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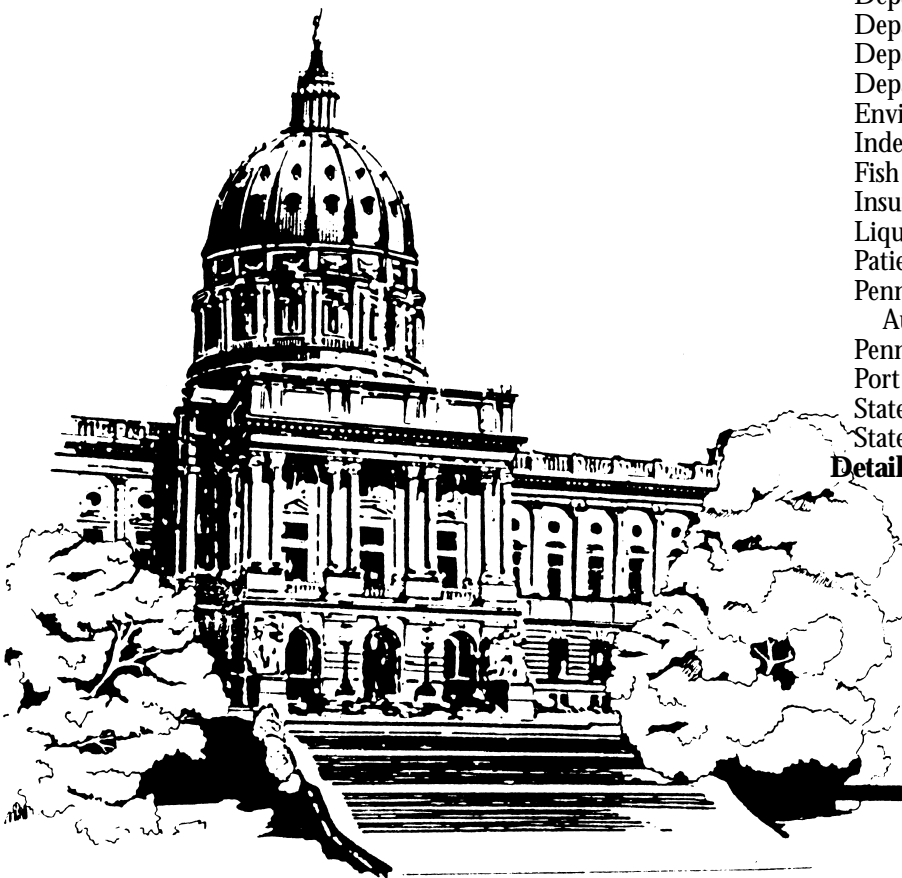
# PENNSYLVANIA BULLETIN

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The Courts  
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Department of Environmental Protection  
Department of General Services  
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Patient Safety Authority  
Pennsylvania Intergovernmental Cooperation  
Authority  
Pennsylvania Public Utility Commission  
Port of Pittsburgh Commission  
State Athletic Commission  
State Real Estate Commission

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**Latest Pennsylvania Code Reporter  
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**No. 360, November 2004**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

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# THE GOVERNOR

## Amendment to Proclamation of Disaster Emergency

November 4, 2004


*Whereas*, on August 5, 2004, I declared a State of Disaster Emergency in Delaware County and the contiguous counties of Montgomery and Philadelphia 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 the region; and

*Whereas*, on September 3, 2004, I requested that the incident period for the disaster be amended to begin on July 27, 2004, and said request was approved by the Federal Emergency Management Agency on October 8, 2004.

*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 August 5, 2004, as follows:

1. The period of the State of Disaster Emergency is extended from November 6, 2004 to February 5, 2005.
2. I hereby direct that the other operational provisions of the August 5, 2004 Proclamation that remain applicable to the current emergency circumstances in the counties shall continue in full force and effect.
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 fourth day of November 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. 04-2021. Filed for public inspection November 12, 2004, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Discipline on Consent

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to provide for the imposition of discipline other than disbarment upon consent.

The Rules of Disciplinary Enforcement currently provide that an attorney who is the subject of an investigation into misconduct may request disbarment, but the rules do not provide a procedure for an attorney to consent to a type of discipline less than disbarment. The Board believes that the disciplinary process could be improved if attorneys were also permitted to agree to the imposition of a lesser sanction.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before January 7, 2005.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary of the Board*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 215. [ Resignations by attorneys under disciplinary investigation ] Discipline on Consent.

(a) **Voluntary resignation.**—An attorney who is the subject of an investigation into allegations of misconduct by the attorney may submit a resignation, but only by delivering to the Board a verified statement stating that the attorney desires to resign and that:

\* \* \* \* \*

(b) **Order of disbarment.**—Upon receipt of the required statement, the Board shall file it with the Supreme Court and the Court shall enter an order disbarring the attorney on consent.

(c) **Confidentiality of resignation statement.**—The order disbarring the attorney on consent shall be a matter of public record, but for the purposes of Enforcement Rule 402(a)(1) (relating to confidentiality) the order

shall not be an order for the imposition of public discipline. The statement required under the provisions of subdivision (a) of this rule shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

\* \* \* \* \*

(d) **Other Discipline on Consent.**—At any stage of a disciplinary investigation or proceeding, a respondent-attorney and Disciplinary Counsel may file a joint Petition in Support of Discipline on Consent. The Petition shall include the specific factual allegations that the attorney admits he or she committed, the specific Rules of Professional Conduct and Rules of Disciplinary Enforcement allegedly violated and a specific recommendation for discipline. The Petition shall be accompanied by an affidavit stating that the attorney consents to the recommended discipline and that:

(1) the consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of submitting the consent; and whether or not the attorney has consulted or followed the advice of counsel in connection with the decision to consent to discipline;

(2) the attorney is aware that there is presently pending an investigation into, or proceeding involving, allegations that the respondent-attorney has been guilty of misconduct as set forth in the Petition;

(3) the attorney acknowledges that the material facts set forth in the Petition are true; and

(4) the attorney consents because the attorney knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, the attorney could not successfully defend against them.

(e) **Handling of Petition.**—The Petition shall be filed with the Board. The filing of the Petition shall stay any pending proceeding before a hearing committee, special master or the Board. The Petition shall be reviewed by a panel composed of three members of the Board who may approve or deny.

(f) **Private discipline.**—If a panel approves a Petition consenting to an informal admonition or private reprimand, with or without probation, the Board shall enter an appropriate order, and it shall arrange to have the attorney appear before Disciplinary Counsel for the purpose of receiving an informal admonition or before a designated panel of three members selected by the Board Chair for the purpose of receiving a private reprimand.

(g) **Public discipline.**—If a panel approves a Petition consenting to public censure or suspension, the Board shall file the recommendation of the panel and the Petition with the Supreme Court. If the Court grants the Petition, the Court shall enter an appropriate order disciplining the attorney on consent. The order and the Petition shall be a matter of public record in accordance with Enforcement Rule 402.

(h) **Denial of Petition.**—If either the panel of the Board or the Supreme Court denies a Petition, the members of the Board who participated on the reviewing panel shall not participate in further

consideration of the same matter. Any stayed proceedings shall resume as if the Petition had not been filed and neither the Petition nor the affidavit may be used against the attorney in any disciplinary proceeding or any other judicial proceeding.

(i) *Costs.*—The panel of the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the matter shall be paid by the attorney as a condition to the grant of the Petition. All expenses taxed under this subdivision shall be paid by the attorney before the imposition of discipline under subdivision (f) or (g).

[Pa.B. Doc. No. 04-2022. Filed for public inspection November 12, 2004, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [246 PA. CODE CH. 400]

#### Order Amending Rule 416 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 211 Magisterial Doc. No. 1

The Minor Court Rules Committee has prepared a Final Report explaining the amendments to Rule 416 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective January 1, 2005. These rule changes provide clarification regarding the distribution of proceeds of a sale. The changes also provide for technical or "housekeeping" amendments to the rule. The Final Report follows the Court's Order.

#### Order

*Per Curiam:*

And Now, this 26th day of October, 2004, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at Volume 33, *Pennsylvania Bulletin*, page 5076 (October 11, 2003), and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.D.J. No. 416 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2005.

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 400. EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY

#### Rule 416. Distribution of Proceeds. Priorities.

A. Not later than five [(5)] days after the sale of personal property the officer executing the order shall prepare a **proposed** schedule of [proposed] distribution of the proceeds of sale which shall be kept on file in the office of the district justice from which the order issued and shall be available for inspection. No schedule of distribution need be filed when the property is sold to the plaintiff for costs only.

B. When a receipt of the plaintiff has been accepted on account of the purchase price, the schedule shall set forth [his] the plaintiff's name and address, the amount of [his] the judgment and the amount of credit claimed or allowed upon the purchase price.

C. [The officer executing the order shall distribute the proceeds of the sale in accordance with the proposed schedule of distribution unless written exceptions are filed in the office of the district justice from which the order issued not later than ten (10) days after the filing of the proposed schedule.] Unless written exceptions are filed in the office of the district justice from which the order issued not later than ten days after the filing of the proposed schedule of distribution, the officer executing the order shall distribute the proceeds of the sale directly to the party or parties entitled to receive the proceeds in accordance with the proposed schedule.

\* \* \* \* \*

*Official Note:* Subdivision C makes clear that it is the responsibility of the executing officer to distribute the proceeds of the sale directly to the party or parties entitled to receive the proceeds. The executing officer should segregate from personal funds, hold in escrow, and ensure the safekeeping of any proceeds held prior to distribution.

Compare Pa.R.C.P. No. 3136(a), (b), (d)[;], and 3137(a). Subdivision D of this rule bases the determination of priorities on the diligence of the plaintiffs and recognizes that there may be more than one executing officer in some instances. It differs from Rule 3137(a) under which priorities are based on the time of delivery of the writs of execution to the sheriff, since it was thought that priorities should not depend upon the time of transmission of the order of execution from the district justice to the executing officer.

#### FINAL REPORT<sup>1</sup>

#### *Amendment to Rule 416 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices*

#### Clarification Regarding Distribution of Proceeds of Sale

On October 26, 2004, effective January 1, 2005, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania amended Rule 416 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.<sup>3</sup>

The Committee undertook a review of Pa. R.C.P.D.J. No. 416 (Distribution of Proceeds. Priorities.) in response to an inquiry about who is to distribute the proceeds of a sale of personal property held in accordance with an order of execution. The Committee learned that some executing officers (sheriffs and constables) are forwarding the proceeds of the sale to the district justice court for distribution. The Committee believes that the appropriate procedure, and the intent of Rule 416C, is for the executing officer to distribute the proceeds of the sale directly to the party or parties entitled to receive the proceeds. The Committee noted that the district justice has very limited

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

<sup>2</sup> Recommendation No. 2 Minor Court Rules 2004.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 211, Magisterial Docket No. 1, (October 26, 2004).

direct involvement in the execution process beyond the issuance of the order of execution and the determination of property claims and disputes, if any.<sup>4</sup> Importantly, the Committee believes that there is no specific accounting mechanism in the district justice courts to properly receive, account for, and distribute the proceeds of a sale.

Accordingly, the Committee recommended that Rule 416C be amended to further clarify that the officer executing the order shall distribute the proceeds of the sale directly to the party or parties entitled to receive the proceeds. In addition, the Committee recommended wording in the Official Note to further clarify the executing officer's responsibilities, including segregating from personal funds, holding in escrow, and ensuring the safekeeping of any proceeds held prior to distribution. Finally, the Committee recommended minor technical or "house-keeping" amendments to the Rule to address gender neutrality and to conform to modern drafting style.

[Pa.B. Doc. No. 04-2023. Filed for public inspection November 12, 2004, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SCHUYLKILL COUNTY

#### Recession of Orphans' Court Rules 3.2A(a) and 3.2B

#### Order of Court

*And Now*, this 1st day of November, 2004, at 9:00 a.m., the Court hereby approves and adopts the recession of Schuylkill County Orphans' Court Rules 3.2A(a) and 3.2B. The recession shall be effective immediately upon publication in the *Pennsylvania Bulletin*.

<sup>4</sup> See generally Pa. R.C.P.D.J. Nos. 401—482 (relating to execution of judgments for the payment of money).

The Clerk of the Orphans' Court of Schuylkill County is *Ordered* and *Directed* to do the following:

1) File seven (7) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rules with the Pennsylvania Orphans' Court Rules Committee.

4) Forward one (1) copy to the Schuylkill County Bar Association for publication in the *Schuylkill Legal Record*.

5) Forward one (1) copy to the Schuylkill County Register of Wills Office.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

#### Rule 3.2A—Pleadings, Signature and Verification.

(a) Rescinded.

#### Rule 3.2B—Pleadings. Disposition. Issues of Fact or Law.

Rescinded.

[Pa.B. Doc. No. 04-2024. Filed for public inspection November 12, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC  
DEVELOPMENT  
[12 PA. CODE CH. 145]

[Correction]

### Industrialized Housing and Components

An error occurred in the final-form rulemaking which appeared at 34 Pa.B. 6024, 6026 (November 6, 2004). The effective date was incorrect. The correct version is as follows, with ellipses referring to the existing text of the final-form rulemaking.

