2004, to operate a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, to January 15, 2005, in Spring Township, **Centre County**. The plan approval has been extended.

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

**33-055A: Glen Gery Corp.** (Route 28, Summerville, PA 15864) on April 30, 2004, to construct a tunnel kiln in Summerville Borough, **Jefferson County**.

---

**Title V Operating Permits Issued under the Air Pollution Control Act 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.*

**23-00034: Villanova University** (800 Lancaster Avenue, Villanova, PA 19085) on September 17, 2004, to operate a facility Title V Operating Permit in Radnor Township, **Delaware County**.

**46-00070: Finnaren and Haley, Inc.** (901 Washington Street, Conshohocken, PA 19428) on September 17, 2004, to operate a facility Title V Operating Permit in Whitmarsh Township, **Montgomery County**.

---

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

---

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

**46-00099: Keystone Screw Corp.** (P. O. Box V, Willow Grove, PA 19090) on September 16, 2004, to operate a synthetic minor operating permit in Upper Moreland Township, **Montgomery County**.

**46-00127: Verizon, Inc.** (966 South Matlack Street, West Chester, PA 19382) on September 16, 2004, to operate a synthetic minor operating permit in Upper Dublin Township, **Montgomery County**.

**46-00129: Central Montgomery Medical Center** (100 Medical Campus Drive, Lansdale, PA 19446) on September 15, 2004, to operate a natural minor operating permit in Lansdale Borough, **Montgomery County**.

**09-00128: East Coast Sign Advertising** (5058 Route 13 North, Bristol, PA 19007) on September 14, 2004, to operate a synthetic minor operating permit in Bristol Township, **Bucks County**.

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

**06-05087: Haines and Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on September 14, 2004, to operate a batch asphalt concrete plant controlled with a fabric collector in Colebrookdale Township, **Berks County**.

**06-05092: Reading Materials, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on September 14, 2004, to operate a batch/drum mix asphalt concrete plant controlled with a fabric collector in Cumru Township, **Berks County**.

**06-05104: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on September 16, 2004, to operate crushing equipment in their Lehigh Cement Company quarry in Maiden Creek Township, **Berks County**.

**67-05104: Tate Access Floors, Inc.** (52 Springvale Road, Red Lion, PA 17356) on September 13, 2004, for operation of their manufacturing facility in Windsor Township, **York County**.

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

**17-00052: P and N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) on September 10, 2004, a State-only Operating Permit for their Stiner coal processing facility in Goshen Township, **Clearfield County**. The facilities sources includes one coal crusher with integral screener and two belt conveyors, one 125 HP diesel-fired generator and one 2,000-gallon storage tank. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**04-00400: Columbia Gas Transmission Corp.** (1700 Mac Corkle Avenue, South East Charleston, WV 25325) on September 9, 2004, to operate a natural gas compression station at Ellwood City Station in Ellwood City, **Beaver County**. The facility has elected to have the Federally enforceable emission cap for the two engines: 2.628 million annual bhp-hr operation, 95 tpy NOx emission and 2.90 tpy VOC emissions.

---

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

---

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

**19-00006: Del Monte Corp.** (6670 Low Street, Bloomsburg, PA 17815) on August 31, 2004, to transfer the operating permit from DLM Foods, LLC to Del Monte Corporation through administrative amendment in South Centre Township, **Columbia County**.

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

**56-00266 Central City Synfuels, LLC** (P. O. Box 137, Central City, PA 15926) on September 20, 2004, to incorporate applicable requirements from Plan Approval PA 56-00266B for their synthetic fuel processing facility in Shade Township, **Somerset County**. This is a Title V Facility.

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

**25-00919: Vitco Co.—Division of Fast Fabricators** (802 Walnut Street, Waterford, PA 16441) on September 20, 2004, to administratively amend Natural Minor Operating Permit 25-00919 to incorporate the conditions of Plan Approval 25919A. The facility is in Waterford Township, **Erie County**.

**62-00150: Superior Tire and Rubber Corp.** (1818 Pennsylvania Avenue, Warren, PA 16365) on September 17, 2004, to administratively amend their Synthetic Minor Permit to correct a typographical omission. The facility is in City of Warren, **Warren County**.

---

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

---

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

**65-00899: Snyder Funeral Home, Inc.** (Bell and 402 East Church Street, Ligonier, PA 15658) to install a new 75 pounds per hour pet crematory. The new unit will increase emissions by 0.43 ton per year of PM10, 0.04 ton per year of CO, 0.59 ton per year of NOx, 0.17 ton per year of SOx and 0.004 ton per year of VOCs. These emission increases qualify as de minimis increases under 25 Pa. Code § 127.449.

## 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

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

**54040101 and NPDES Permit No. PA0224375. Char-Pac Coal Company** (P. O. Box 81, Minersville, PA 17954), commencement, operation and restoration of an anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 200.5 acres, receiving streams: Hans Yost Creek or West Branch of Schuylkill River. Application received February 25, 2004. Permit issued September 15, 2004.

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

**63733701. NPDES Permit No. PA0023400, Champion Processing, Inc.** (P. O. Box 1073, Coraopolis, PA 15108-6064), to renew the permit for the Champion Refuse Disposal Area in Robinson Township, **Washington County** and related NPDES permit. No additional discharges. Permit issued September 10, 2004.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900.*

**56663094 and NPDES Permit No. PA0606031. Croner, Inc.,** P. O. Box 260, Friedens, PA 15541, surface mine permit renewal in Brothersvalley Township, **Somerset County**, affecting 182 acres. Receiving streams: UNTs to Blue Lick Creek and Blue Lick Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 8, 2004. Permit issued September 13, 2004.

**56940105 and NPDES Permit No. PA0212890. Action Mining, Inc.,** 1117 Shaw Mines Road, Meyersdale, PA 15552, surface mining permit renewal in Elk Lick and Summit Townships, **Somerset County**, affecting 108 acres. Receiving streams: unnamed tributaries to and Casselman River (CWF and WWF). There are no potable water supply intakes within 10 miles downstream. Application received July 14, 2004. Permit issued September 15, 2004.

**56890102 and NPDES Permit No. PA0598372. Svonavec, Inc.,** 150 W. Union Street, Suite 201, Somerset, PA 15501, surface mining permit renewal for reclamation only in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving

streams: unnamed tributaries to Casselman River and Casselman River (WWF). The first downstream potable water supply intake from the point of discharge is the Ohioople Borough Municipal Waterworks Youghiogheny River surface water withdrawal. Application received June 26, 2004. Permit issued September 15, 2004.

**07890101 and NPDES Permit No. PA0598381. Cooney Brothers Coal Company,** Box 246, Cresson, PA 16630, SMP renewal in Logan Township, **Blair County**, affecting 112 acres. Receiving streams: unnamed tributary to Kittanning Run and unnamed tributary to Little Laurel Run (CWF). The first downstream potable water supply intake from the point of discharge is the Altoona City Authority Blair County Burgoon Run Glen White Surface Water Intake. Application received June 24, 2004. Permit issued September 16, 2004.

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

**04-03-01 and NPDES Permit No. PA0250538. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Government financed construction contract issued for reclamation of approximately 17.5 acres of abandoned mine lands in South Beaver Township, **Beaver County**. Receiving streams: unnamed tributaries to Brush Run. Application received January 28, 2004. Contract issued September 15, 2004.

### Noncoal Permits Actions

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**21032802. Funks Drilling, Inc.** (30 Myers Road, Newville, PA 17241), commencement, operation and restoration of a quarry operation in Upper Mifflin Township, **Cumberland County** affecting 5.0 acres, receiving stream: none. Application received November 3, 2003. Permit issued September 13, 2004.

**58042803. Timothy Mark Smith** (R. R. 3 Box 329E, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 29, 2004. Permit issued September 13, 2004.

**06820601C2 and NPDES Permit No. PA0612791. Allan A. Myers, LP d/b/a Independence Construction Materials** (P. O. Box 98, Worcester, PA 19490), renewal of NPDES Permit for discharge of treated mine drainage from a quarry in New Morgan Borough, **Berks County**, receiving stream: unnamed tributary to East Branch of Conestoga River. Application received February 13, 2004. Renewal issued September 13, 2004.

**22042801. Blue Mountain Building Stone Company** (505 Hilltop Road, Hummelstown, PA 17036), commencement, operation and restoration of a quarry operation in West Hanover Township, **Dauphin County** affecting 5.0 acres, receiving stream: none. Application received July 7, 2004. Permit issued September 13, 2004.

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

**53040801. Gary L. Reese** (156 Cherry Springs Road, Coudersport, PA 16815), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Sweden Township, **Potter County** affecting 3 acres. Receiving streams: Mill Creek. Application received January 28, 2004. Permit issued August 19, 2004.