\* \* \* \* \*

#### Effective Date/Sunset Date

The final-form rulemaking will take effect February 4, 2005. The final-form rulemaking will be monitored on a regular basis and updated as needed.

\* \* \* \* \*

#### Order

The Department, acting under the authorizing statute, orders that:

\* \* \* \* \*

(c) This order shall take effect February 4, 2005.

\* \* \* \* \*

[Pa.B. Doc. No. 04-1994. Filed for public inspection November 5, 2004, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD  
[25 PA. CODE CH. 93]

### Stream Redesignations (Brushy Meadow Creek, et al.)

The Environmental Quality Board (Board) by this order amends 25 Pa. Code §§ 93.9c, 93.9g, 93.9l, 93.9n, 93.9o, 93.9q and 93.9v to read as set forth in Annex A.

This order was adopted by the Board at its meeting of June 15, 2004.

#### A. Effective Date

These amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. Contact Persons

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building,

P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD-users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) website [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. Statutory Authority

This final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law and Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulation at 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. Background of the Final-Form Rulemaking

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other use designations in its ongoing review of water quality standards. In general, HQ and EV waters shall be maintained at their existing quality and permitted activities shall ensure the attainment of all designated and existing uses.

The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (Commission). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

These streams were evaluated in response to two petitions, as well as requests from the Commission and the Department's Southcentral Regional Office (SCRO), Northeast Regional Office (NERO) and Bureau of Water Supply and Wastewater Management (BWSWM) as follows:

*Petitions:* Crum Creek and Green Lick Run

*PFBC:* Pine Creek

*SCRO:* Little Juniata River and Spring Creek

*NERO:* Brushy Meadow Creek and Waltz Creek

*BWSWM:* South Fork Beech Creek

These regulatory changes were developed as a result of aquatic studies conducted by the BWSWM and the Commission. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, the Department considers



the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters). Based upon the data collected in these surveys, the Board has made the designations in Annex A.

In addition, a corrective amendment is included to rectify an omission from the Class A Wild Trout Waters rulemaking, which was published as final rulemaking in 32 Pa.B. 4695 (September 28, 2002). In redesignating the upper reaches of Lost Creek (Drainage List N), an entry for Little Lost Creek was inadvertently omitted. Little Lost Creek is designated Trout Stocking (TSF), and is reinserted into the drainage list in the annex as a corrective amendment.

#### E. Summary of Comments and Responses on the Proposed Rulemaking

The Board approved the proposed rulemaking for the Brushy Meadow Creek, et al. package at its December 17, 2002, meeting. The proposed rulemaking was published at 33 Pa.B. 4165 (August 23, 2003) with provision for a 45-day public comment period that closed on October 7. Comments were received from 12 commentators. The United States Environmental Protection Agency (EPA) Region 3 office supported the package in general.

Nine commentators supported the redesignation of the West Branch Crum Creek to EV. They cited local efforts to protect water quality in the Crum Creek basin through conservation easements and ordinances to protect riparian buffer areas. They also noted the need to protect the Springton (Geist) Reservoir that serves as a public water supply. The Chester County Planning Commission and the Chester County Water Resources Authority noted that the redesignation of the West Branch Crum Creek to EV fits in with the county comprehensive plan.

One commentator expressed concern about the potential impact of ash from the Harrisburg Incinerator on groundwater and water quality in Spring Creek and wanted the Department to address this issue in its study. No sampling was conducted during the redesignation evaluation to specifically assess the impacts of the incinerator on the creek because any effects from the incinerator are reflected in the existing quality of the stream and the aquatic community observed during the study. If the stream had shown signs of impairment, causes for the impairments would then have been investigated.

The Commission commented that its assessment work at two sites on Waltz Creek in August 2002 developed data to support the inclusion of Waltz Creek on the Class A Wild Trout Streams (WTS) list. They recommended that the Board defer action on the redesignation of Waltz Creek until the Class A designation process has been completed. The Commission published notice at 34 Pa.B. 1643 (March 20, 2004) that proposed to add portions of Waltz Creek to its list of Class A WTSs. Formal action to designate a portion of Waltz Creek as a Class A WTS was taken at the Commission meeting on April 19-20, 2004, following the public comment period. The Department obtained the Commission inventory report for the lower reach of Waltz Creek and our independent review confirmed that the Class A wild brown trout criterion for a HQ Cold Water Fishes (CWF) water is met. As a result, the portion of Waltz Creek downstream from the confluence of Greenwalk Creek is recommended for designation as HQ-CWF, MF. This is a change from the CWF, MF designation in the proposed rulemaking.

#### F. Summary of Changes to the Proposed Rulemaking

The aquatic life use designation for the Waltz Creek basin from the confluence of Greenwalk Creek to the

mouth has been changed to HQ-CWF, MF. The final designation is based on the Commission's action and Department's independent evaluation as described in Section E of this Preamble.

A corrective amendment to reinsert Little Lost Creek into Drainage List N as TSF has been added.

#### G. Benefits, Costs and Compliance

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these amendments because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by these revisions. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost as noted below in the discussion of impacts on the private sector.

Persons conducting or proposing regulated activities shall comply with the regulatory requirements relating to designated and existing uses. For example, persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated to a more protective use.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by The Clean Streams Law and the Federal Clean Water Act. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The amendments will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanding dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or

the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanded discharges to certain HQ Waters, and consideration of nondischarge alternatives is required for all new or expanded discharges to EV and HQ Waters.

H. *Pollution Prevention*

The water quality standards and antidegradation programs are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged, and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

I. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 13, 2003, the Department submitted a copy of the proposed rulemaking, published at 33 Pa.B 4165, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC and the Committees with copies of the comments received, as well as other documentation when requested. The Department has considered all public comments in preparing this final-form regulation. No comments were received on the proposed rulemaking from IRRC or the Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), this final-form rulemaking was deemed approved by the House and Senate Committees

on October 6, 2004. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 7, 2004, and approved the final-form rulemaking.

K. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 33 Pa.B 4165.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9c, 93.9g, 93.9i, 93.9n, 93.9o, 93.9q and 93.9v to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees, as required by the Regulatory Review Act.

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

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

KATHLEEN A. MCGINTY,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 5889 (October 23, 2004).)*

**Fiscal Note:** 7-380 remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 25. ENVIRONMENTAL PROTECTION

## PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Subpart C. PROTECTION OF NATURAL RESOURCES

## ARTICLE II. WATER RESOURCES

## CHAPTER 93. WATER QUALITY STANDARDS

## ANTIDegradation Requirements

## § 93.9c. Drainage List C.

## Delaware River Basin in Pennsylvania

*Delaware River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
2—Martins Creek	Main Stem, Confluence of East and West Forks to Mouth	Northampton	TSF, MF	None
3—UNTs to Martins Creek	Basins, Confluence of East and West Forks to Mouth	Northampton	TSF	None
3—Brushy Meadow Creek (UNT 64106)	Basin, Source to East Bangor Dam	Northampton	TSF, MF	None
3—Brushy Meadow Creek	Main Stem, East Bangor Dam to Mouth	Northampton	CWF, MF	None
4—UNTs to Brushy Meadow Creek	Basins, East Bangor Dam To Mouth	Northampton	TSF, MF	None
3—Waltz Creek	Basin, Source to Greenwalk Creek	Northampton	CWF, MF	None
4—Greenwalk Creek	Basin	Northampton	CWF, MF	None
3—Waltz Creek	Basin, Greenwalk Creek to Mouth	Northampton	HQ-CWF, MF	None
3—Little Martins Creek	Basin	Northampton	CWF	None

\* \* \* \* \*

## § 93.9g. Drainage List G.

## Delaware River Basin in Pennsylvania

*Delaware River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Stony Creek	Non-Tidal Portions of Basin	Delaware	WWF, MF	None
2—Crum Creek	Basin, Source to West Branch Crum Creek	Chester	HQ-CWF	None
3—West Branch Crum Creek	Basin	Chester	EV	None
2—Crum Creek	Basin, West Branch Crum Creek to Junction of Newtown, Edgemont and Willistown Township Borders	Chester— Delaware	HQ-CWF	None
2—Crum Creek	Basin, Junction of Newtown, Edgemont and Willistown Township Borders to Springton Reservoir	Delaware	CWF	None

\* \* \* \* \*

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania

*West Branch Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
3—Moshannon Creek	Basin, Source to Roup Run	Clearfield—Centre	HQ-CWF	None
3—Moshannon Creek	Main Stem, Roup Run To Mouth	Clearfield—Centre	TSF	None
4—UNTs to Moshannon Creek	Basins, Roup Run to Mouth	Clearfield—Centre	CWF	None
4—Roup Run	Basin	Centre	CWF	None
	* * * *	*		
4—Marsh Creek	Basin	Centre	CWF	None
4—Beech Creek				
5—South Fork Beech Creek	Basin, Source to Stinktown Run	Centre	CWF	None
6—Stinktown Run	Basin	Centre	HQ-CWF	None
5—South Fork Beech Creek	Basin, Stinktown Run to Mouth	Centre	CWF	None
5—North Fork Beech Creek	Basin, Source to Confluence with South Fork	Centre	CWF	None
4—Beech Creek	Main Stem, Confluence of South and North Branches to Mouth	Clinton—Centre	CWF	None
5—UNTs to Beech Creek	Basins, Confluence of South and North Branches to Mouth	Clinton—Centre	CWF	None
5—Rock Run	Basin	Centre	EV	None
	* * * *	*		

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania

*Juniata River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
4—Robinson Run	Basin	Huntingdon	WWF	None
3—Little Juniata River	Main Stem, Source to Logan Spring Run	Blair-Huntingdon	TSF	None
4—UNT to Little Juniata River	Basins, Source to Logan Spring Run	Blair	WWF	None
4—Spring Run	Basin	Blair	WWF	None
	* * * *	*		
5—Sink Run	Basin	Blair	TSF	None
4—Logan Spring Run	Basin	Huntingdon	WWF	None
3—Little Juniata River	Main Stem, Logan Spring Run to Confluence with Frankstown Branch	Huntingdon	CWF	None
4—UNTs to Little Juniata River	Basins, Logan Spring Run to Confluence with Frankstown Branch	Huntingdon-Blair	WWF	None
4—Elk Run	Basin	Blair	WWF	None

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
4—Gensimore Run	Basin	Huntingdon	WWF	None
4—Sinking Run	Basin	Huntingdon	CWF	None
4—Spruce Creek	Basin	Huntingdon	HQ-CWF	None
4—McLain Run	Basin	Huntingdon	WWF	None
		* * * * *		
3—Lost Creek	Basin, SR 35 Bridge to Little Lost Creek	Juniata	CWF	None
4—Little Lost Creek	Basin	Juniata	TSF	None
3—Lost Creek	Basin, Little Lost Creek to Big Run	Juniata	TSF	None
		* * * * *		

## § 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania***Susquehanna River*

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
		* * * * *		
2—Paxton Creek	Basin	Dauphin	WWF	None
2—Spring Creek	Basin	Dauphin	CWF	None
2—Yellow Breeches Creek	Main Stem, Source to LR 21012 (SR 1007)	Cumberland	HQ-CWF	None
		* * * * *		

## § 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania***Allegheny River*

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
		* * * * *		
4—Church Run	Basin	Crawford	CWF	None
4—Pine Creek	Basin, Source to Caldwell Creek	Crawford	HQ-CWF	None
5—Caldwell Creek	Basin, Source to West Branch Caldwell Creek	Warren	HQ-CWF	None
6—West Branch Caldwell Creek	Basin	Crawford	EV	None
5—Caldwell Creek	Basin, West Branch Caldwell Creek to Mouth	Crawford	EV	None
4—Pine Creek	Basin, Caldwell Creek to Mouth	Crawford	CWF	None
4—Benninghof Run	Basin	Venango	CWF	None
		* * * * *		

§ 93.9v. Drainage List V.

Ohio River Basin in Pennsylvania  
*Monongahela River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
4—Jacobs Creek	Basin, Bridgeport Reservoir Dam to Green Lick Run	Fayette-Westmoreland	WWF	None
5—Green Lick Run	Basin, Source to Latta Run	Fayette	EV	None
6—Latta Run	Basin	Fayette	CWF	None
5—Green Lick Run	Basin, Latta Run to T-753 Bridge	Fayette	CWF	None
5—Green Lick Run	Basin, T-753 Bridge to Mouth	Fayette	WWF	None
4—Jacobs Creek	Basin, Green Lick Run to Mouth	Fayette-Westmoreland	WWF	None
4—Cedar Creek	Basin	Westmoreland	TSF	None

[Pa.B. Doc. No. 04-2025. Filed for public inspection November 12, 2004, 9:00 a.m.]

**Title 40—LIQUOR**

**LIQUOR CONTROL BOARD**

**[40 PA. CODE CH. 1, 3, 5, 7, 9, 11, 13 AND 15]**

**Revisions to Codify Practices and Procedures Resulting from Legislative Amendments**

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (code) (47 P.S. § 2-207(i)) adopted amendments to Chapters 1, 3, 5, 7, 9, 11, 13 and 15.