**08040806. Walter A. Dickerson** (R. D. 3, Box 253A, Gillett, PA 16925), commencement, operation and restora-

tion of a small noncoal (shale) permit in Ridgebury Township, **Bradford County** affecting 1.5 acres. Receiving streams: tributary to Bentley Creek. Application received May 14, 2004. Permit issued August 23, 2004.

**08040803. Barry Reese** (R. R. 2, Box 213, Wyalusing, PA 18853), commencement, operation and restoration of a small noncoal (bluestone) permit in Wilmot Township, **Bradford County** affecting 3.0 acres. Receiving streams: unnamed tributary to Panther Lick, Panther Lick. Application received April 13, 2004. Permit issued August 24, 2004.

**59042803. Gra-Hil Construction, Inc.** (9253 Route 6, Wellsboro, PA 16901), commencement, operation and restoration of a small noncoal (sand/gravel) permit in Delmar Township, **Tioga County** affecting 2 acres. Receiving streams: unnamed tributary, tributary to Marsh Creek. Application received July 30, 2004. Permit issued September 9, 2004.

**41040802. Howling Hills Enterprises** (1900 Trout Run Mountain Road, Trout Run, PA 17771), commencement, operation and restoration of a small noncoal (bluestone) permit in Lewis Township, **Lycoming County** affecting 5 acres. Receiving streams: Lycoming Creek. Application received May 3, 2004. Permit issued September 8, 2004.

**08010823. Jerry L. Johnson** (R. R. 1, Box 179A-1, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Wilmot Township, **Clearfield County** affecting 5 acres. Receiving streams: Susquehanna River. Application received October 17, 2001. Permit issued September 8, 2004.

**53032803. Donald R. Reed** (392 Ridge Road, Genesee, PA 16923), commencement, operation and restoration of a small noncoal (sand/gravel) permit in Genesee Township, **Potter County** affecting 5 acres. Receiving streams: tributary to West Branch Susquehanna River. Application received July 23, 2003. Application returned: September 14, 2004.

**08030803. Roger Sharts** (R. R. 1, Box 1691A, Sugar Run, PA 18846), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Terry Township, **Bradford County** affecting 2 acres. Receiving streams: small West Branch Stream, unnamed tributary to Susquehanna River. Application received May 7, 2003. Application returned: September 14, 2004.

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

**20030301. Lakeland Sand & Gravel, Inc.** (7013 Atlantic Lake Road, Hartstown, PA 16131). Commencement, operation and restoration of a large noncoal sand and gravel operation in Sadsbury Township, **Crawford County** affecting 81.0 acres. Receiving streams: None. Application received February 6, 2003. Permit issued September 7, 2004.

**20040301. Lakeland Sand & Gravel, Inc.** (7013 Atlantic Lake Road, Hartstown, PA 16131). Commencement, operation and restoration of a large noncoal sand and gravel operation in East Fallowfield Township, **Crawford County** affecting 30.9 acres. Receiving streams: None. Application received February 26, 2004. Permit issued September 7, 2004.

#### ABANDONED MINE RECLAMATION

*Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.*

Bond Forfeiture  
Contract Awarded  
Location

**BF 485-101.1**

Washington Township,  
**Dauphin County**

Description

Abandoned Mine Land  
Reclamation  
AD Coal Co.

Contractor

Lycoming Supply, Inc.

Amount

\$184,510

Date of Award

September 15, 2003

#### 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.**

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**67044043. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting at Westbrook/Meadow View Drive in Franklin Township, **York County** with an expiration date of September 30, 2005. Permit issued September 13, 2004.

**21044066. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Golden Triangle Development in Silver Spring Township, **Cumberland County** with an expiration date of September 30, 2005. Permit issued September 13, 2004.

**36044084. ABEL Construction Company, Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Cedar Acres East Phase 3 in Lancaster City, **Lancaster County** with an expiration date of December 31, 2005. Permit issued September 13, 2004.

**48044030. Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Jandy Commercial Subdivision in Lower Nazareth Township and Nazareth Borough, **Northampton County** with an expiration date of October 13, 2005. Permit issued September 13, 2004.

**28044037. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting at R & D Contractors Norland Avenue Job in Chambersburg Borough, **Franklin County** with an expiration date of January 31, 2005. Permit issued September 13, 2004.

**28044036. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting for single basement Lot No. 73 in Guilford Township, **Franklin County** with an expiration date of December 31, 2004. Permit issued September 13, 2004.

**21044067. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting for Whisler Excavating in South Middleton Township, **Cumberland County** with an expiration date of September 30, 2005. Permit issued September 13, 2004.

**67044102. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Valley Green Village West in Newberry Township, **York County** with an expiration date of December 30, 2004. Permit issued September 13, 2004.



**40044101. Hayduk Enterprises** (P. O. Box 544, Dalton, PA 18414), construction blasting for a home in Pringle Borough, **Luzerne County** with an expiration date of March 10, 2005. Permit issued September 14, 2004.

**36044104. Keystone Blasting Service** (38 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Signature Cabinetry in Ephrata Township, **Lancaster County** with an expiration date of October 30, 2004. Permit issued September 14, 2004.

**36044105. Keystone Blasting Service** (38 Reifsnnyder Road, Lititz, PA 17543), construction blasting for American Home Bank in East Hempfield Township, **Lancaster County** with an expiration date of December 30, 2004. Permit issued September 15, 2004.

**54044008. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting at Water and Sewer Project in North Union Township, **Schuylkill County** with an expiration date of August 23, 2005. Permit issued September 16, 2004.

**15044037. Rock Work, Inc.** (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at Havenstone Development in New London Township, **Chester County** with an expiration date of October 13, 2005. Permit issued September 15, 2004.

**67044044. Stewart & Tate, Inc.** (950 Smile Way, York, PA 17405) and **D. C. Guelich Explosives Company, Inc.** (P. O. Box 245, Thomasville, PA 17364), construction blasting for Orthopedic & Spine Specialist Medical Facility in York Township, **York County** with an expiration date of September 30, 2005. Permit issued September 16, 2004.

**21044068. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at West Shore YMCA in Hampton Township, **Cumberland County** with an expiration date of September 30, 2005. Permit issued September 16, 2004.

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

**26044007. Penn Development Services, LP** (P. O. Box 110, Uniontown, PA 15401). Permit issued for construction in Dunbar Township, **Fayette County**, with an expected duration of 180 days. Permit issued September 20, 2004.

**04044001. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for overburden blasting in South Beaver Township, **Beaver County**, with an expected duration of 180 days. Permit issued September 20, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317)

and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-864. Bucks County Board of Commissioners**, Administrative Building, 55 East Court Street, Doylestown, PA 18901, Solebury Township, **Bucks County**, ACOE Philadelphia District.

To maintain an existing three span stone masonry arch bridge across Pidcock Creek (WWF) associated with Bucks County Bridge No. 305. This work also includes construction of a temporary cofferdam and placement of associated riprap protection along the abutments. The site is approximately 400 feet southwest of the intersection of Atkinson Road (T-375) and Pidcock Creek Road (Lambertville, PA-USGS Quadrangle N: 14.0 inches; W: 14.3 inches).

The issuance of this amendment also constitutes approval of a Water Quality Certification for this project under section 401 of the Federal Water Pollution Control Act.

**E15-726. Downingtown Borough**, 4 West Lancaster Avenue, Downingtown, PA 19335, Downingtown Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain the Sky's the Limit Playground within the 100-year floodplain of the East Branch



of the Brandywine Creek. Work will include grading activities and the installation of handicap accessible playground equipment within an approximately 12,000 square foot area of Kerr Park. The project is situated approximately 400 feet west of the intersection of Wallace and Pennsylvania Avenues (Downingtown USGS Quadrangle N: 1.7 inches, W: 11.4 inches).

**E09-877. John V. Missale**, 6695 Greenhill Road, Lumberville, PA 18933, Solebury Township, **Bucks County**, ACOE Philadelphia District.

To install and maintain a 4-foot wide with a 60-foot single-span pedestrian bridge over Coppernose Run Tributary to Delaware River (TSF) to provide safe walk from the existing parking area to the house. This site is just west of intersection of Greenhill Road and River Road (Lumberville, PA Quadrangle N: 5.0 inches; W: 4.3 inches).

**E46-963. Cheltenham Township**, 8230 Old York Road, Elkins Park, PA 19027, Cheltenham Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the existing walking trail in Tookany Creek Park:

1. To rehabilitate, widen and maintain an existing pedestrian bridge across the Tacony Creek (a/k/a Tookany Creek), just downstream of the confluence with Jenkintown Creek.