*Summary*

This final-form rulemaking codifies numerous practices and procedures of the Board and further explains various legislative changes to the Liquor Code (47 P.S. §§ 1-101—8-803). The following is a summary:

- \* It defines what may be considered when evaluating a person's reputation.
- \* It explains seating requirements for licensed retail establishments.
- \* It explains the issuance of a certificate of approval, a letter of authority and who must execute a certificate of completion for licensing and the consequences for failing to do so.
- \* It states the recordkeeping requirements for alternate brewers' licenses and explains brewery pubs' privileges and requirements.
- \* It states requirements for issuing economic development licenses.
- \* It sets forth whom licensees may employ and who may be appointed as manager in accordance with the Liquor Code.
- \* It defines sweepstakes and who may sponsor sweepstakes promotions.
- \* It eliminates the prohibition of a stage on the licensed premises where entertainment could be seen outside the premises.

- \* It fully explains how municipalities may petition the Board for exemption from the Board's regulations on noise.
- \* It eliminates the prohibition on selling or furnishing lunch below cost.
- \* It explains how clubs and catering clubs may exchange their licenses.
- \* It explains that a licensee may request a hearing when the licensee cannot comply with a prior approval for reasons beyond the licensee's control.
- \* It explains how to convert a suspension to a fine.
- \* It sets forth the requirements for a temporary extension of license.
- \* It sets the maximum period for safekeeping of retail licenses, except clubs, to 3 years per the Liquor Code.
- \* It fully explains sheriff's sales of liquor licenses.
- \* It defines procedures for intermunicipal transfers of retail licenses.
- \* It regulates Internet wine sales.
- \* It eliminates obsolete regulations about vehicle identification.
- \* It increases the number of authorized agents who may purchase liquor on behalf of licensees from two to four.
- \* It eliminates prohibitions on cooperative advertising and the requirement for prior Board approval for point-of-sale and advertising novelties.
- \* It explains advertising by manufacturers on distributor trucks.
- \* It clarifies limits on bar spending/free drinks.
- \* It defines discount pricing practices.
- \* It regulates tasting events on licensed premises and in Wine and Spirits Stores.
- \* It sets forth conditions on providing free samples.

*Affected Parties*

This final-form rulemaking will affect Internet wine purchasers and sellers, retail and wholesale licensees and applicants for licenses issued by the Board.

*Paperwork Requirements*

The final-form rulemaking will not significantly increase paperwork for the Board or the regulated community. In several cases, existing paperwork will be eliminated.

*Fiscal Impact*

Because this final-form rulemaking primarily codifies and organizes existing practices or obligations under the code, it will not have a fiscal impact on the licensees of the Board or applicants for licenses, the Commonwealth or its subdivisions.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 18, 2004, the Board submitted a copy of the proposed rulemaking, published at 34 Pa.B. 3411, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees for review and comment.

In preparing this final-form rulemaking, the Board has considered all comments from IRRC, the committees and the public. No comments were received from the committees or the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 20, 2004, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1 (e) of the Regulatory Review Act, IRRC met on October 21, 2004, and approved the final-form rulemaking.

*Contact Person*

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

*Findings*

The Board finds that:

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

(2) The adoption of the final-form rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Board, acting under the enabling statutes, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapters 1, 3, 7, 9, 11, 13 and 15, are amended by:

(1) Amending §§ 3.1, 3.8, 3.13, 5.21, 7.31, 11.33, 13.51, 13.102 and 15.62; by adding §§ 1.5, 3.104, 3.106—3.108, 5.36, 7.25, 7.61, 7.62, 7.64, 9.131, 13.53, 13.201, 13.211, 13.221—13.229 and 13.231; and by deleting §§ 5.61, 13.14 and 13.24 to read as set forth at 34 Pa.B. 3411.

(2) Amending §§ 5.23, 5.30, 5.32, 7.3, 9.11, 9.22, 9.28, 11.7, 13.42, 13.43, 13.52; by adding §§ 3.91, 3.92, 3.101—3.103, 3.105, 5.86, 7.10, 7.33, 7.63, 7.65, 9.132, 9.141—9.145; and by deleting §§ 9.23, 9.24, 9.26, 9.29 and 9.30 to read as set forth in Annex A.

JONATHAN H. NEWMAN,

*Chairperson*

**Fiscal Note:** 54-59. (1) Liquor Fund; (2) Implementing Year 2003-04 is \$294,000; (3) 1st Succeeding Year 2004-05 is \$294,000; 2nd Succeeding Year 2005-06 is \$294,000; 3rd Succeeding Year 2006-07 is \$294,000; 4th Succeeding Year 2007-08 is \$294,000; 5th Succeeding Year 2008-09 is \$294,000; (4) 2003-04 Program—\$294,000; 2002-03 Program—\$236,000; 2001-02 Program—\$240,000; (7) recommends adoption. Although this regulation will result in a loss of revenue due to the repeal of a registration fee, the elimination of the registration process for vehicles transporting alcoholic beverages will result in a net savings since this fee did not cover the cost of the program.

**Annex A****TITLE 40. LIQUOR****PART I. LIQUOR CONTROL BOARD****CHAPTER 1. GENERAL PROVISIONS****CHAPTER 3. LICENSE APPLICATIONS****Subchapter A. GENERAL PROVISIONS****Subchapter J. MALT OR BREWED BEVERAGE MANUFACTURERS****§ 3.91. Alternating brewers' license.**

Records required to be maintained shall be the same as are required by a licensed manufacturer of malt or brewed beverages under § 5.101 (relating to breweries).

**§ 3.92. Brewery pubs.**

(a) The Board will be authorized to issue a brewery pub license to the holder of a brewery license. A brewery pub license may only be issued in those municipalities in which the Board may issue or transfer a malt and brewed beverage retail dispenser license.

(b) The holder of a brewery pub license shall have all the rights and be subject to the same conditions and qualifications as those imposed on holders of a malt and brewed beverage retail dispenser license except as set forth in this section.

(c) The brewery pub license will be issued to premises immediately adjacent to but separate and distinct from the brewery premises.

(d) Sales of alcoholic beverages at the brewery pub premises shall be limited to sales of malt or brewed beverages produced at and owned by the adjacent brewery. A brewery pub licensee may sell, for on-premises consumption, Pennsylvania wine it has purchased either from the Board or the holder of a Pennsylvania limited winery license.

(e) A brewery pub license may not be issued to a brewery that has already acquired a restaurant, hotel or malt and brewed beverage retail dispenser license. If a brewery, which has a brewery pub license, applies for and acquires a restaurant, hotel or malt and brewed beverage retail dispenser license, the brewery pub license will be cancelled upon approval of the restaurant, hotel or malt and brewed beverage retail dispenser license.

(f) Any citations which may be issued pursuant to section 471 of the Liquor Code (47 P. S. § 4-471) for activity relating to the brewery pub will be issued against the brewery license.

**Subchapter K. ECONOMIC DEVELOPMENT LICENSES**

**§ 3.101. Economic development licenses.**

(a) *Issuance of license.* The Board may issue restaurant and eating place retail dispenser licenses without regard to county quota restrictions for the purpose of economic development in a municipality for premises situated within any of the following:

(1) A KOZ established under the authority of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (73 P. S. §§ 820.101—820.1309).

(2) An EZ, as designated by the Department of Community and Economic Development in accordance with the Neighborhood Assistance Act (62 P. S. §§ 2081—2089).

(3) A municipality that has approved the issuance of a restaurant or eating place retail dispenser license for the purpose of local economic development.

(b) *Definitions.* The following words and terms, when used in this subchapter, have the following meanings:

*EZ*—Enterprise Zone.

*KOZ*—Keystone Opportunity Zone.

**§ 3.102. Approval for economic development license.**

(a) An applicant shall request written certification from the KOZ local coordinator or EZ administrator that the proposed licensed premises is situated in a zone or an area designated for economic development.

(b) An applicant shall request approval from the municipality for a KOZ, EZ or local economic development license.

(1) The municipality will hold at least one public hearing on the applicant's request for an economic development license.

(2) The municipality shall, within 45 days of a request for approval, render a decision by ordinance or resolution to approve or disapprove the applicant's request for an economic development license.

(3) If the municipality finds that the issuance of the license would promote economic development, it may approve the request. The municipality shall refuse the request if it finds that the approval of the request would adversely affect the welfare, health, peace and morals of the municipality or its residents.

(4) If the receiving municipality denies the applicant's request for approval of an economic development license, the applicant may appeal the decision of the municipality to the court of common pleas in the county in which the proposed licensed premises is located.

**§ 3.103. Filing criteria for provisional economic development license.**

A license application may be filed with the Board for premises situated within a KOZ, an EZ or a municipality that has approved the issuance of a license for the purpose of local economic development, provided that the applicant submits the following with its application:

(1) The required initial application surcharge fee as determined by county class, the appropriate license fee and application-processing fee.

(2) Written certification from the KOZ local coordinator or EZ administrator or from the municipality that the

proposed licensed premises is situated in a zone or an area designated for economic development.

(3) Municipal approval in the form of an ordinance or resolution, including the applicant's name and exact address, approving the issuance of an economic development license.

**§ 3.105. Quarterly filing of applications and application hearings.**

(a) Issuance of economic development licenses is limited to two licenses per calendar year in counties of the first through fourth class and one license per calendar year in counties of the fifth through eighth class.

(b) Quarterly filing periods are established for all counties as follows:

1st Quarter—January 1 through March 31

2nd Quarter—April 1 through June 30

3rd Quarter—July 1 through September 30

4th Quarter—October 1 through December 31

(c) At the end of the first quarter, every properly filed license application in a county will be subject to an administrative hearing before a Board hearing examiner in accordance with section 464 of the Liquor Code (47 P. S. § 4-464). Second quarter applications will be held in abeyance until after hearings are held for first quarter applications and a determination is made by the Board as to the availability of a license within the county.

(d) If a vacancy continues to exist in a county after hearings are held and a determination has been made by the Board, properly filed applications for the next quarter will be scheduled for hearings.

(e) In addition to any objections to, or support of, an application for the issuance of a license, an applicant shall establish at the administrative hearing, that it has exhausted reasonable means to find a suitable license within the existing county quota law.

(f) Upon approval of an application, the applicant will receive a provisional license for 120 days, exclusive of periods of safekeeping.

(g) In the event of an appeal from the Board's decision regarding the issuance or renewal of an economic development license, the appeal will act as a supersedeas and will preclude the processing of additional applications for vacancies in that county.

**CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES**

**Subchapter B. EMPLOYEES OF LICENSEES**

**EMPLOYMENT OF OTHERS**

**§ 5.23. Appointment of managers.**

(a) The operation of a licensed business requires a manager. A licensee shall appoint an individual as manager for each licensed establishment. The manager shall devote full time and attention to the licensed business.

(b) Appointment or approval, or both, by the Board of a manager will not exempt the licensee from the penalties provided by law and this title for violations committed in the licensed establishment or in the course of the operation of the licensed business.

(c) The Board may rescind the approval of an appointment of a manager at any time for any cause which it deems sufficient.



(d) In the event of the illness or extended vacation of a licensee, the Board may approve the appointment of a manager for a period not to exceed 30 days. In case of emergency, the approval may be extended upon written request of the licensee.

(e) The licensee, without Board approval, may designate one of its employees as the person in charge of the business for a period of time not to exceed 15 calendar days, when the manager is absent from the licensed premises.

(f) The manager appointed by a licensee shall be a reputable person. The licensee shall submit an application for appointment of a manager to the Board. If the licensee is a club or catering club, notice of the change in manager shall be part of licensee's application for license validation or renewal. For other licensees, if there is a change of manager, the licensee shall give the Board written notice within 15 calendar days of the change together with full information for the new individual who is appointed as manager. Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by a fee of \$60.

(g) When a background investigation is conducted to obtain or verify information regarding an individual appointed as manager, an additional fee of \$75 for a total fee of \$135 will be assessed. An individual may not act in the capacity of manager after the licensee has been notified that the Board has disapproved the individual. The designated manager shall devote full time to the licensed business and may not be employed or engaged in another business unless prior approval is obtained from the Board.

(h) A club manager or steward may engage in employment outside his duties as manager or steward except as provided in section 493(11) of the Liquor Code (47 P. S. § 4-493(11)).

### **Subchapter C. AMUSEMENT AND ENTERTAINMENT**

#### **§ 5.30. Definitions.**

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

*Audio/video playback device*—A device which emits a musical recording, or in the case of a video jukebox, emits a musical recording accompanied by recorded video images on a screen that does not exceed 24 inches by 30 inches.

*Event/tournament/contest*—A competitive endeavor involving skill, speed, strength or endurance. The term includes a competitive endeavor involving physical attributes of contestants.

*Game*—A device, such as a pinball, shuffleboard, bowling or video machine which provides the player with amusement and no other form of award excepting free plays.

*Instrumental music*—Music generated by instruments played by musicians without vocal accompaniment.

*Sweepstakes*—A chance promotion in which tickets or game pieces are distributed and the winner or winners are selected in a random drawing.

#### **§ 5.32. Restrictions/exceptions.**

(a) A licensee may not use or permit to be used inside or outside of the licensed premises a loudspeaker or similar device whereby the sound of music or other

entertainment, or the advertisement thereof, can be heard on the outside of the licensed premises.

(b) A licensee may not permit an employee, servant, agent, event/tournament/contest participant or a person engaged directly or indirectly as an entertainer in the licensed establishment or a room or place connected therewith, to be in contact or associate with the patrons in the establishment, room or place for a lewd, immoral, improper or unlawful purpose. A copy of this restriction shall be constantly and conspicuously displayed on the wall of the dressing room used by the entertainers, as well as in a conspicuous location visible to employees, servants, agents and event/tournament/contest participants.

(c) A licensee may not directly or indirectly employ a minor person under 18 years of age as an entertainer in the licensed establishment, or in a room or place connected therewith, nor may a licensee permit in the establishment, room or place, a minor person under 18 years of age to act as an entertainer.

(d) A hotel, restaurant, club, privately-owned public golf course, privately-owned private golf course, municipal golf course, brew pub or malt beverage eating place licensee may not hold or permit to be held, on the licensed premises an event, tournament or contest; nor advertise, offer, award or permit the award on the licensed premises of trophies, prizes or premiums, for any purpose except as follows:

(1) A hotel, restaurant, club or malt beverage eating place licensee may permit to be held within the licensed premises an event sanctioned by the State Athletic Commission under 5 Pa.C.S. Part I, Subparts A and B (relating to general provisions; and boxing) or under 5 Pa.C.S. Part I, Subpart C (relating to the Wrestling Act). Only malt or brewed beverages, as generally permitted by the class of license involved, may be sold, served or delivered on that portion of the licensed premises where the event is held, and not sooner than 1 hour before, and not later than 1 hour after the event. Service of malt or brewed beverages at these events will be conducted only with the prior written approval of the State Athletic Commission filed with the Board. Drinks shall be dispensed in that portion of the licensed premises where the event is conducted only in paper or plastic cups.

(2) A hotel, restaurant, club or malt beverage eating place licensee may hold or permit to be held within the licensed premises or in a bowling alley immediately adjacent thereto as provided in sections 406(a)(1) and 442(b) of the Liquor Code (47 P. S. § § 4-406(a)(1) and 4-442(b)), a bowling tournament or bowling contest. Liquor and malt or brewed beverages, as generally permitted by the class of license involved, may be served, sold or delivered at the bowling tournament or bowling contest by the licensee.

(3) A hotel, restaurant, club, privately-owned public golf course, privately-owned private golf course, municipal golf course, brew pub or malt beverage eating place licensee may permit the conduct of events on the licensed premises by groups constituting a league. Liquor and malt or brewed beverages, as generally permitted by the class of license involved, may be sold, served or delivered at the events on the licensed premises.

(4) Hotel, restaurant, club, privately-owned public golf course, privately-owned private golf course, municipal golf course, brew pub or malt beverage eating place licensees may permit the conduct of tournaments and contests on the licensed premises for the benefit of, and officially sponsored by, bona fide charitable organizations.

(i) A charitable organization for the purposes of this section is defined as one qualified, approved by and registered with the Department of State and operated under 49 Pa. Code Part I, Subpart B (relating to charitable organizations).

(ii) Charitable organization functions shall be operated in accordance with the Solicitation of Funds For Charitable Purposes Act (10 P. S. § § 162.1—162.24) and, if applicable, the Local Option Small Games of Chance Act (10 P. S. § § 311—327), and the Bingo Law (10 P. S. § § 301—308.1).

(5) Hotel, restaurant, club, privately-owned public golf course, privately-owned private golf course, municipal golf course, brew pub and malt beverage eating place licensees may conduct self-sponsored tournaments, events or contests on their own licensed premises so long as the activities are in conformance with the applicable provisions of this subchapter.

(e) For an activity conducted under this subchapter, the following apply:

(1) There may not be lewd, immoral or improper conduct by the licensee, its servants, agents, employees, patrons or event, contest or tournament participants.

(2) There may not be unlawful gambling directly or indirectly associated with an activity on the licensed premises. A licensee will be held strictly liable for unlawful gambling on the licensed premises.

(3) There may not be an event, contest or tournament which involves the consumption of alcoholic beverages by an event, tournament or contest participant.

(4) The price of a ticket or evidence of admission to an event, tournament or contest may not include a charge or assessment for alcoholic beverages or entitle the holder thereof to receive an alcoholic beverage anywhere on the licensed premises except for alcoholic beverages included in a meal package offering as provided for in Chapter 13 (relating to promotion).

(5) A licensee or sponsoring charity may advertise an event, tournament or contest.

(6) Hotel, restaurant, club, privately-owned public golf course, privately-owned private golf course, municipal golf course, brew pub and malt beverage eating place licensees, as well as governing bodies of professional golf, skiing, tennis, bowling, pocket billiards and nonlicensee sponsors as provided in subsection (e) may award prizes to contestants or participants of events, tournaments or contests.

(7) The total value of all prizes for any given event, tournament or contest may not exceed \$500. The total value of all prizes awarded in any 7-day period may not exceed \$5,000.

(8) Golf, skiing, tennis, pocket billiards or bowling events, tournaments, contests and events sanctioned by the State Athletic Commission are exempted from the prize value restrictions in this section.

(9) Licensees shall maintain on the licensed premises for 2 years, from the date of the event, an itemized list of all prizes for each event, tournament, contest indicating each prize, its value and the name and address of the recipient.

(f) The restrictions in this section apply not only to the licensee, but to partners, officers, directors, servants, agents and employees of a licensee.

(g) Municipalities may petition the Board for exemption from the Board's regulations regarding the enforcement of subsection (a) for all licensees within an identifiable area in accordance with section 493.1(b) of the Liquor Code (47 P. S. § 4-493.1(b)).

(h) A manufacturer, manufacturer's representative or licensee may sponsor sweepstakes promotions. Permissible sweepstakes shall provide that the following conditions apply:

(i) No purchase is necessary to enter.

(ii) Entrants shall be 21 years of age or older.

(iii) Retail licensed premises may only be involved as pick-up or drop-off points for entry forms and not for the conducting of drawings or the awarding of prizes.

(iv) Alcoholic beverages may not be part of the prize.

**Subchapter F. CLUBS**

**OTHER REQUIREMENTS**

**§ 5.86. Permitted exchange of club and catering club licenses.**

(a) Upon application under Chapter 3 (relating to license applications), and subject to the authority granted by section 472.3(a) of the Liquor Code (47 P. S. § 4-472.3(a)), the Board may issue to a club, a club liquor license in exchange for a club malt beverage retail dispenser license in any municipality which has approved the granting of liquor licenses. The fee for issuance of a license under this subsection shall be equal to the application filing fee plus the license fee for a hotel or restaurant liquor license in the municipality in which the licensed premises is located, as set forth in section 614-A of The Administrative Code of 1929 (71 P. S. § 240.14).

(b) Upon application under Chapter 3, and upon approval of the Board, a club holding a club liquor license may surrender its license, and receive a catering club liquor license in its place.

(c) Upon application under Chapter 3, and upon approval of the Board, a club holding a catering club liquor license may surrender its license and receive a club liquor license in its place.

(d) The fee for filing an application for exchange of club licenses shall be applied consistent with section 614-A of The Administrative Code of 1929 (71 P. S. § 240.14).

(1) an application for the exchange of a club license for a catering club license may only be filed for a full license year. It shall be accompanied by a renewal filing fee, and a license fee equal to that required for a restaurant license in the municipality of its location under section 614-A of The Administrative Code of 1929.

(2) An application for the exchange of a catering club license for a club license may only be filed for a full license year. It must be accompanied by a renewal filing fee and a license fee for a club as required under section 614-A of The Administrative Code of 1929.

(e) Exchange of licenses may only occur within a municipality that has approved the granting of such licenses.

**CHAPTER 7. TRANSFER, EXTENSION, SURRENDER EXCHANGE OF LICENSES**

**Subchapter A. TRANSFER OF LICENSES**

**§ 7.3. Transfers of location.**

(a) *Retail liquor or retail dispenser licenses.* If a retail liquor or retail dispenser licensee moves his place of

business from one address to another, the new establishment must be ready for operation before the license transfer will be approved. Liquor or malt or brewed beverages may not be sold or served at the new establishment until formal approval of the transfer is given by the Board.

(b) *Other transferable licenses.* When other licenses transferable under the law are involved, and the licensee desires to move his place of business from one address to another, proper application for transfer of license shall be made, and approval of the Board obtained, before the business is operated at the new address.

(c) *Effect of failure to achieve full compliance.* If a request for the transfer of a license has received prior approval by the Board, and thereafter, a licensee is unable to achieve full compliance based on the plans submitted under prior approval, a hearing may be held.

(1) The hearing will take evidence to determine whether full compliance with the licensee's plans was impossible for reasons outside the licensee's control.

(2) If it was, an application for transfer to another location will be considered by the Board.

(d) If a prior approval for transfer was originally granted for transfer to a different municipality, the 5-year moratorium on a transfer from the municipality to which the transfer was effected is measured from the date the license becomes operational. See section 461(a) of the Liquor Code (47 P. S. § 4-461(a)).

#### § 7.10. Conversion of suspension to fine.

(a) When a license application for transfer is pending and the transferor has an outstanding license suspension imposed by the Office of Administrative Law Judge that has not yet been served and cannot be served because the premises is not in operation, the transferee shall either serve the suspension upon the approval of the transfer, or request that the suspension be converted to a fine to be paid by the transferee upon the approval of the transfer.

(b) If the transferee prefers to pay a fine in lieu of serving a suspension, it shall make a request to the Office of Chief Counsel that a fine be set by the Board.

(c) For purposes of making a determination as to the amount of the fine, the transferee's request to the Office of Chief Counsel shall include the following:

(1) A letter requesting that a fine be set in lieu of the suspension.

(2) A statement that the transferor cannot serve the suspension because the premises is not in operation.

(3) The transferor's Federal tax return for its last year of operation, showing the licensed business's profit or loss.

(4) The number of days the transferor was open in its last year of operation.

(5) A copy of the administrative law judge's adjudication and order that resulted in the suspension. This document is obtainable from the Office of Administrative Law Judge.

(d) The fine will be calculated by application of the following formula: Gross earnings of the transferor divided by 365 (or the number of days in operation in the transferor's last year of operation) multiplied by .50. The resulting figure is the amount of the fine per day of suspension, subject to the following exceptions:

(1) If the amount is less than \$100 per day, a fine of \$100 per day will be set.

(2) If the suspension was issued for a citation that required a minimum fine amount of \$1,000 per day, a minimum fine of \$1,000 per day will be set.

(e) The Board may set a fine in the absence of one or more of the documents described in subsection (c)(1)—(5). The Office of Chief Counsel may request additional financial documents.

(f) The Board will act on the request by accepting the request and setting the amount of the fine, or rejecting the request, or making a counteroffer and informing the transferee of its decision in writing.

(g) If the transferee rejects the Board's decision, the original suspension will remain in effect, to be served by the transferee if the transfer is approved.

(h) If after the Board approves a conversion to a fine, the transfer application is denied, the Board's decision regarding the suspension conversion to a fine is rendered a nullity and the unserved suspension remains in effect for the transferor.

### Subchapter C. SURRENDER OF LICENSES

#### § 7.33. Sheriff's sale of a liquor license.

When a license is subject to a writ of execution the following apply:

(1) Any writ of execution must identify the liquor license by type and number, and may be filed in any county where jurisdiction would be appropriate. The Board may not be listed as garnishee. Notification to the Board upon the filing of a writ of execution is not required.

(2) Sheriff's seizure of the original license is not required. Licenses seized must be sent to the Bureau of Licensing for safekeeping within 15 days of seizure. If the debtor satisfies the judgment prior to sale, the sheriff may return the original license to the named licensee.

(3) Licenses may not be transferred without Board approval. Purchase at a sheriff's sale is not a transfer of the license but instead, only grants to purchaser the right to apply for the transfer of the license. Prospective purchases of a license are subject to the following conditions:

(i) Any sale of a license is subject to approval by the Board. Renewal and transfer applications may be obtained from the Bureau of Licensing.

(ii) The Board's Bureau of Licensing will be provided with the purchaser's current address immediately upon purchase.

(iii) A license validation or renewal application must be filed 60 days prior to the expiration date of the license. See section 470 of the Liquor Code (47 P. S. § 4-470). If filed later than that date, or within 2 years after the expiration, a late filing fee will be assessed for the renewal application.

(iv) It shall be the purchaser's responsibility to review all letters from the Board and to take all necessary steps to validate, renew or transfer the license in a timely manner.

(v) Licenses not renewed within 2 years after expiration will cease to exist and will not be reactivated.

(vi) Transfer, validation or renewal of the license will not be approved without tax clearance certificates from the Departments of Revenue and Labor and Industry for

both the previous license holder and the purchaser. See section 477 of the Liquor Code (47 P. S. § 4-477).

(vii) Any pending citations issued against the license shall be satisfied prior to transfer.