2. To maintain an existing pedestrian bridge across an unnamed tributary to Tacony Creek which is 2,000 feet downstream of the Jenkintown Road bridge crossing.

3. To construct and maintain a 6-foot wide by 70-foot long pedestrian bridge across the Tacony Branch No. 1, upstream from its confluence with the Tacony Creek.

4. To construct and maintain a 6-foot wide by 67-foot long pedestrian bridge across the Tacony Branch No. 1, upstream from its confluence with the Tacony Creek.

The park is between Central Avenue and Jenkintown Road (Frankford, PA USGS Quadrangle N: 11.5 inches; W: 13.75 inches).

Approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act was previously authorized on July 22, 2004, by Emergency Permit EP4604332.

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

**E01-247. Mount Pleasant Township**, 1035 Beck Road, Gettysburg, PA 17325 in Mount Pleasant Township, **Adams County**, ACOE Baltimore District.

To remove a two-cell 49-inch by 33-inch corrugated metal pipe culvert and then to construct and maintain a 20-foot by 5-foot by 33-foot precast reinforced concrete box culvert with cast-in-place wingwalls upstream with a 5-foot riprap apron and a 6-foot tapered end section with a 10-foot riprap apron downstream at a point where Willow Road (T-421) crosses White Run (WWF) (Gettysburg, PA Quadrangle N: 9.8; W: 6.8 inches) in Mount Pleasant Township, Adams County. This work was authorized by Emergency Permit EP-01-04-103.

**E21-346. Realand, Inc.**, 135 Tyler Run Road, York, PA 17403 in Lower Mifflin Township, **Cumberland County**, ACOE Baltimore District.

To: (1) construct and maintain a road crossing consisting of a 5-foot diameter by 20-foot long corrugated metal pipe within an unnamed tributary to Doubling Gap Creek (CWF); and (2) place fill within 0.03 acre of associated

wetlands, for the purpose of providing access to Lot 5 of Scenic View Subdivision at a point approximately 1,800 feet due south of the intersection of SR 997 and SR 233 (Newville, PA Quadrangle N: 18.85 inches; W: 9.7 inches) in Lower Mifflin Township, Cumberland County. The permittee is responsible for providing 0.06 acre of replacement wetlands.

**E36-781. Farmer's First Bank**, P. O. Box 1000, 26th North Cedar Street, Lititz, PA 17543 in Lititz Borough, **Lancaster County**, ACOE Baltimore District

To construct and maintain: (1) a paved parking area; (2) an elevated building on piers; and (3) the rehabilitation of two bridges all within the 100-year floodway of Lititz Run (WWF) at a point along Water Street (Lititz, PA Quadrangle N: 5.8 inches; W: 7.1 inches) in Lititz Borough, Lancaster County. The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

**E02-1445. Edward Swerdlow and Elliot Sanft**, 7501 Penn Avenue, Pittsburgh, PA 15208. Culvert in Pierson Run, Monroeville Borough, **Allegheny County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 13.9 inches; W: 14.4 inches and Latitude: 40° 27' 6" and Longitude: 79° 43' 43"). To operate and maintain a 10-foot diameter CMP (depressed 1 foot) 80 feet long in Person Run (TSF) to construct and maintain a stormwater outfall to the same stream and to operate and maintain an 8-foot diameter CMP culvert 96 feet long in the same stream. The site is on the south side of Old Frankstown road approximately 1,800 feet east of its intersection with Route 286. An existing dual 3-foot diameter culvert was removed and the 10-foot diameter culvert was constructed under EP0203210.

**E63-560. Alex Canonsburg, L. P.**, 219 Grandview Avenue, Pittsburgh, PA 15211. Retaining wall and culvert in Canonsburg Borough, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 1.3 inches; W: 11.0 inches and Latitude: 40° 15' 26" and Longitude: 80° 12' 14"). To remove existing structures, to construct and maintain a retail development and its associated parking along the left bank flood way of Chartiers Creek (WWF) for approximately 250 feet and along the right bank of a tributary to Chartiers Creek (WWF) for approximately 230 feet, to construct and maintain a retaining wall approximately 230 feet long along the right bank side of the same tributary, to replace and maintain approximately 14 feet of an existing 24-inch diameter culvert with 36-inch diameter culvert in the same tributary and to construct and maintain various outfall to the same tributary. The project is part of a 13,824 square foot retail development on the south side of West Pike Street.

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

**E10-397. Lawrence W. and Victoria L. Pacey**, 103 Pointe Drive, Valencia, PA 16059-2125. Pacey Bridge Project in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 12.5 inches; W: 9.9 inches).

To construct and maintain a pedestrian bridge having a clear span of 32.66 feet and an instream length of 6.0 feet across Glade Run (WWF) at a point approximately 1,500 feet southeast of the intersection of SR 0228 and Park Road, south of Park Road.

**E25-674, Erie-Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority—East and West Canal Basin Docks in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 2.1 inches; W: 12.2 inches).

The applicant proposes to amend Permit E25-674 which authorizes the Erie-Western Pennsylvania Port Authority to conduct the following activities within the East and West Canal Basins, Presque Isle Bay (WWF, perennial), Lake Erie:

1. Construct a 52-foot long floating extension and maintain the existing Wolverine Park Marina Pier 2 dock in the West Canal Basin.

2. Remove three existing finger piers and construct and maintain floating header dock and finger piers along the east side of State Street in the East Canal Basin.

The proposed amendment is to:

1. Construct a 52-foot long floating extension and maintain the existing Wolverine Park Marina Pier 2 dock in the West Canal Basin.

2. Remove three existing finger piers and construct and maintain floating header dock and finger piers along the east side of State Street in the East Canal Basin.

3. Demolish the existing fishing pier within the West Canal Basin and to construct and maintain a fishing pier in the East Canal Basin having dimensions of 77-foot by 30-foot.

4. Construct and maintain two 40-foot long floating docks in the location of the existing fishing pier in the West Canal Basin.

Project includes dredging to an elevation of 568.5 feet in the area of the existing fishing pier in the West Canal Basin by removing the existing stone-filled wooden crib under the pier.

**E25-690, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3014 over Little Conneauttee Creek in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs N. E. PA Quadrangle N: 10.3 inches; W: 11.3 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 45.87 feet and a minimum underclearance of 5.6 feet on a 65 skew across Little Conneauttee Creek (CWF, perennial) on SR 3014, Segment B01, Segment 0270, Offset 0000 approximately 0.4 mile west of intersection of SR 3014 and Draketown Road. Project includes wing walls, riprap protection and roadway approach work. The project proposes to directly affect a total of approximately 60 linear feet of stream channel.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D52-015EA, Department of Conservation and Natural Resources**, RCSOB, P. O. Box 8552, Harrisburg, PA 17105-8552, Porter Township, **Pike County**, ACOE Philadelphia District.

Project proposes to mechanically remove 3 to 5 acres of aquatic vegetation with a hydrorake from a section of Pecks Pond for the purpose of creating more navigable water in the reservoir area. Pecks Pond Dam is across Bushkill Creek (HQ-CWF) and is off of SR 402 near the

Town of Pecks Pond in Porter Township, Pike County (Pecks Pond, PA Quadrangle N: 6.75 inches; W: 12.30 inches).

[Pa.B. Doc. No. 04-1820. Filed for public inspection October 1, 2004, 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 2004.

#### 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.

#### Notice of Intent to Remove

DEP ID: 580-3000-001. Title: Deep Mine Safety Program Guidance Manual. Description: The Bureau of Deep Mine Safety Program Guidance Manual (manual) is a comprehensive collection of internal guidelines for use by Bureau of Deep Mine Safety (Bureau) staff. The instructions within this manual serve as a guide to Bureau personnel involved in enforcement activities, approvals, certifications, training, emergency response, employee safety and quality control. Removal of this document from the Department's technical guidance inventory will allow for more rapid and responsive changes to internal procedures specific to the daily operations of the Bureau. Information regarding the Bureau's compliance and enforcement procedures can now be found in another document, # 580-3000-002: Bureau of Deep Mine Safety's Compliance/Enforcement Procedures, which was advertised for public comment at 34 Pa.B. 4202 (August 7, 2004). Effective Date: October 2, 2004.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 04-1821. Filed for public inspection October 1, 2004, 9:00 a.m.]

### Chesapeake Bay Advisory Committee Meeting

The Chesapeake Bay Advisory Committee (Committee) will meet on October 7, 2004, from 10 a.m. to 3 p.m. in the Southcentral Regional Office, Susquehanna Conference Room, 909 Elmerton Avenue, Harrisburg, PA 17110. The Committee will be meeting jointly with the Chesapeake Bay Tributary Steering Committee.