(4) The purchaser shall obtain the seal of the sheriff or the prothonotary on Board transfer or renewal applications in lieu of the signature of the previous license holder. The sheriff's bill of sale and writ of execution shall accompany the transfer or renewal application when filed.

**Subchapter F. INTERMUNICIPAL TRANSFER OF RETAIL LICENSES.**

**§ 7.63. Municipal standing before the Board.**

(a) The receiving municipality may file a protest against the approval of an intermunicipal transfer of a license into its municipality and the municipality shall have standing in a hearing to present testimony in support of or against the transfer of a license.

(b) If the Board receives a protest from the receiving municipality, the Board may refuse an application for an intermunicipal transfer of a license.

(c) A protest must be filed within the time allowed by § 17.13 (relating to protests/intervention procedure).

**§ 7.65. Subsequent transfers.**

Licenses transferred from one municipality to another may not be transferred out of the receiving municipality for 5 years from the date of operation in the receiving municipality.

**CHAPTER 9. TRANSPORTATION, IMPORTATION, DISPOSITION AND STORAGE**

**Subchapter A. TRANSPORTATION OF LIQUOR, MALT OR BREWED BEVERAGES OR ALCOHOL**

**VEHICLES**

**§ 9.11. Transportation for hire.**

(a) Except as exempted in subsection (b), a person who transports liquor, malt or brewed beverages or alcohol for hire within this commonwealth shall obtain a Transporter-for-Hire License, Class A, a Transporter-for-Hire License, Class B or a Transporter-for-Hire License, Class C, from the Board.

(b) Liquor, malt or brewed beverages or alcohol, may be transported for hire without a Transporter-for-Hire License under the following conditions:

(1) If the alcohol in question is "denatured," as specified in the Liquor Code.

(2) If transportation is accomplished by scheduled common air carriers of mail and passengers; or by common carriers by railroad, subject to regulation by the Pennsylvania Public Utility Commission; or by transporters-for-hire who transport liquor, malt or brewed beverages or alcohol, under contract with, and as agents of, common carriers by railroad, under railroad tariffs, railroad bills of lading, railroad regulations and railroad responsibility and direction, provided the main transportation of the liquor, malt or brewed beverages or alcohol, is by rail and the agents perform only a collection and delivery service as part of the rail transportation, and further provided that certified copies of the contracts of the agents are filed with the Board.

(3) If the liquor, malt or brewed beverages, or alcohol in question are for the personal use of, and not for resale by, the transporter.

(4) If transportation is by licensees of the Board whose licenses or permits authorize the transportation of liquor, malt or brewed beverages or alcohol in the regular operation of their licensed business.

(5) If transportation is by persons who transport liquor, malt or brewed beverages or alcohol, through this Commonwealth commercially and not for delivery therein:

(i) The operator of the vehicle shall have in his possession at all times while in this Commonwealth, an invoice and a bill of lading or waybill (showing the brand name, size and number of containers of liquor, malt or brewed beverages or alcohol so transported), which shall be produced for inspection upon the request of an authorized police or enforcement officer of this Commonwealth.

(ii) The cargo must remain intact and upon the same vehicle or conveyance while in this Commonwealth, unless prevented by an accident or other similarly uncontrollable circumstance.

**§ 9.22. Identification of vehicles.**

Licenses of the Board whose licenses authorize the transportation of liquor, malt or brewed beverages, or alcohol in the regular operation of their licensed business shall display on each side of each vehicle used in the operation of the business their name, address including the street name and number as shown on the license and the license number as shown on the license in letters no smaller than 4 inches in height. The license identification number shall be preceded by the letters "P. L. C. B."

**§ 9.23. (Reserved).**

**§ 9.24. (Reserved).**

**§ 9.26. (Reserved).**

**§ 9.28. Use of vehicles.**

(a) A licensee engaged in the purchase or sale of liquor, malt or brewed beverages, or alcohol may not use or permit to be used vehicles other than the ones identified for use in operation of its licensed business for the transportation of liquor, malt or brewed beverages, or alcohol. Subject to the limitations of their respective licenses, transporter-for-hire licensees may transport liquor, malt or brewed beverages or alcohol in vehicles owned or leased by the transporter-for-hire licensees and operated by drivers employed by the transporter-for-hire licensees or operated by drivers employed by unlicensed transporters who are under contract with the transporter-for-hire licensees.

(b) Persons who have contracted with and are performing transportation services of alcoholic beverages for the transporter-for-hire licensees are considered agents of the transporters-for-hire for purposes of section 471 of the Liquor Code (47 P. S. § 4-471).

(c) A licensee may not sell, lease or permit the use by another of a vehicle identified for use in operation of its licensed business without first obscuring or defacing the identification displayed on the vehicle.

**§ 9.29. (Reserved).**

**§ 9.30. (Reserved).**

**Subchapter H. IMPORTATION OF WINE PURCHASED BY MEANS OF THE INTERNET**

**§ 9.132. Definitions.**

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

*Consumer*—A person, 21 years of age or older at the time that the order is placed, who resides in this Commonwealth and is ordering wine by means of the Internet from a direct shipper for personal consumption, not for resale.

*Direct shipper*—A person or legal entity outside this Commonwealth licensed in another state as a producer, supplier, importer, wholesaler, distributor or retailer of wine who obtains a license from the Board to accept orders placed for wine within this Commonwealth by means of the Internet and who ships or facilitates in any way the shipment of wine by a delivery agent or common carrier to a Wine and Spirits Store.

**§ 9.141. Requirements for licensure as a direct shipper.**

(a) The person or legal entity completes an application for a license and files it with the Board.

(b) The direct shipper agrees to submit to the jurisdiction of the Board, any other Commonwealth agency, the Board of Claims and the courts of this Commonwealth for any dispute arising out of the direct shipper's conduct of business with the Board or consumers.

(c) The laws of the Commonwealth govern any dispute or issue arising from or involving any transaction or dealing between the direct shipper and the Commonwealth.

(d) The direct shipper agrees to indemnify the Board from any cause of action arising from its conduct of business in this Commonwealth.

(e) The direct shipper agrees to notify the Board if any of its licenses or permits, by which it is licensed in another state, are suspended, revoked, terminated or not renewed by the issuing authority.

(f) Failure by the direct shipper to remain licensed in another state could result in citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement or nonrenewal of the direct shipper license by the Board.

**§ 9.142. Records to be maintained.**

(a) The Commonwealth, through the Board or the Department of Revenue, has the right to audit, at reasonable times and at a site designated by the Commonwealth, the books, documents and records of the direct shipper. The direct shipper shall give full and free access to the Commonwealth or its authorized representative to the books, documents and records of the direct shipper to the extent that the books, documents or records relate to the sale by the direct shipper to consumers and to the collection of taxes and fees and the submission of same to the Commonwealth.

(b) The direct shipper agrees to maintain records, which will support the products, including brands, vintages, volumes and sizes sold to consumers and the collection and submission of taxes and fees regarding the products sold.

(c) The direct shipper shall maintain all books, documents and records described in this section for 3 years from the date of the sale.

**§ 9.143. Sales of wines.**

(a) The direct shipper shall possess a valid license issued by the Board.

(b) The direct shipper may sell to consumers only those classes, varieties and brands of wine not available for sale by the Board to consumers. Those items that may not be sold by direct shippers are listed on the Board's website

and are subject to change. Direct shippers may not ship or sell by means of the Wine and Spirits Stores any other items, alcoholic or nonalcoholic, to consumers other than wine not listed on the Board's website.

(c) The direct shipper may only process orders received by means of the Internet.

(d) Consumers may not purchase, and a direct shipper may not sell, more than 9 liters of wine to a single consumer per month.

(e) The direct shipper shall provide the consumer with an Internet wine order which is a numbered receipt listing the following:

(1) The consumer's name, address, phone number and date of birth.

(2) The name, address, phone number and date of birth of any other person authorized to pick up the product at the Wine and Spirits Store.

(3) The selling price, total volume and a complete and accurate description of products purchased.

(4) Eighteen percent Emergency Tax.

(5) Six percent Sales Tax.

(6) One percent Philadelphia/Allegheny County only Sales Tax, if applicable.

(7) Fees collected.

(8) The address of the Wine and Spirits Store to which the product is being shipped.

(f) Two copies of the Internet wine order must be with the product package and a copy must also be forwarded to the Board electronically within 1 business day from the date of the placement of the order.

(g) The direct shipper shall collect the 18% Emergency Tax, the appropriate Pennsylvania Sales Tax, and the Board's handling fee, per order, of \$4.50.

(h) The direct shipper shall remit to the Board by the 10th calendar day of the following month, the amount of taxes and fees collected from the prior month's sales. This remittance must be accompanied by a list detailing the numbered receipts being remitted.

(i) Failure to submit the appropriate fees and taxes will subject the direct shipper to citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement, which may result in civil penalties or criminal penalties, or both.

(j) The direct shipper agrees that the Commonwealth may set off the amount of any State tax liability or the other obligation of the direct shipper or its subsidiaries to the Commonwealth against any payments due the direct shipper under any contract with the Commonwealth.

(k) Annually, the direct shipper shall provide to the Board by the 15th day of the following January, a total of all sales of wine to consumers by the number of units and the dollar amount.

**§ 9.144. Products shipped.**

(a) Wine shipped to a consumer must be shipped to a Wine and Spirits Store.

(b) Shipments must be delivered to a Wine and Spirits Store by a transporter-for-hire licensed by the Board.

(c) Each package so shipped must be clearly identified as containing alcoholic beverages.

(d) Each package must clearly identify the direct shipper on the outside of the package and must have with the package a copy of the Internet wine order.

(e) Each order by a consumer must be packaged separately.

(f) All packaging materials must be sufficient to protect the product from damage during normal handling.

(g) The direct shipper agrees that any missing product, incorrect product, or damage to product, including breakage, defaced labels, leakage or other defects, noted on the Internet wine order will be the responsibility of the direct shipper.

(h) The direct shipper agrees that any wine that is not picked up by the consumer within 30 days of receipt by the Wine and Spirits Store becomes the property of the Board.

(i) The direct shipper shall provide a "call tag" with each order shipped. A call tag is a delivering carrier's service allowing the recipient of a package to call the carrier to pick up unwanted merchandise and have the carrier return it to the shipper.

**§ 9.145. Direct shipper's website.**

(a) The direct shipper's website must contain language that the direct shipper is solely responsible for the fitness of the product and that the Board neither endorses the direct shipper nor its products.

(b) The direct shipper's website must explain fully the direct shipper's policy on the return of wine purchased by consumers.

(c) The direct shipper's website must inform consumers that it will not sell to anyone who is under 21 years of age on the date of order, and that, when the product is picked up, it will not be released to anyone who cannot demonstrate that he is 21 years of age or older, or to anyone who is not a resident of this Commonwealth, or to anyone who is under the influence of alcohol or other drugs.

(d) The direct shipper's website must contain the following language:

**DISCLAIMER**

Consumers must be 21 years of age or older on the date of order and residents of Pennsylvania. All wine purchased must be for personal consumption and not for resale. Consumers must select a Wine and Spirits Store for delivery of their order. The Consumer must pick up the product in person at the selected Wine and Spirits Store or designate at the time of order an individual(s) who will be permitted to pick up the order. Whoever picks up the order must be 21 and a Pennsylvania resident. When the order is picked up, the person must present photo identification and be prepared to sign an affidavit that he or she is 21 years of age or older, a Pennsylvania resident and that the wine is for personal use not for resale. The entire order must be picked up; no partial order pick-ups will be permitted.

The Pennsylvania Liquor Control Board endorses no Direct Shipper nor does it provide any warranties either express or implied, as to the fitness or merchantability of any product purchased over the Internet or assumes any liability for the use or misuse of any product. The Pennsylvania Liquor Control Board will not accept any returns. All requests for the return of any product ordered over the Internet for any reason must be made directly to the

Direct Shipper. For any product damaged after receipt at the Wine and Spirits Store, Consumer will be fully reimbursed for the entire cost of the order by the Board. Any order not picked up within 30 days of receipt at the Wine and Spirits Store becomes the property of the Pennsylvania Liquor Control Board.

(e) The direct shipper's website must require the consumer to indicate that the consumer has read the Board's disclaimer and agrees to its terms and conditions before the consumer may complete the consumer's order. The direct shipper shall maintain a copy of the consumer's acceptance of the disclaimer for 2 years.

(f) If the direct shipper wishes to be linked to the Board's website, it shall sign a linking agreement in the form provided by the Board.

**CHAPTER 11. PURCHASES AND SALES**

**Subchapter A. GENERAL PROVISIONS**

**RETAIL AND WHOLESALE PURCHASE—GENERAL**

**§ 11.7. Authorized agents of cardholder.**

(a) A permit holder may authorize up to four agents to make purchases in his behalf for use in his business or establishment, subject to the following:

(1) Only individuals regularly employed in the business or establishment of a permit holder or licensed transporters-for-hire may be designated as agents.

(2) The signature of the agents must appear in ink on the Wholesale Liquor Purchase Permit Card in the space provided.

(b) A permit holder may appoint authorized agents in place of those whose signatures originally appeared on the Wholesale Liquor Purchase Permit Card by crossing out the name of the deposed agent in ink and having another party or parties properly sign the card.