Questions concerning the next meeting should be directed to Dave Reed, (717) 772-5649, davreed@state.pa.us. The agenda and meeting materials for the October 7, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://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 the Department at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1822. Filed for public inspection October 1, 2004, 9:00 a.m.]

### Proposed General Plan Approval and/or General Operating Permits (BAQ-GPA/GP-9, GP-11 and GP-12)

The Department of Environmental Protection (Department) proposes to issue the following general plan approvals and/or general operating permits (GPs) which contain predetermined Best Available Technology (BAT) and other regulatory requirements:

BAQ-GPA/GP-9 (Diesel or No. 2 Fuel-fired Internal Combustion Engines)

BAQ-GPA/GP-11 (Nonroad Engines)

BAQ-GPA/GP-12 (Fugitive Dust Sources and Diesel-fired Internal Combustion (IC) Engines at Coal and Coal Refuse Mining Sites)

These GPs, authorized under section 6.1(f) and (g) of the Air Pollution Control Act (35 P. S. § 4006.1(f) and (g)), will apply to the construction, operation and modification of the previously mentioned sources.

The proposed GPs contain conditions which prescribe applicable emission limits, compliance demonstration, monitoring, recordkeeping and reporting requirements.

Prior to operating under these GPs, the owner or operator of the source must notify the Department and receive prior written approval from the Department before beginning to operate the affected facility. Notification of the facility's intent to use the GPs must be submitted on a form provided by the Department. Facilities operating under these GPs shall comply with the terms and conditions of the GPs.

These GPs may not be used when the installation of a source, individually or in conjunction with other source installations or modifications, would be subject to 25 Pa. Code Chapter 127, Subchapter D or Subchapter E (relating to prevention of significant deterioration of air quality; and new source review).

### BAQ-GPA/GP-9

This GP is designed to serve as either Plan Approval and/or Operating Permit for diesel engines including emergency generators, electric power generation, rock crushing operation, portable nonmetallic processing plants and engines used in other processes not covered by other GPs.

The GP includes emission standards for particulate matter, sulfur oxides, visible emissions, odor emissions, total hydrocarbon, nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO). NO<sub>x</sub> and CO emission standards are based on engine rating, annual operating hours and location of the engine.

These requirements shall be verified through stack tests, recent onsite test data on similar engines or vendor guarantees. The Department also reserves the right to require an additional verification of emission rates which may include source testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) or portable exhaust gas analyzers approved by the Department.

The applicant shall maintain comprehensive accurate records of hours, fuel used and emissions test results. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

The Department proposes to establish application, permit renewal and annual general operating permit administrative fees for GP-9 as follows:

1. During calendar years 2004 and 2005, \$375.

2. The GP fee shall be increased on January 1 of each year starting with 2006 by the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. For calculation purposes, the CPI for a calendar year is the average of the CPI for All Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

### BAQ-GPA/GP-11

This GP is designed to serve as either Plan Approval and/or Operating Permit for all compression ignition nonroad engines. The Environmental Protection Agency (EPA) has defined nonroad engines in 40 CFR 89.2. These engines are for temporary use at sites for less than 1 year and are regulated by the Federal Clean Air Act and the cited CFRs. States are preempted from adopting or enforcing standards or other requirements for nonroad engines. The GP for nonroad engines outlines the BAT for these engines as compliance with requirements that are specified in 40 CFR Parts 85 and 89.

These BAT requirements shall be verified through vendor guarantees, recent onsite test data on similar engines or other means approved by the Department. However, the Department reserves the right to require an additional verification of emission rates which may include source testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 or portable exhaust gas analyzers approved by the Department.

The applicant shall maintain comprehensive accurate records of hours, fuel used and relocation for each unit. The applicant shall notify the Department and the municipality prior to relocation of a nonroad engine. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

The Department proposes to establish application, permit renewal and annual general operating permit administrative fees for GP-11 as follows:

1. During calendar years 2004 and 2005, \$375.
2. The GP fee shall be increased on January 1 of each year starting with 2006 by the percentage, if any, by which the CPI for the most recent calendar year exceeds the CPI for the previous calendar year. For calculation purposes, the CPI for a calendar year is the average of the CPI for All Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

#### *BAQ-GPA/GP-12*

This GP is designed to serve as both general plan approval and the general operating permit for fugitive dust sources and diesel-fired internal combustion engines at coal and coal refuse (waste coal) preparation plants.

The Department has established the BAT requirements for the diesel engines used for this source category in a manner that is consistent with those established in GP-9, but which represents typical operation for coal and coal refuse preparation plants. The Department has also established BAT control and housekeeping requirements for the fugitive dust generating operations used at coal preparation plants that are different as reflective of plant specific annual coal throughput and distance from the nearest resident.

These requirements will be verified through stack test, recent onsite test data on similar engines or vendor guarantees. The Department also reserves the right to require an additional verification of emission rates which may include source testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 or portable exhaust gas analyzers approved by the Department.

The applicant shall maintain comprehensive accurate records of hours, fuel used and emissions test results. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

The Department proposes to establish application, permit renewal and annual general operating permit administrative fees for GP-12 as follows:

1. During calendar years 2004 and 2005, \$1,000.
2. The GP fee shall be increased on January 1 of each year starting with 2006 by the percentage, if any, by which the CPI for the most recent calendar year exceeds the CPI for the previous calendar year. For calculation purposes, the CPI for a calendar year is the average of the CPI for All Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

Authorization to operate the sources under these GPs will be issued for a term of 5 years. Within 30 days of the expiration date of the authorization to operate under the respective GP, the permittee must renew the authorization if the facility intends to continue to operate under any of these GPs.

A complete copy of these GPs can be obtained by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-

5984. Copies of the GPs are available on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Air Quality).

The Department requests written comments on the proposed GPs. Notice and opportunity for comment will also be provided to the EPA, Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to John Slade, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning these proposed GPs. Public comments must be submitted to the Department by November 16, 2004. Comments received by facsimile will not be accepted.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1823. Filed for public inspection October 1, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hearing Aid Advisory Council Meeting

The Hearing Aid Advisory Council, established by section 201 of the Hearing Aid Sales Registration Law (35 P.S. § 6700-201), is scheduled to hold a meeting on November 1, 2004, from 9:30 a.m. to 12 p.m. at 132 Kline Plaza, Suite A, Harrisburg, PA 17104.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodations to do so, contact Carol Williams, Director, Bureau of Community Program Licensure and Certification, (717) 783-8665. Speech and/or hearing impaired persons should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-1824. Filed for public inspection October 1, 2004, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Pennsylvania Conservation Corps; Grants for Projects

Grants for projects related to conservation, recreation, historical preservation, graffiti removal and the repair of institutional vandalism will be available under the Pennsylvania Conservation Corps (PCC) program.

Agencies eligible to apply for PCC projects are:

- The Departments of Labor and Industry, Conservation and Natural Resources, Public Welfare, Corrections, Military and Veterans Affairs, Aging, Education and Community and Economic Development.

- The Game, Fish and Boat and Historical and Museum Commissions.
- The Pennsylvania Emergency Management Agency.
- Political subdivisions.
- Nonprofit agencies in cities of the first class (for projects involving the removal of graffiti and the repair of institutional vandalism only).

The PCC program is designed to provide work experience and educational opportunities to unemployed young adults as they undertake needed projects on this Commonwealth's public lands. Funds available through the PCC program may be used to purchase approved construction materials and contracted services (political subdivisions must provide a 25% cash match). The wages of corpsmembers and crewleaders are paid directly by the Department of Labor and Industry.

Applications for PCC projects will be accepted from political subdivisions and eligible nonprofit agencies through January 7, 2005. State agency applications will be accepted through February 7, 2005.

For more information or to obtain a grant application packet, contact the Pennsylvania Conservation Corps, 1304 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 783-6385, pcc@state.pa.us. Grant application materials are also available for download from the PA PowerPort: www.state.pa.us (PA Keyword: PCC).