(c) If a permit holder desires to make more changes in the designation of authorized agents than space permits on the Wholesale Liquor Purchase Permit Card, the permit holder shall obtain a duplicate Wholesale Liquor Purchase Permit Card by obtaining at the State Store, where the card is on deposit, a form as prescribed by the Board, which shall be completed by the permit holder and returned with a fee of \$10. The manager of the State Store will forward the form to the Bureau of Licensing of the Board. A new card will be forwarded to the store. During the time required for this transaction, purchase at wholesale may be made by the permit holder or an authorized agent at the store where the old card is on deposit. Upon receipt of the new card, the store manager shall immediately notify the permit holder. The old card will then become void and shall be forwarded to the Bureau of Licensing by the manager. The manager shall deliver the new Wholesale Liquor Purchase Permit Card to the permit holder when he visits the store and requests delivery. The new card is not valid until properly signed in accordance with § 11.6 (relating to signature on cards).

**CHAPTER 13. PROMOTION**

**Subchapter A. ADVERTISING**

**ADVERTISING OF BRAND NAMES**

**§ 13.42. Window and doorway display.**

(a) A licensee may install or permit to be installed any electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, plac-

ards, streamers or similar items advertising brand names and intended for window and doorway display on the licensed premises.

(b) Advertising may not exceed 600 square inches in display area. When the advertising material is of maximum size, no background material may be used. When installing signs of smaller size, the combined area of the sign and background or decoration may not exceed the maximum area of 600 square inches.

#### § 13.43. Interior display.

(a) A licensee may install or permit to be installed electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for interior display on the licensed premises.

(b) When the point-of-sale material, as described in subsection (a), is of maximum value as set by the Board, no background material may be used in conjunction with the installation.

(c) Signs or displays intended for use interchangeable in a window, doorway or in the interior must meet the requirements for both maximum area, as provided in § 13.42 (relating to window and doorway display) and maximum value as set by the Board.

### GIVING AND ACCEPTING THINGS OF VALUE

#### § 13.52. Advertising novelties.

(a) Under section 493(24) of the Liquor Code (47 P. S. § 4-493(24)), advertising novelties of nominal value may be distributed by manufacturers or any class of licensee to trade or consumer buyers. Advertising novelties include matches, disposable lighters, bottle or can openers, caps, tee shirts, recipe pamphlets, pens, corkscrews and ashtrays, which bear advertising matter.

(b) Advertising novelties may not contain obscene or pornographic matter or references.

(c) Nominal value, as used in this subsection, means an amount not to exceed a monetary limit established and disseminated by the Board. Advertising novelties provided by manufacturers or any class of licensee may not be used as equipment by any hotel, restaurant, club, retail dispenser, importing distributor or distributor licensee. Notwithstanding any other provisions of this section, licensees may sell glasses at not less than cost and provide metal keg connectors and tap knobs to other licensees and to holders of special occasion permits. Manufacturers or importers may furnish, give, rent, loan or sell wine lists or menus to retail licensees. The wine lists/menus may involve cooperative endeavors related to cost sharing and advertisement between manufacturers/importers and retail licensees. Wine lists/menus for on-premises use may contain preprinted prices.

(d) Advertising banners/signs for exterior use are considered advertising novelties if the banners/signs conspicuously advertise the alcoholic beverage products sold by the licensee or the name of the manufacturer of alcoholic beverage products sold by the licensee. Exterior advertising banners/signs must comply with section 498 of the Liquor Code (47 P. S. § 4-498).

(e) Advertising banners/signs that are used for interior display are not subject to the advertising novelty cost limit, but are subject to the point of sale advertising cost limit as set by the Board in its Advisory Notice No. 10 (as amended).

(f) Licensees of any class may sell promotional items advertising their own business only, such as tee shirts, mugs, caps and other similar items, to the general public.

[Pa.B. Doc. No. 04-2026. Filed for public inspection November 12, 2004, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CH. 51]

#### Administrative Provisions

The Fish and Boat Commission (Commission) by this order amends Chapter 51 (relating to administrative provisions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The change relates to the effective dates of licenses and trout/salmon permits for 2005.

#### A. *Effective Date*

The amendment will go into effect immediately upon final-form publication of this order in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

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

#### C. *Statutory Authority*

The amendment to § 51.33 (relating to effective dates of licenses and trout/salmon permits) is published under the statutory authority of section 506 of The Administrative Code of 1929 (71 P. S. § 186).

#### D. *Purpose and Background*

This final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to administration. The specific purpose of this final-form rulemaking is described in more detail under the summary of change.

#### E. *Summary of Change*

It is possible that the General Assembly will enact legislation affecting the price and mix of fishing licenses, stamps and permits late in the 2004 calendar year. These changes will be in effect for the 2005 year. To facilitate the orderly distribution and proper accounting for new license types and license prices, it will be necessary for Commission staff to delay the distribution of license materials until after enactment of legislation.

The current regulation specifies that annual licenses are effective for the year printed on the license certificate and the month of December of the preceding year. The amendment makes 2005 licenses effective on January 1, 2005, or the date of sale in December 2004, whichever is earlier. Limited duration licenses, such as the 1-day, 3-day and 7-day licenses, will remain valid only for the dates specified on the license certificates. The final-form rulemaking is adopted as proposed.

#### F. *Paperwork*

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

*G. Fiscal Impact*

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

*H. Public Involvement*

A notice of proposed rulemaking was published at 34 Pa.B. 5161 (September 18, 2004). The Commission did not receive any public comments concerning the proposed rulemaking.

*Findings*

The Commission finds that:

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

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

(3) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 51, are amended by amending § 51.33 to read as set forth in 34 Pa. B. 5161.

(b) The Executive Director will submit this order and 34 Pa.B. 5161 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 34 Pa.B. 5161 and deposit them with the Legislative Reference Bureau as required by law.

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

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

**Fiscal Note:** Fiscal Note 48A-161 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-2027. Filed for public inspection November 12, 2004. 9:00 a.m.]



# PROPOSED RULEMAKING

## STATE ATHLETIC COMMISSION

### [58 PA. CODE CHS. 1 AND 21] Communicable Disease Testing

The State Athletic Commission (Commission) proposes to amend §§ 1.1 and 21.8 (relating to definitions; and boxers) as they pertain to the testing of professional boxers for communicable diseases, such as Hepatitis, to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

This proposed rulemaking is authorized under 5 Pa.C.S. § 103 (relating to duties of commission) which authorizes the Commission to establish policy and promulgate rules and regulations regarding professional boxing contests and exhibitions and all matters pertaining thereto.

#### C. *Background and Purpose*

Increasing concerns about the rapid spread of communicable diseases, particularly Hepatitis C, which is a disease of the liver caused by a virus that can be transmitted by contact with blood through one's occupation or vocation, has led to an ever greater call for testing professional boxers for these diseases. In fact, given the devastating long-term health consequences of Hepatitis C, which according to the Centers for Disease Control and Prevention often includes chronic liver disease, cirrhosis and even death in 3% of those infected, the American Association of Boxing Commissions and the American Association of Professional Ringside Physicians recently recommended that the boxing commissions in the various states consider adopting a requirement for the testing of Hepatitis C and other communicable diseases. The Commission's Medical Advisory Board (Board) also unanimously endorses the adoption of that requirement with the concurrence of the Commission.

Therefore, the Commission proposes to amend its current regulations pertaining to professional boxers to require annual testing for certain communicable diseases. It is the intent of this proposed rulemaking to better protect professional boxers, who frequently come into direct contact with the blood of an opponent in a boxing contest or exhibition, from contracting a communicable disease. The cost for the additional test will be limited to no more than \$50 per annual test, which is outweighed by the benefit of the protection that the test affords.

#### *Description of the Proposed Rulemaking*

The Commission is proposing that as a condition for an initial or renewal license as a professional boxer, in addition to being required to be tested for any virus, antibody, antigen or etiologic agent determined to cause or indicate the presence of human immunodeficiency virus as currently mandated by regulation, an applicant would also be required to be tested for Hepatitis C and other communicable diseases as defined in § 1.1 (relating to definitions).

The Commission developed its definition of "communicable disease" based upon the definition of "communicable disease" contained in 28 Pa. Code § 27.1 (relating to definitions).

As part of its review, the Commission also afforded the opportunity for a 30-day predraft comment by forwarding a draft of Annex A to the following categories of individuals: 4 physicians who are members of the Board and 3 physicians who are presently licensed as ringside physicians by the Commission; 12 professional boxing promoters; 8 professional boxing managers; 10 professional boxers; and 10 boxing seconds or trainers. Only two physicians commented by recommending slight changes to the definition of "communicable disease," one of which has been adopted.

#### F. *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Department of State (Department) or the Commission. The proposed rulemaking will also have no adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose any additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector. The proposed rulemaking will have a minimal fiscal impact on the professional boxers the Commission regulates by requiring that they must incur the cost for an annual test for Hepatitis C and other communicable diseases but at an estimated cost of no more than \$50 per test.

#### G. *Sunset Date*

The Commission and the Department monitor the regulations of the Commission on a continuing basis. Therefore, no sunset date has been assigned.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 1, 2004, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the Senate State Government Committee and the House State Government Committee. A copy of this material is available to the public upon request.

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

#### I. *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Gregory P. Sirb, Executive Director of the State Athletic Commission, 2601 North 3rd Street, Harrisburg, PA 17110, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16-34 (Communicable Disease Testing), when submitting comments.

CHARLES BEDNARIK,  
*Chairperson*

**Fiscal Note:** 16-34. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART I. STATE ATHLETIC COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 1. PRELIMINARY PROVISIONS

§ 1.1. Definitions.

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

\* \* \* \* \*

**Communicable disease**—An illness, such as Hepatitis, which is capable of being spread to a susceptible host through the direct or indirect transmission of an infectious agent or its toxic product by an infected person, animal or arthropod, or through the inanimate environment.

\* \* \* \* \*

Subpart B. BOXING

CHAPTER 21. PROFESSIONAL BOXING

§ 21.8. Boxers.

(a) Professional boxers shall be licensed by the Commission. The Commission will not license or renew the

license of a professional boxer unless the license application is accompanied by a report from a Department of Health facility, a laboratory possessing a permit from the Department of Health under 28 Pa. Code § 5.11 (relating to permit, requirements, application and conditions) or a report from a laboratory licensed in another jurisdiction that meets the requirements to be issued a permit under 28 Pa. Code § 5.11, and is acceptable to the Commission, which indicates that the applicant has been tested for any virus, antibody, antigen or etiologic agent determined to cause or indicate the presence of human immunodeficiency virus **and any other communicable disease as defined in § 1.1 (relating to definitions)**, and the results of those tests were negative. The tests shall have been initiated no more than 60 days prior to the date of filing the application. A boxer whose application for license has been denied has the right to a hearing before the Commission under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies). The applicant shall apply, in writing, to the Commission requesting a hearing. The Commission will conduct a hearing within 10 business days from the receipt of the written request.

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[Pa.B. Doc. No. 04-2028. Filed for public inspection November 12, 2004, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 October 26, 2004.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-20-04	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Approved
	Represents reorganization into a mutual holding company to be known as Abington Mutual Holding Company.		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-12-04	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	2500 Aramingo Avenue Philadelphia Philadelphia County	Opened
10-18-04	First Columbia Bank and Trust Company Bloomsburg Columbia	Route 93 and Dessen Drive Hazleton Luzerne County	Opened
10-20-04	Integrity Bank Camp Hill Cumberland County	440 Bridge Street New Cumberland Cumberland County	Filed
10-25-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Audubon Acme 110 Black Horse Pike Audubon Camden County, NJ	Approved
10-25-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Moorestown Acme 350 Young Avenue Moorestown Burlington County, NJ	Approved
10-25-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Washington Township Acme 415 Egg Harbor Road Sewell Washington Township Gloucester County, NJ	Approved
10-25-04	Greenville Savings Bank Greenville Mercer County	3302 Wilmington Road New Castle Lawrence County	Approved
10-25-04	First Commonwealth Bank Indiana Indiana County	Pittsburgh Mills Circle Frazer Township Allegheny County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-25-04	Fulton Bank Lancaster Lancaster County	<i>To:</i> 2057 South Queen Street York Township York County  <i>From:</i> 2081 Springwood Road York Township York County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-2029. Filed for public inspection November 12, 2004, 9:00 a.m.]

**Action on Applications**

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 November 2, 2004.