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 04-1825. Filed for public inspection October 1, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Doughman Dollars 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 Doughman Dollars.
2. *Price:* The price of a Pennsylvania Doughman Dollars instant lottery game ticket is \$5.
3. *Play Symbols:* Each Pennsylvania Doughman Dollars instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY). 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 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17

(SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY) and a Snowman Symbol (SNOWMN).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.<sup>00</sup> (TWO DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$10, \$15, \$20, \$50, \$100, \$500, \$1,000 and \$50,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Doughman Dollars instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$1,000 (ONE THO) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$500 (FIV HUN) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$100 (ONE HUN) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$50\$ (FIFTY) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$20\$ (TWENTY) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$15\$ (FIFTN) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman Symbol (SNOWMN), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Snowman Symbol (SNOWMN) on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

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 Any of the Winning  
Numbers, Win With Prize(s)  
of:*

	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
\$5	\$5	15	320,000
\$5 w/Snowman	\$5	15	320,000
\$2 × 5	\$10	75	64,000
\$5 × 2	\$10	150	32,000
\$10	\$10	150	32,000
\$10 w/Snowman	\$10	150	32,000
\$5 × 3	\$15	300	16,000
\$10 + \$5	\$15	300	16,000
\$15	\$15	200	24,000
\$15 w/Snowman	\$15	200	24,000
\$5 × 4	\$20	300	16,000
\$10 × 2	\$20	600	8,000
\$20	\$20	200	24,000
\$20 w/ Snowman	\$20	150	32,000
\$5 × 10	\$50	200	24,000
\$10 × 5	\$50	300	16,000
\$50	\$50	200	24,000
\$50 w/Snowman	\$50	300	16,000
\$10 × 10	\$100	444.44	10,800
\$20 × 5	\$100	444.44	10,800
\$100	\$100	442.80	10,840
\$100 w/Snowman	\$100	444.44	10,800
\$50 × 10	\$500	24,000	200
\$100 × 5	\$500	24,000	200
\$500	\$500	30,000	160
\$500 w/Snowman	\$500	30,000	160
\$100 × 10	\$1,000	960,000	5
\$1,000	\$1,000	960,000	5
\$1,000 w/Snowman	\$1,000	960,000	5
\$50,000	\$50,000	480,000	10

Snowman = Automatically win prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Doughman Dollars 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 Doughman Dollars, prize money from winning Pennsylvania Doughman Dollars 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 Doughman Dollars 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 Doughman Dollars or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-1826. Filed for public inspection October 1, 2004, 9:00 a.m.]

### **Pennsylvania Jingle Bucks '04 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 Jingle Bucks '04.

2. *Price:* The price of a Pennsylvania Jingle Bucks '04 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Jingle Bucks '04 instant lottery game ticket will contain one play area featuring a "LUCKY NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "LUCKY NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). 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) and a Jingle Bell Symbol (BELL).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$100 (ONE HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$80, \$100 and \$1,000. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Jingle Bucks '04 instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jingle Bell Symbol (BELL), and a prize symbol of \$80\$ (EIGHTY) appears under the Jingle Bell Symbol (BELL) on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jingle Bell Symbol (BELL), and a prize symbol of \$40\$ (FORTY) appears under the Jingle Bell Symbol (BELL) on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jingle Bell Symbol (BELL), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Jingle Bell Symbol (BELL) on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol 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.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jingle Bell Symbol (BELL), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Jingle Bell Symbol (BELL) on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$5<sup>00</sup> (FIV

DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jingle Bell Symbol (BELL), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Jingle Bell Symbol (BELL) on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jingle Bell Symbol (BELL), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the Jingle Bell Symbol (BELL) on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol 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.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bell Symbol (BELL), and a prize play of \$2<sup>00</sup> (TWO DOL) appears under the Bell Symbol (BELL) on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol 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.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of Free (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Jingle Bucks '04 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:

*When Any of Your Numbers  
Match the Lucky Number;  
Win With Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
FREE	TICKET	10	1,440,000
\$1	\$1	15	960,000
\$2	\$2	60	240,000
\$2 w/Jingle Bell	\$2	30	480,000
\$1 × 2	\$2	60	240,000
\$4	\$4	150	96,000
\$4 w/Jingle Bell	\$4	60	240,000
\$1 × 4	\$4	300	48,000
\$2 × 2	\$4	300	48,000
\$5	\$5	600	24,000
\$1 × 5	\$5	600	24,000
\$5 w/Jingle Bell	\$5	150	96,000
\$10	\$10	600	24,000
\$10 w/Jingle Bell	\$10	600	24,000
\$2 × 5	\$10	600	24,000
\$5 × 2	\$10	600	24,000
\$20	\$20	1,500	9,600
\$20 w/Jingle Bell	\$20	1,500	9,600
\$4 × 5	\$20	1,500	9,600
\$5 × 4	\$20	1,500	9,600
\$10 × 2	\$20	1,500	9,600
\$40	\$40	24,000	600
\$40 w/Jingle Bell	\$40	24,000	600
\$10 × 4	\$40	24,000	600
\$20 × 2	\$40	24,000	600
\$80	\$80	48,000	300
\$80 w/Jingle Bell	\$80	48,000	300
\$20 × 4	\$80	48,000	300
\$100	\$100	60,000	240
\$20 × 5	\$100	80,000	180
\$1,000	\$1,000	240,000	60

Jingle Bell = Wins prize shown automatically.



9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jingle Bucks '04 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 Jingle Bucks '04, prize money from winning Pennsylvania Jingle Bucks '04 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 Jingle Bucks '04 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 Jingle Bucks '04 or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-1827. Filed for public inspection October 1, 2004, 9:00 a.m.]

## Pennsylvania Jolly Jackpot 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 Jolly Jackpot.

2. *Price:* The price of a Pennsylvania Jolly Jackpot instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Jolly Jackpot instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 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), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 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), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR),

24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THRFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Stocking Symbol (STOCK), Tree Symbol (TREE) and 5X Symbol (5TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$200, \$250, \$400, \$500, \$1,000, \$5,000, \$10,000 and \$500,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,440,000 tickets will be printed for the Pennsylvania Jolly Jackpot instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500,000 (FIVHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$10,000 (TEN THO) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$1,000 (ONE THO) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$1,000 (ONE THO) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree Symbol

(TREE), and a prize symbol of \$500 (FIV HUN) appears under the Tree Symbol (TREE) on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$200 (TWO HUN) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$500 (FIV HUN) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$400 (FOR HUN) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree Symbol (TREE), and a prize symbol of \$200 (TWO HUN) appears under the Tree Symbol (TREE) on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$250 (TWOHUNFTY) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$250.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$250.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK),

and a prize symbol of \$200 (TWO HUN) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree Symbol (TREE), and a prize symbol of \$100 (ONE HUN) appears under the Tree Symbol (TREE) on a single ticket, shall be entitled to a prize of \$200.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$40\$ (FORTY) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$200.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$100 (ONE HUN) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree Symbol (TREE), and a prize symbol of \$50\$ (FIFTY) appears under the Tree Symbol (TREE) on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$50\$ (FIFTY) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X Symbol (5TIMES), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the 5X Symbol (5TIMES) on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree Symbol (TREE), and a prize symbol of \$25\$ (TWY FIV) appears under the Tree Symbol (TREE) on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$40\$ (FORTY) appears

under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$40.

(gg) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree Symbol (TREE), and a prize symbol of \$20\$ (TWENTY) appears under the Tree Symbol (TREE) on a single ticket, shall be entitled to a prize of \$40.

(hh) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30\$ (THIRTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ii) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$30\$ (THIRTY) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$30.

(jj) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(kk) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$25\$ (TWY FIV) appears

under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$25.

(ll) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(mm) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking Symbol (STOCK), and a prize symbol of \$20\$ (TWENTY) appears under the Stocking Symbol (STOCK) on a single ticket, shall be entitled to a prize of \$20.

(nn) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree Symbol (TREE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Tree Symbol (TREE) on a single ticket, shall be entitled to a prize of \$20.

(oo) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

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 Any of the Winning Numbers, Win With Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 1,440,000 Tickets</i>
\$10 × 2	\$20	75	19,200
\$10 w/Tree	\$20	75	19,200
\$20 w/Stocking	\$20	42.86	33,600
\$20	\$20	30	48,000
\$25 w/Stocking	\$25	25	57,600
\$25	\$25	37.50	38,400
\$10 × 3	\$30	75	19,200
\$30 w/Stocking	\$30	150	9,600
\$30	\$30	75	19,200
\$10 × 4	\$40	150	9,600
\$20 × 2	\$40	150	9,600
\$20 w/Tree	\$40	150	9,600
\$40 w/Stocking	\$40	150	9,600
\$40	\$40	150	9,600
\$10 × 5	\$50	150	9,600
\$25 × 2	\$50	300	4,800
\$25 w/Tree	\$50	300	4,800
\$10 w/5X	\$50	150	9,600
\$50 w/Stocking	\$50	150	9,600
\$50	\$50	150	9,600
\$10 × 10	\$100	150	9,600
\$20 × 5	\$100	300	4,800
\$20 w/5X	\$100	150	9,600
\$50 w/Tree	\$100	150	9,600
\$100 w/Stocking	\$100	300	4,800
\$100	\$100	150	9,600
\$10 × 20	\$200	1,600	900
\$20 × 10	\$200	1,600	900
\$25 × 8	\$200	1,600	900

*When Any of Your Numbers  
Match Any of the Winning  
Numbers, Win With Prize(s)  
of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 1,440,000 Tickets</i>
\$40 w/5X	\$200	1,600	900
\$100 w/Tree	\$200	1,600	900
\$100 × 2	\$200	1,600	900
\$200 w/Stocking	\$200	1,600	900
\$200	\$200	1,600	900
\$25 × 10	\$250	4,000	360
\$50 × 5	\$250	4,000	360
\$50 w/5X	\$250	4,000	360
\$250 w/Stocking	\$250	4,000	360
\$250	\$250	4,000	360
\$20 × 20	\$400	12,000	120
\$25 × 16	\$400	12,000	120
\$100 × 4	\$400	12,000	120
\$200 × 2	\$400	12,000	120
\$200 w/Tree	\$400	12,000	120
\$400 w/Stocking	\$400	12,000	120
\$400	\$400	8,000	180
\$25 × 20	\$500	24,000	60
\$50 × 10	\$500	24,000	60
\$100 × 5	\$500	24,000	60
\$200 w/Tree + \$100	\$500	24,000	60
\$100 w/5X	\$500	24,000	60
\$500 w/Stocking	\$500	24,000	60
\$500	\$500	17,143	84
\$50 × 20	\$1,000	40,000	36
\$100 × 10	\$1,000	40,000	36
\$200 × 5	\$1,000	40,000	36
\$200 w/5X	\$1,000	40,000	36
\$500 × 2	\$1,000	40,000	36
\$500 w/Tree	\$1,000	40,000	36
\$1,000 w/Stocking	\$1,000	40,000	36
\$1,000	\$1,000	40,000	36
\$500 × 10	\$5,000	120,000	12
\$1,000 × 5	\$5,000	120,000	12
\$1,000 w/5X	\$5,000	120,000	12
\$5,000	\$5,000	120,000	12
\$500 × 20	\$10,000	180,000	8
\$10,000 w/Stocking	\$10,000	180,000	8
\$10,000	\$10,000	180,000	8
\$500,000	\$500,000	360,000	4

Stocking = Win prize automatically.

Tree = Win double the prize shown.

5X = Win 5 times the prize shown.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jolly Jackpot 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 Jolly Jackpot, prize money from winning Pennsylvania Jolly Jackpot 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 Jolly Jackpot 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 Jolly Jackpot or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-1828. Filed for public inspection October 1, 2004, 9:00 a.m.]

## Pennsylvania Winner Wonderland '04 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 Winner Wonderland '04.

2. *Price:* The price of a Pennsylvania Winner Wonderland '04 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Winner Wonderland '04 instant lottery game ticket will contain 12 play areas known as "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," "GAME 10," "GAME 11" and "GAME 12." The play symbols and their captions located in the 12 play areas are: Stocking Symbol (STKNG), Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Wreath Symbol (WREATH), Ear Muff Symbol (EARMF), Hat Symbol (HAT), Tree Symbol (TREE), Drum Symbol (DRUM), Sleigh Symbol (SLEIGH), Candle Symbol (CANDLE), Ornament Symbol (ORMNT), Horn Symbol (HORN), Gingerbread Man Symbol (GBMAN), Candy Cane Symbol (CANE), Bag of Toys Symbol (TOYS), Holly Symbol (HOLLY), Bell Symbol (BELL), Reindeer Symbol (RNDEER) and 2X Symbol (DOUBLE).

4. *Prize Symbols:* The prize symbols and their captions located in the play area for GAME 1 through GAME 12 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and HOLIDAY (TWOHUNFTY).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$2,500 and \$250,000. The player can win up to twelve times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Winner Wonderland '04 instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of HOLIDAY (TWOHUNFTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$2,500 (TWYFIVHUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize symbol of \$500 (FIV HUN) appearing under the 2X Symbol (DOUBLE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$500 (FIV HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize symbol of \$100 (ONE HUN) appearing under the 2X Symbol (DOUBLE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$100 (ONE HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize symbol of \$50\$ (FIFTY) appearing under the 2X Symbol (DOUBLE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$50\$ (FIFTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize symbol of \$20\$ (TWENTY) appearing under the 2X Symbol (DOUBLE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$20\$ (TWENTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing under the 2X Symbol (DOUBLE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$15\$ (FIFTN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a 2X Symbol (DOUBLE) play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing under the 2X Symbol (DOUBLE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing under the two matching play symbols in that "GAME," 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:

<i>Get 2 Like Symbols Within the Same Game, Win with Prize(s) of</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$5 × 2	\$10	30	80,000
\$5 w/2X	\$10	30	80,000
\$10	\$10	30	80,000
\$5 × 3	\$15	60	40,000
\$5 + \$10	\$15	60	40,000
\$5 w/2X + \$5	\$15	60	40,000
\$15	\$15	60	40,000
\$5 × 2 + \$10	\$20	75	32,000
\$5 × 4	\$20	75	32,000
\$10 × 2	\$20	75	32,000
\$10 w/2X	\$20	75	32,000
\$20	\$20	75	32,000
\$5 × 10	\$50	300	8,000
\$10 × 5	\$50	300	8,000
\$10 + \$20 × 2	\$50	300	8,000
\$20 w/2X + \$10	\$50	300	8,000
\$50	\$50	300	8,000
\$5 × 4 + \$10 × 8	\$100	300	8,000
\$10 × 10	\$100	300	8,000
\$20 × 5	\$100	600	4,000
\$50 × 2	\$100	600	4,000
\$50 w/2X	\$100	300	8,000
\$100	\$100	300	8,000
\$50 × 10	\$500	3,158	760
\$100 × 5	\$500	3,158	760
\$100 w/2X + \$50 × 6	\$500	3,158	760
\$500	\$500	3,158	760
\$500 × 5	\$2,500	24,000	100
\$500 w/2X + \$500 × 3	\$2,500	24,000	100
\$2,500	\$2,500	24,000	100
Holiday	\$250,000	480,000	5

2X = Double the prize automatically.  
HOLIDAY = Win \$250,000 automatically.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winner Wonderland '04 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 Winner Wonderland '04, prize money from winning Pennsylvania Winner Wonderland '04 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 Winner Wonderland '04 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 Winner Wonderland '04 or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-1829. Filed for public inspection October 1, 2004, 9:00 a.m.]

[Correction]

## Public Utility Realty Tax Act Surcharge Rate for the Tax Year Beginning January 1, 2005

An error occurred in a document that appeared at 34 Pa.B. 5320 (September 25, 2004). The correct version of that document is as follows:

The Secretary of Revenue is required under 72 P. S. § 8111-A(d) to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2005, is six tenths of one mill (0.0006). Therefore, a surcharge pursuant to 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2005. The additional six-tenths of one mill (0.0006) shall be paid upon each dollar of gross receipts reported and settled in accordance with 72 P. S. § 8101, except gross receipts from providing mobile telecommunication services and telegraph or telephone messages transmitted in interstate commerce.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1794. Filed for public inspection September 24, 2004, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Chester County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Street Road (S. R. 0926) Project (project) study area lies within Pocopson, Pennsbury and Birmingham Townships in central Chester County. The project site conveys Street Road across Brandywine Creek and is located 3.2 miles southwest of the Borough of West Chester.

The scope of the project involves eliminating weight limit restrictions currently assigned to the Street Road bridge by providing a new bridge, raising the bridge approaches to alleviate flooding of the roadway and improving the safety of the bridge approaches by providing longer sight distances. The Street Road bridge and bridge approaches will remain under the Department of Transportation's (Department) jurisdiction.

The proposed Street Road bridge replacement project will impact one Section 2002 resource, the Painter's Farm and Mill Complex, which was determined eligible for listing on the National Register of Historic Places.

The Recommended Alternative, as proposed, meets the purpose and need of the project description. The Environmental Document/Section 2002 Evaluation includes the following aesthetic mitigation measures that are in accordance with consultation from the Department of Conservation and Natural Resources dated August 25, 2003, and that have been given concurrence by the local public officials: (1) architectural stone form liner and color will be incorporated to mimic stone facing on the bridge abutments and piers; (2) bridge parapets will provide a view of the surrounding area and are in compliance with current Department safety standards; and (3) landscaping will be done in appropriate and restored areas.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects. No adverse environmental effect is likely to result from the construction of this project.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 04-1830. Filed for public inspection October 1, 2004, 9:00 a.m.]