**BANKING INSTITUTIONS****Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-28-04	First Resource Bank Exton Uwchlan Township Chester County	101 Marchwood Road Exton Uwchlan Township Chester County	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-27-04	Allegiance Bank of North America Bala Cynwyd Montgomery County	36 North 3rd Street Philadelphia Philadelphia County	Filed
11-1-04	First Financial Bank Downingtown Chester County	321 North Third Street Oxford Chester County	Approved
11-1-04	Republic First Bank Philadelphia Philadelphia County	436-438 East Baltimore Avenue Media Delaware County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-27-04	Mercer County State Bank Sandy Lake Mercer County	<i>To:</i> 16411 Conneaut Lake Road Meadville Crawford County  <i>From:</i> 16881 Conneaut Lake Road Meadville Crawford County	Filed
11-1-04	Farmers First Bank Lititz Lancaster County	<i>To:</i> 1570 Manheim Pike Lancaster Lancaster County  <i>From:</i> 2006 Miller Road East Petersburg Lancaster County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-28-04	Fulton Bank Lancaster Lancaster County	1188 Mae Street Hummelstown Dauphin County	Filed
10-29-04	The Juniata Valley Bank Mifflintown Juniata County	100 East Market Street Lewistown Mifflin County	Effective

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Conversion to Community Charter

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-1-04	St. Basil Parish Credit Union Pittsburgh Allegheny County	Pittsburgh	Filed

Conversion to community charter will result in an amendment to the credit union's Articles of Incorporation, Article 8, to read: The field of membership of the credit union will be comprised of those who live, work, attend school or worship in the neighborhoods of Beechview (15216), Brookline (15226), Overbrook (15226) and Banksville (15220) within the City of Pittsburgh; the municipality of Mount Lebanon (15228, 15234); the Township of Upper Saint Clair (15241); the Boroughs of Brentwood (15227), Baldwin (15236), Castle Shannon (15234), Dormont (15216), Bethel Park (15102), Bridgeville (15017), Carnegie (15106), Crafton (15205) and Greentree (15242). The previously noted communities are all located in Allegheny County.

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-29-04	Franklin Credit Union, Franklin, and Oil Region Federal Credit Union, Oil City Surviving Institution— Franklin Credit Union, Franklin	Franklin	Filed
10-31-04	Philadelphia Postal Workers Credit Union, Philadelphia, and Eagle One Federal Credit Union, Philadelphia Surviving Institution— Eagle One Credit Union, Philadelphia	Philadelphia	Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-2030. Filed for public inspection November 12, 2004, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Cyber Charter School Application

The Department of Education (Department) has scheduled a public hearing regarding a cyber charter school application received on October 1, 2004, from Agora Cyber Charter School. The hearing will be held on Thursday, December 16, 2004, Honors Suite, 333 Market Street, Harrisburg, PA, at 1 p.m. The hearing pertains to the Agora Cyber Charter School, which is seeking a charter to operate a cyber charter school. The purpose of the hearing is to receive information from the applicant about the cyber charter school and to receive comments from interested persons regarding the application. The application can be viewed on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us).

The charter applicant will have 30 minutes to present information about the cyber charter school. Individuals who wish to provide comments at the hearing should send the Department and the applicant a copy of the comments on or before December 1, 2004. Failure to comply with this deadline will preclude the respective individual from providing verbal comments at the hearing. Verbal comments may be limited if the comments are duplicative or repetitive of other individual's comments. A panel of individuals who have reviewed the application will con-

duct the hearing. The panel members may question the applicant regarding issues identified during their review, as well as issues raised in the written comments filed before the hearing date. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicant or the panel members.

Individuals who are unable to attend the hearing may also provide the Department and the applicant with written comments on or before December 9, 2004. Any written comments provided to the Department by this deadline will become part of the certified record.

Comments sent to the Department should be addressed to Department of Education, Betsy Becker, Bureau of Community and Student Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333.

An agenda will be prepared after December 9, 2004, when the Department is aware of the number of individuals who wish to provide verbal comments at the hearing. That agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. Individuals who wish to obtain a copy of the agenda should call Betsy Becker at (717) 346-3356.

GERALD L. ZAHORCHAK, Ed.D.,  
*Acting Secretary*

[Pa.B. Doc. No. 04-2031. Filed for public inspection November 12, 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

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

<i>NPDES 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>
PA-0032115 (Renewal)	PA DCNR, Bureau of State Parks Rachel Carson State Office Building P. O. Box 8767 Harrisburg, PA 17105-8767	Fairmount Township Luzerne County	Ganoga Glen 05C	Y
PA-0031917	Blue Mountain School District P. O. Box 188 Orwigsburg, PA 17961-0188	Schuylkill County North Manheim Township	Mahoney Creek CWF Watershed 3A	Y

<i>NPDES 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>
PA-0063312 (Sewage)	Girardville Area Municipal Authority Fourth and B Streets P. O. Box 7 Girardville, PA 17935	Schuylkill County, Butler Township	Mahanoy Creek (6B)	Y
PA-0035033 Renewal	Pinebrook Bible Conference and Retreat Center P. O. Box 1 Stroudsburg, PA 18360-0001	Stroud Township Monroe County	Brodhead Creek 01E	Y

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

<i>NPDES 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>
PA0044741 (IW)	Hanover Foods Corporation 1486 York Street Hanover, PA 17331-0334	York County Penn Township	Oil Creek/7-H	Y
PA0080845	Reliant Energy 121 Champion Way Canonsburg, PA 15317	Blair County Catharine Township	Frankstown Branch / Juniata River / 11-A	Y
PA0081248	PPL Holtwood LLC Two North Ninth Street Allentown, PA 18101-1179	York County Lower Chanceford Township	Susquehanna River / 7-I	Y
PA00318310 (SEW)	Eastern Lebanon County School District—High School 180 Elco Drive Myerstown, PA 17067-2697	Lebanon County Jackson Township	Unt Tulpehocken Creek/3-C	Y
PA0086312 (SEW)	James Dowart Apartments Quaker Station Apartments 619-627 Old Quaker Road Lewisberry, PA 17339	York County Fairview Township	Unt Benett Run/7-F	Y
PA0012211 (IW)	Boyertown Foundry Company PO Box 443, 9th and Rothermel Drive New Berlinville, PA 19545	Berks County Boyertown Borough/ Colebrookedale Township	3-D	Y

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

<i>NPDES 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>
PA0043419 SP	Coudersport Area Municipal Authority P. O. Box 820 Coudersport, PA 16915-0820	Potter Coudersport Borough	Allegheny River 16C	Y
PA0209066 SP	Roulette Township RD1 Station Boulevard Roulette, PA 16746	Potter Roulette Township	Allegheny River 16C	Y
PA0113956 SN	Locust Township 1223A Numidia Drive Catawissa, PA 17820	Columbia Locust Township	Unnamed tributary To Roaring Creek 5E	Y

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

<i>NPDES 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>
PA02212779	Station Road Property Owners' Association 6992 Station Road Erir, PA 16510	Harborcreek Township Erie County	Unnamed tributary to Six Mile Creek 1506M	Y

<i>NPDES 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>
PA0220736	Flying "W" Ranch HLC 2, Box 150 Tionesta, PA 16353	Kingsley Township Forest County	Unnamed tributary to Church Run 16-F	Y

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

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

**PA0054488**, Sewage, **Frank J. Occhi**, 1469 Lower State Road, Doylestown, PA 18901.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated effluent from single residence sewage treatment plant.

The receiving stream, an unnamed tributary to Mill Creek, is in the State Water Plan watershed 2F and is classified for: TSF, migratory fishes, water supply and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is 27.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 400 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum mg/l</i>
BOD <sub>5</sub>			10		20
Total Suspended Solids			10		
Total Residual Chlorine			Monitor		20
pH (Std. Units)			6.0 I-min.		
Fecal Coliform (colonies)			200/100 ml		9.0

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

1. Abandon STP When Municipal Sewers Available
2. Remedial Measures if Unsatisfactory Effluent
3. No Storm Water
4. Acquire Necessary Property Rights
5. Change in Ownership

The EPA waiver is in effect.

**PA0058840**, Sewage, **Hilltown Township Water and Sewer Authority**, 316 Highland Park Road, P. O. Box 365, Sellersville, PA 18960.

This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Activity: The applicant proposes to discharge treated sewage from a facility known as Berry Brow WWTP serving a new housing development known as the Reserve at Hilltown.

The receiving stream, a pond discharging to Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: TWF, migratory fishes. The nearest downstream public water supply intake for AQUA PA INC is located on Neshaminy Creek at Oakford, PA.

The proposed effluent limits for Outfall 001 are based on a design flow of 49,875 gpd.

<i>Parameters</i>	<i>Average</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum mg/l</i>
CBOD <sub>5</sub>	10	15		20
Total Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0
Nitrite + Nitrate an N	10			20
Phosphorus, Total	0.5			1.0
Fecal Coliform			50/100 ml as a geometric mean	
pH			Between 6.0 and 9.0 standard units at all times	
Dissolved Oxygen			Minimum of 6 mg/l at all times	

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

1. Notification of Responsible Operator
2. Average Weekly Definition



3. Remedial Measures
4. No Stormwater
5. Necessary Property Rights
6. Small Stream Discharge
7. Sewage Sludge Disposal
8. Submit Data for TMDL/WLA Analysis
9. I-Max Limits
10. No Discharge Report
11. 2/Month Monitoring
12. UV Disinfection
13. Laboratory Certification

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

**PA-0061000**, Sewage, **Village of Four Seasons Association, Inc.**, R.R. 2, P. O. Box 3350, Union Dale, PA 18470.

This proposed facility is located in Herrick Township, **Susquehanna County**.

Description of Proposed Activity: Discharge of 0.060 mgd of treated sewage.

The receiving stream, East Branch of Tunkhannock Creek, is in the State Water Plan watershed No. 4F and is classified for: CWF. The nearest downstream public water supply intake for Danville is located on Susquehanna River is more than 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.060 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Inst. Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5/1 to 10/31)	2.9		5.8
(11/1 to 4/30)	8.7		17.4
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
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	0.6		1.4

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

**PA0228800**, Sewage 4952, **Herndon Borough—Jackson Township Joint Municipal Authority**, P. O. Box 381, Herndon, PA 17830-0381.

This proposed facility is located in Herndon Borough, **Northumberland County**.

Description of Proposed Activity: Applicant is applying for NPDES coverage for treated sewage discharge from 0.060 mgd wastewater treatment plant.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 6B and is classified for: WWF.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.060 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/L)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/L)</i>
Flow				
Fecal Coliforms				
(5/1 to 9/31)				Monitor
(10/1 to 4/30)				200/100mL
				2000/100mL
C-BOD <sub>5</sub>	25	40	50	
Total Residual Chlorine	1.0			2.3
Total Suspended Solids	30	45	60	
Dissolved Oxygen		3.0 Minimum at all times		
pH		Within the Range of 6.0 to 9.0		

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

**PA0216364**, Industrial Waste, SIC 4941, **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge process water from a water plant in Center Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Rag Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream PWS is the ARCO Chemical Company—Beaver Valley Plant, located at Monaca, 3 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.046 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>Instant. Maximum</i>
Flow (MGD)	Monitor and Report				
TSS			30		60
Aluminum			0.5		1.0
Iron			1.5		3.0
Manganese			1.0		2.0
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0252557**, Industrial Waste, SIC, 5541, **Coen Oil Company**, 1100 West Chestnut Street, Washington, PA 15301.

This application is for issuance of an NPDES permit to discharge treated groundwater from the Exit 3 Amoco in Buffalo Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary to Buffalo Creek, which is classified as a high quality warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation.

*Outfall 001: new discharge, design flow of 0.00468 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>Instant. Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids			10		25
CBOD-5 day			10		25
Total Residual Chlorine			Not detectable		
Oil and Grease			Not detectable		
Iron, dissolved			Not detectable		
Lead			Not detectable using EPA method 236.2		
Benzene			Not detectable using EPA method 602 GC/PID		
Total BTEX			Not detectable		
Toulene			Not detectable using EPA method 602 GC/PID		
Ethylbenzene			Not detectable using EPA method 602 GC/PID		
Xylenes, total			Not detectable		
MTBE			Not detectable		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0096521**, Sewage, **Bureau of State Parks, Ohiopyle State Park**, P. O. Box 195 Dinnerbell Road, Ohiopyle, PA 15470-0105.

This application is for renewal of an NPDES permit to discharge treated sewage from Ohiopyle State Park Boaters Change House STP in Stewart Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Meadow Run, which are classified as a high-quality 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: North Fayette County Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.008 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD-5 Day	15			30
Suspended Solids	10			20
Ammonia Nitrogen				
(5/1 to 10/31)	1.5			3.0
(12/1 to 4/30)	4.5			9.0
Fecal Coliform				
(5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2,000/100 ml geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216208**, Sewage, **John F. Kotun**, 319 Anderson Hozak Road, Clinton, PA 15026.

This application is for renewal of an NPDES permit to discharge treated sewage from Superior Mobile Home Court STP in Raccoon Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale to unnamed tributary of Service Creek, 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: Ambridge Water Authority's Ambridge (Bacon) Reservoir on Service Creek.

*Outfall 001:* existing discharge, design flow of 0.0025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD-5 Day	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5/1 to 10/31)	2.0			4.0
(11/1 to 4/30)	3.2			6.4
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			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0006378**, Industrial Waste. **Wheatland Tube Company—Division of John Maneely Co.—Sharon Plant**, One Council Avenue, Wheatland, PA 16161.

The proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed Activity: discharge of treated industrial waste, noncontact cooling water, groundwater remediation wells, and stormwater. This is a major discharge from a primary industry.

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 (stream and Public Water Supplier) considered during the evaluation is the Aqua, Inc. intake on the Shenango River, approximately 1 mile below the point of discharge.