## Finding Lancaster County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to construct improvements to SR 2029, Section B01, Strasburg Pike Bridge, Lampeter Township, Lancaster County.

The purpose of the Strasburg Pike Bridge Replacement Project is to replace a structurally deficient bridge and address safety deficiencies at the Strasburg Pike Bridge and roadway approaches. The existing Strasburg Pike Bridge is on SR 2029 (Strasburg Pike) over Mill Creek, approximately 1/2 mile south of the Strasburg Pike intersection with SR 462 in East Lampeter Township, Lancaster County. The proposed project includes replacing the existing one-lane Strasburg Pike Bridge in approximately the same location with a two-lane bridge to correct existing structural and safety deficiencies at the Strasburg Pike Bridge location and realignment and minor widening of the approach roadways. A 5-foot raised sidewalk will also be provided on the east side of the replacement bridge.

The proposed replacement of the Strasburg Pike Bridge and the associated realignment of approach roadways will use land from one Section 2002 resource, the Binkley House and Mill Complex, which has been determined eligible for listing on the National Register of Historic Places. It has been determined that the proposed improvements will have an adverse effect on the Binkley House and Mill Complex based on studies performed in accordance with section 106 of the National Historic Preservation Act.

The proposed roadway alignment was shifted and proposed bridge and roadway widths were minimized to minimize impacts to the Section 2002 resource. A Programmatic Agreement among the Federal Highway Administration, the Department, the Lancaster County Planning Commission and the State Historic Preservation Office was executed April 30, 2004, and includes stipulations to mitigate the adverse effect to the Binkley House and Mill Complex. The mitigation measures are also included in the Categorical Exclusion Evaluation.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929, and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 04-1831. Filed for public inspection October 1, 2004, 9:00 a.m.]

## Toolbox for Development of a Wayfinding Signing Region

The Department of Transportation, Bureau of Highway Safety and Traffic Engineering (Bureau), published a notice at 31 Pa.B. 6586 (December 1, 2001) of the availability of the Toolbox for Development of a Wayfinding Signing Region (Toolbox). The Toolbox detailed procedures for a geographic region to become a Tourist Signing Region.

The Bureau has undertaken revisions of these procedures and has suspended review and approval of new signing regions or the initiation of efforts to develop new signing regions until after completion and issuance of revised procedures. Inquiries concerning the status of the revisions should be directed to Mark Alexander, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2047, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17105-2047, (717) 783-6261, fax: (717) 783-8012.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 04-1832. Filed for public inspection October 1, 2004, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

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

*Final-Form*  
*Reg. No.*

*Agency/Title*

*Received*

54-59

Pennsylvania Liquor Control Board  
Revisions to Codify Practices and Procedures  
Resulting from Legislative Amendments

9-22-04

*Final-Omit*  
*Reg. No.*

*Agency/Title*

*Received*

*Tolled*

*Resubmitted*

2-146

Department of Agriculture  
Amendments to Lifetime Licensure

9/1/04

9/17/04

9/17/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1833. Filed for public inspection October 1, 2004, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Application for Approval to Acquire Control

J. W. Childs Equity Partners III, L. P. has filed an application to acquire control of Ion Health, Inc., a Pennsylvania domiciled health maintenance organization. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested

party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [ra-in-company@state.pa.us](mailto:ra-in-company@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1834. Filed for public inspection October 1, 2004, 9:00 a.m.]



**Ashton Road Automotive, Inc.; Hearing****Appeal of Ashton Road Automotive, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-009(F); Doc. No. UT04-06-065**

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.

On or before October 8, 2004, the parties must file a written statement with the Administrative Hearings Office setting forth their joint or individual positions on the issue of bifurcating the hearing. A hearing shall occur on November 18 and 19, 2004, at 9 a.m. each day in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA.

On or before November 8, 2004, the parties must file a written, jointly executed stipulation of facts. On the same date each party must file with the Administrative Hearings Office a prehearing statement which shall contain: (1) the names and addresses of witnesses along with the specialties of experts to be called; (2) a list of documents to be used at the hearing; and (3) a statement of special evidentiary or other legal issues. On or before November 8, 2004, each party must supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. A report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 22, 2004, 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 November 5, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1835. Filed for public inspection October 1, 2004, 9:00 a.m.]

**Conseco Senior Health Insurance Company; Rate Increase Filing for Long Term Care Policy ATL-LTC-1; Rate Filing**

Conseco Senior Health Insurance Company is requesting approval to increase the premium 11% for the Long

Term Care Series ATL-LTC-1 and the associated riders. The American Travelers Life Insurance Company originally issued these forms. The average premium will increase from \$2,085 to \$2,364 and will affect 3,735 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to December 16, 2004, 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). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1836. Filed for public inspection October 1, 2004, 9:00 a.m.]

**HB&H Contractors; Prehearing****Appeal of HB&H Contractors under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 98-468(F); Doc. No. UT04-09-009**

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 October 12, 2004, at 10:30 a.m. A date for a hearing will be determined, if necessary, at the prehearing telephone conference. Each party shall provide the Hearings Administrator a telephone number to be used for the prehearing telephone conference on or before September 20, 2004. Both parties must be prepared to address the timeliness issue raised by this appeal.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1837. Filed for public inspection October 1, 2004, 9:00 a.m.]

**John McGarry; Prehearing****License Denial; Doc. No. AG04-09-010**

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 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for October 5, 2004, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 30, 2004.

If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1838. Filed for public inspection October 1, 2004, 9:00 a.m.]

**New Holland Exxon 31; Hearing**

**Appeal of New Holland Exxon 31 under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 03-062(M); Doc. No. UT04-09-021**

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 October 28, 2004, at 2 p.m. Parties shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 27, 2004. A hearing shall occur on November 16, 2004, at 10:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street Harrisburg, PA 17102. 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 previous address on or before October 20, 2004. Answers to petitions to intervene, if any, shall be filed on or before October 27, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1839. Filed for public inspection October 1, 2004, 9:00 a.m.]

**Teachers Protective Mutual Life Insurance Company; Rate Increase Filing for Tax Qualified LTC Policy QH-9606-HCP and Nontax Qualified Supplemental LTC Policy SH-9606-LTC-APC; Rate Filing**

Teachers Protective Mutual is requesting approval to increase the premium an aggregate 44.3% for the Tax Qualified Long Term Care Series QH-9606-HCP and the Nontax Qualified Supplemental LTC Policy SH-9606-LTC-APC. The average premium will increase from \$1,837 to \$2,652 and will affect 2,665 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to December 16, 2004, 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). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1840. Filed for public inspection October 1, 2004, 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), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg

and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Colette P. Frantz; file no. 04-182-09792; Liberty Mutual Insurance Company; doc. no. P04-09-027; October 26, 2004, 10:30 a.m.

Appeal of Timothy Trayer; file no. 04-182-08724; Liberty Mutual Fire Insurance Company; doc. no. P04-09-016; October 27, 2004, 1:30 p.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 Manh Ban Van Nguyen; file no. 04-267-03112; Allstate Insurance Company; doc. no. PH04-09-026; October 21, 2004, 2 p.m.

Appeal Michelle E. Bredbenner; file no. 04-188-09022; Erie Insurance Exchange; doc. no. PH04-09-028; October 22, 2004, 9:30 a.m.

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

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1841. Filed for public inspection October 1, 2004, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds has requested hearings as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies'

termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Albert Hutter; file no. 04-182-08723; Farmers New Century Insurance Company; doc. no. P04-09-015; October 26, 2004, 1:30 p.m.

Appeal of Ronald Emerick; file no. 04-182-08365; Bedford Grange Mutual Insurance Company; doc. no. P04-09-017; October 27, 2004, 10:30 a.m.

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

Appeal of Jason Roman; file no. 04-182-08883; Cumberland Mutual Fire Insurance Company; doc. no. P04-09-025; October 22, 2004, 10:30 a.m.

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1842. Filed for public inspection October 1, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 1, 2004, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on December 31, 2004, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on November 5, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on November 5, 2004, notification of their wish to be included as a party.

By 4 p.m. on November 19, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

1. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.
2. Each exhibit to be presented, including testimony to be offered in written form.

The Board may exclude witnesses or exhibits of a party that fails to comply with the listed requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on November 5, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
Secretary

[Pa.B. Doc. No. 04-1843. Filed for public inspection October 1, 2004, 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 25, 2004. 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-00120997 (Corrected). Scott A. Yon t/d/b/a Yon Transportation** (745 Clark Street, Johnstown, Cambria County, PA 15902)—persons, upon call or demand, in the Counties of Cambria and Somerset bounded as follows: beginning at the western Cambria County line at U. S. Highway Route 22, thence east on U. S. Highway Route 22 to its intersection with State Route 53 at the Borough of Cresson, thence south on State Route 53 to its intersection with State Route 160 at the Borough of Wilmore, Cambria County, thence continuing southwardly on State Route 160 into Somerset County, to its intersection with U. S. Highway Route 30 in Somerset County, thence west on U. S. Highway Route 30 to the Somerset County line, thence north along the Somerset/Cambria County lines to the point of beginning at U. S. Highway Route 22, Cambria County.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00120234, Folder 2. Daniel V. Meranti t/d/b/a Meranti Limousines** (160 Rock Street, Pittston, Luzerne County, PA 18640)—persons, in limousine service, between points in the Counties of Luzerne, Lackawanna and Wyoming, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Samuel A. Flacone, Jr., 490 N. Main Street, Suite 202, Pittston, PA 19640.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-1844. Filed for public inspection October 1, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project # 04-144.P, Purchase of Printer & Fax Cartridges, and Project # 04-145.P, Janitorial Supplies, until 2 p.m. on Thursday, October 14, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available October 5, 2004. The cost of the bid documents is \$15

each (includes 7% Pennsylvania sales tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1845. Filed for public inspection October 1, 2004, 9:00 a.m.]

---

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

October 29, 2004	Joseph G. Hager (Change Retirement Option Selection)	1 p.m.
------------------	--	--------

November 17, 2004	Dawn L. Mulberger (Disability Retirement after Termination)	1 p.m.
-------------------	---	--------

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 04-1846. Filed for public inspection October 1, 2004, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

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

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

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

The payment date specified in the contract.

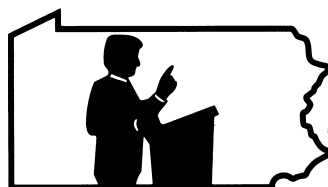
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

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

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

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

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

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

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

### REQUIRED DATA DESCRIPTIONS

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

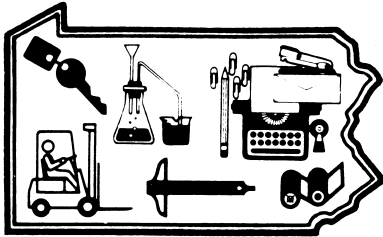
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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

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

BARBARA HAHER,  
*State Treasurer*



Commodities

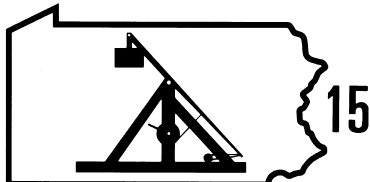
**CN00011096** Grate Bars Keys, 1/2", 2C-4270-A. Material: Type II Gray Iron ASTM A-319. To request a bid package, please fax your request to: 570-587-7108 and include your company name, address, telephone and fax numbers, Federal ID number and PA State Vendor Number. Bid Packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** Oct. 1, 2004 through Nov. 1, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**1104-172-04-0019** Aluminum, Shingles and Other Related Products.

**Department:** Corrections  
**Location:** Correctional Industries, SCI Coal Township, 1 Kelley Drive, Coal Township, PA 17866-1020  
**Duration:** One time purchase, Bid Opening 3 p.m. September 21st.  
**Contact:** Michelle Scott, (717) 731-7134 x-3018

## SERVICES



Environmental Maintenance Service

**OSM 32(3327)101.1** Abandoned Mine Land Reclamation Project, Glen Campbell North. The principal items of work and approximate quantities include 250 linear feet of subsurface drain, 267,000 cubic yards of grading and 20 acres of seeding. This project issues on October 1, 2004 and bids will be opened October 26, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds have been made available for this project through the \$24.0 million for Pennsylvania's 2004 AML Grant.

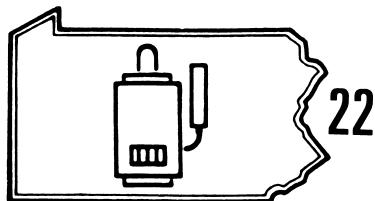
**Department:** Environmental Protection  
**Location:** Banks Township, Indiana County  
**Duration:** 210 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 787-7820



Financial and Insurance Consulting

**RFP #2004-1** Provide Investment Consulting and Performance Measurement Services. Complete package with full details may be obtained by faxing your request to the following person: Reynold Witmer - Fax #717-783-8363 or Email [rwitmer@state.pa.us](mailto:rwitmer@state.pa.us). NOTE: Please include your Name/Address/RFP #2004-1.

**Department:** State Municipal Retirement System  
**Location:** PA Municipal Retirement System (PMRS), 1010 N. 7th St., Penn State Eastgate Bldg., Suite 301, Harrisburg, PA 17102  
**Duration:** Anticipated term of contract will run for a 5 year period effective from the start date of contract.  
**Contact:** Reynold Witmer, (717) 787-2065



### HVAC Services

**8859** Furnish all labor, material, and equipment to perform preventive maintenance twice per year and emergency or non-scheduled repairs to the emergency generator system.

**Department:** State Police  
**Location:** PA State Police Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110  
**Duration:** November 1, 2004 through June 30, 2007  
**Contact:** Helen Fuhrman, (717) 705-5952



### Medical Services

**CN00010991** Basic Ambulance Service. To request a bid package, please fax your request to 570-587-7108 with your company name, address, telephone and fax numbers, Federal ID number and PA state vendor number. Bid packages cannot be faxed.

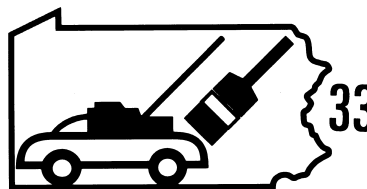
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** December 1, 2004 through November 30, 2007  
**Contact:** Stanley Rygelski, PA, (570) 587-7291



### Personnel, Temporary

**CN00011056** The Contractor will provide (approximately) seven temporary clerical positions for a thirty-seven and one-half hour work week at the State Correctional Institution at Pittsburgh.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** Date Purchase Order is fully executed till June 30, 2005  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 732-2115



### Property Maintenance

**SU-04-07** Entrance Door and Window Assembly Replacement. Shippensburg University is seeking vendors interested in providing all necessary materials, supplies, equipment, labor, supervision, engineering and coordination necessary for furnishing and installing a door and three (3) window assemblies to replace existing outside entrance opening in the brick for the Old Main Century Cafe entrance. All work performed must be in compliance with applicable specifications, codes, laws and ordinances. All responsible bidders are invited to participate including MBE/WBE firms. Vendors interested in a bid package must request in writing to Karen Smith, Purchasing and Contracting Office, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257 either by fax at (717) 477-1350 or email to kmsmit@wharf.ship.edu. Bids must be received no later than 4:00 PM Thursday, October 14, 2004 and will be opened at 2:00 PM on Friday, October 15, 2004.

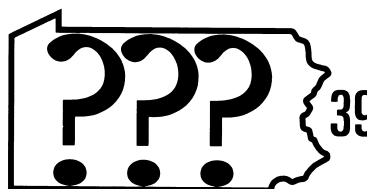
**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Contact:** Karen M. Smith, (717) 477-1386



### Real Estate Services

**93753** Lease Office Space to the Commonwealth of PA. Proposals are invited to provide the Office of Attorney General with 1,513 useable square feet of office space within the following boundaries: North: College Avenue; South: Beaver Avenue; East: Hetzel Street; West: Burrowes Way, State College, Centre County, PA. Downtown locations will be considered. For more information on SFP #93753 which is due on October 25, 2004 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download an SFP package and click on "Real Estate" or call (717) 787-0952.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952



### Miscellaneous

**CN00010997** Intelligent Transportation Systems (ITS). Provide Preventative Maintenance and Repair Plan for Highway Advisory Radio (HAR), and Portable Dynamic Message Signs (DMS) for PA Dept. of Transportation, District 2-2, Clearfield County. This contract shall be for a One-year Period with (4) One-year renewals by letter. All requests for bid packages must be requested by fax (814) 768-0735 or e-mail: [dswank@state.pa.us](mailto:dswank@state.pa.us). Attention: Debbie Swank, Purchasing Agent. PA Prevailing Wage Act does not apply.

**Department:** Transportation  
**Location:** Clearfield County  
**Duration:** 10/01/04 through 09/30/05  
**Contact:** Debbie Swank, (814) 765-0403

[Pa.B. Doc. No. 04-1847. Filed for public inspection October 1, 2004, 9:00 a.m.]



---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <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> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*