The receiving stream, the Shenango River, is in watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

Wheatland Tube appealed the Iron limitations for Outfall 101. The result of this appeal led to a settlement agreement that removes the Iron limit from the permit and replaces it with a monitor and report requirement at the existing monitoring frequency. In addition, the permit will require monthly background monitoring of the Shenango River, for select metals, hardness, and pH, in order to collect data for the future metals TMDL.

The EPA Waiver is not in effect.

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


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

**WQM Permit No. 5404404**, Sewerage, **Pine Grove Joint Treatment Authority**, P. O. Box 426, Pine Grove, PA 17963.

This proposed facility is located in Pine Grove Township, **Schuylkill County**, PA.

Description of Proposed Action/Activity: This project consists of construction of a wastewater treatment plant, force main and pump system to process 1.5 mgd domestic wastewater.

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

**WQM Permit No. 2877402, Amendment 04-1**, Sewerage, Antrim Township Municipal Authority, 10655 Antrim Church Road, Greencastle, PA 17225.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Upgrade/Replacement of Pump Station No. 10.

**WQM Permit No. 4404401**, Sewerage, Oliver Township, 274 Lockport Road, Lewistown, PA 17044.

This proposed facility is located in Oliver Township, **Perry County**.

Description of Proposed Action/Activity: Construction/Operation of sanitary sewer system and pumping station to serve the Village of Lockport.

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

**WQM Permit No. 561S15 A1**, Sewerage, **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904.

This proposed facility is located in Richland Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the replacement and operation of existing sewer lines and inteceptor..

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

**WQM Permit No. 5604407**, Sewerage, **Huston Farms LLC**, 626 Cross Road, Rockwood, PA 15557.

This proposed facility is located in Milford Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a campground for long and short term recreational vehicles.

**WQM Permit No. 6504405**, Sewerage, **Sutersville-Sewickley Municipal Sewer Authority**, 320 Municipal Avenue, Sutersville, PA 15083.

This proposed facility is located in Sutersville Borough/Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the constructions and operation of 47,000 LF sewers, three pump stations and a 0.190 mgd WWTP.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania'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.

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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136359	Fayette City Borough 2nd and Cook Street R. D. 1 Box 544 Fayette City, PA 15438	Fayette	Fayette City Borough		Y

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


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*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>
PAI01 1504074	Luigi and Rosetta Liberato L. Liberato Steel Fabricating Co 200 Wampler Drive Spring City, PA 19475	Chester	East Vincent Township	Stony Run (HQ-TSF)
PAI01 1504075	Kismet Farm, Ltd Anthony Beiler Development 3556 Newark Road Cochranville, PA 19330	Chester	Upper Oxford Township	East Branch Big Elk Creek (HQ-TSF-MF)
PAI01 1504076	Johan Sheikholeslami Elkdale Green Development 406 Little Elk Creek Road Lincoln University, PA 19352	Chester	East Nottingham Township	Big Elk Creek (HQ-TSF-MF)
PAI01 0904019	The Gigliotti Group Evergreen Estates Subdivision P. O. Box 270 Newtown, PA 18940	Bucks	Springfield Township	Cooks Creek (EV)
PAI01 4604002	MacIntosh Builders Wooded Ridge Development 602 East Broad Street Souderton, PA 18964	Montgomery	Marlborough Township	Unami Creek (HQ-TSF)

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

*Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, (570) 278-4600.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025804001	Dunn Lake, LLC 103 Indian Springs Rd. Kenneth Square, PA 19348	Susquehanna	Ararat Township	Lackawanna River (East Branch), HQ-CWF

*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>
PAI024503013-1	Williams and Williams Real Estate P. O. Box 3655 Scranton, PA 18505	Monroe	Coolbaugh Township	Forest Hills Run, HQ-CWF

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

*Northumberland Conservation District R. R. 3, Box 238C, Sunbury, PA 17801 (570) 286-7114, Ext. 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044904001	MAIDA Tanner Addition 1 S. Arch St. Milton, PA 17847	Northumberland	Milton Borough and W. Chillisquaque Township	Unt. Montandon Marsh EV Wetland

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

*Conservation District: Elk Conservation District, (814) 776-5373.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0624-04-004	Bruce Winslow Remediation (Former Metal Wire Benezette Site), Nassau Metals Corporation, 101 Crawfords Corner Road Room 1D-101E Holmdel, NJ 0773-3030	Elk County	Benezette Township	Dents Run HQ-CWF

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

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

**MS4 Notices of Intent Received**

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG136358	Fairchance Borough 125 West Church Street Fairchance PA 15436	Fayette	Fairchance Borough		Y
PAG136359	Fayette City Borough 2nd and Cook Street R. D. 1 Box 544 Fayette City PA 15438	Fayette	Fayette City Borough		Y

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)**

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

**Permit No. 6704514, Public Water Supply.**

Applicant	<b>The York Water Company</b>
Municipality	Spring Grove Borough
County	York
Responsible Official	Jeffrey R Hines, Vice President—Engineering 130 E. Market St. P. O. Box 15089 York, PA 17405-7089
Type of Facility	Public Water Supply
Consulting Engineer	Ryan M Ural, P. E. The York Water Company 130 East Market Street P. O. Box 15089 York, PA 17405-7089
Application Received Date	10/18/2004
Description of Action	This PWS application is for the construction of a booster station in order to supply the Spring Grove distribution system.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)**

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

**Application No. 0904510, Minor Amendment.**

Applicant	<b>Borough of Sellersville</b>
Borough	Sellersville
Responsible Official	Alan S. Frick 140 E. Church Street Sellersville, PA 18960
Type of Facility	PWS
Consulting Engineer	Cowan Associates, Inc. 120 Penn-Am Drive Quakertown, PA 18951

Application Received    November 2, 2004  
 Date  
 Description of Action    Change disinfection from gas to  
                                  sodium hypochlorite at Wells No.  
                                  4, 5 and 6.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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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.*

**34th and Chestnut Street Parking Lot**, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, P.G., Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 on behalf of Ira A. Kauderer, University of Pennsylvania, 133 South 36th St., Suite 3000, Philadelphia, PA 19104-3246 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with semi-VOC (benzo (a) pyrene0 and metals (inorganics) arsenic and lead. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 15, 2004.

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

**Former Allen Hardware** (1941 Hamilton Street), City of Allentown, **Lehigh County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has electronically submitted a Notice of Intent to Remediate (on behalf of their client, St. Luke's Hospital, 801 Ostrum Street, Bethlehem, PA 18015) concerning the remediation of soils and groundwater found or suspected to have been contaminated with gasoline constituents presumably as the result of leakage from underground storage tanks related to historical site operations. The applicant proposes to meet either the background or Statewide health standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as office space for St. Luke's Hospital.

**Merlo Residence**, Mount Pocono Borough, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has electronically submitted a Notice of Intent to Remediate (on behalf of their client, Gary Merlo, South 8th Street, Bangor, PA 18013) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release from home heating oil tanks. The applicant proposes to meet either the background or Statewide health standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as a private residence.

**Henny Penny Farm (Route 715)**, Chestnuthill Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has electronically submitted a Notice of Intent to Remediate (on behalf of their client, Henny Penny Farms, Inc., R.R. 4, Box 4287, Saylorsburg, PA 18353) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release. The applicant proposes to meet either the background or Statewide health standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as a commercial chicken egg farm.

**Dimitrackopoulos Property**, Barrett Township, **Monroe County**. James Sposito, Geologist, Quad Three

Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has electronically submitted a Notice of Intent to Remediate (on behalf of his client, Helen Dimitrackopoulos, Ashmall Avenue, Monroe, NJ 08831) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental overflow. The applicant proposes to meet the residential Statewide health standard. A summary of the Notice of Intent to Remediate is was published in the *Pocono Record* on October 4, 2004. The proposed future use of the property is continuation as a private residence.

**Bandy Property**, Hamilton Township, **Monroe County**. James Sposito, Geologist, Quad Three Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has electronically submitted a Notice of Intent to Remediate (on behalf of his client, Danielle Bandy, P. O. Box 701, Sciota, PA 18354) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental overflow. The applicant proposes to meet the residential Statewide health standard. A summary of the Notice of Intent to Remediate was published in the *Pocono Record* on October 4, 2004. The proposed future use of the property is continuation as a private residence.

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

**Fort Indiantown Gap National Guard Training Center**, Union Township, **Lebanon County**. Weston Solutions, Inc., 205 Campus Drive, Edison, NJ 08837, on behalf of Pennsylvania Army National Guard, Department of Military and Veteran Affairs—Environmental Division, Building 11-19, Fort Indiantown Gap National Guard Training Center, Annville, PA 17003, submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to a Statewide Health standard.

**Luxury Custom Cabinetry Group, LCCG**, New Holland Borough, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Luxury Custom Cabinetry Group, 215 Diller Avenue, New Holland, PA 17557, submitted a Notice of Intent to Remediate site soils and groundwater contaminated by unleaded gasoline and fuel oil from underground tanks. The applicant seeks to remediate the site to a Statewide Health standard.

**Ship and Store**, City of York, **York County**. Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, on behalf of Bridge Industrial, 1027 Conshohocken Road, Conshohocken, PA 19428, submitted a Notice of Intent to Remediate site soils and groundwater contaminated by No. 2 fuel oil. The applicant proposes to remediate the site to a Statewide Health standard.

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

**East 14th and Parade Street Site, City of Erie, Erie County**. Pat Pontoriero, PG of MACTEC Engineering and Consulting, Carnegie Ofc Park, Bldg. 4, 700 North Bell Ave, Pittsburgh PA 15106, on behalf of Monica Brower, Greater Erie Industrial Development Corp, 5240 Knowledge Parkway, Erie PA 16510, has submitted a Notice of Intent to Remediate. Site contamination consists of petroleum-impacted soil from previously removed underground storage tanks located at the site of a former gas station. Primary contaminants addressed were benzene, toluene, ethylbenzene, xylene, cumene, naphthalene

and other gasoline constituents. Housing Authority plans to construct a mixed-use development that includes both residential and nonresidential structures. Notice has been submitted to the *Erie Times News*.

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

**Trinity Industries Facility** AOC 1, City of Butler, **Butler County**. A. Edward Sculli, L. Robert Kimball and Assoc., Inc., 615 W Highland Ave, Ebensburg PA 15931 on behalf of Butler Township-City Joint Municipal Transit Authority, 140 W North St, 3rd Floor, Butler PA 16001, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Lead, Cadmium and Arsenic. Proposed development of a 7-acre portion of former Trinity Industries property for a multi-model transit center serving passenger vehicle, rail and bus transportation needs.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Applications received, withdrawn, denied or returned under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

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

**PAD987400167: Alaron Corporation**, 2138 State Route 18, Wampum, PA 16157. New Beaver Borough, **Lawrence County**. Application received on October 6, 2004.

*Public Notice of Submission of a Phase 1 Siting Application For a Commercial Hazardous Waste Treatment Facility*

On October 6, 2004, the Pennsylvania Department of Environmental Protection (Department) received a phase 1 siting application from the Alaron Corporation, 2138 State Route 18, Wampum, PA 16157 to site a commercial hazardous (mixed-waste) treatment facility located in a zoned industrial area in New Beaver Borough, Lawrence County, 1.1 miles South of Wampum, PA and 11 miles South of New Castle, PA.

The purpose of this application is solely to determine whether the proposed site complies with the exclusionary siting criteria at 25 Pa. Code §§ 269a.21—269a.29. If the site does not meet the applicable criteria, no hazardous waste treatment facility may be permitted there. If the site does meet the applicable siting criteria, the applicant must still submit a permit application, which would have to be approved by the Department, before a facility would be permitted for construction or operation at this location.

Within the next few weeks the Department will determine if the siting application is administratively complete. If the application is complete, the Department will publish another notice to that effect. The Department will accept and consider comments regarding the nature of the site, the applicability of the siting criteria and the siting application. In addition, Act 108 of 1988 requires that the Department hold one public hearing and at least one public information meeting near the proposed site. The time and location for these meetings will also be published in the notice of completeness determination.

If the siting application is determined to be incomplete, it will be returned to the applicant with no further action by the Department. The applicant is free to complete the



application and refile at a later date. Notice of receipt of such a refiling will be published as a receipt of a new application.

If the Department determines the application to be administratively complete, copies of the siting application will be available for review or copying at the Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848 or at the Bureau of Land Recycling and Waste Management, Division of Hazardous Waste, Rachel Carson State Office Building, 14th floor, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-6239, between the hours of 8 a.m. and 4 p.m. It is advisable to call ahead for an appointment for review and copying to assure proper assistance. The Department may charge a fee for copying. If the Department determines that the siting application is complete, a copy of the application will also be available for public review at the Alaron Facility 2138 State Route 18, Wampum, PA 16157, to be maintained and made available to the public. Please call (724) 535-5777 for times and appointments.

The Department is also establishing a mailing list of individuals and organizations interested in being kept informed of actions involving this application. Persons interested in being included on this list should contact Division of Hazardous Waste Management at (717) 787-6239, P. O. Box 8471, Harrisburg, PA 17105-8471, or EPHazWastesitingteam@state.pa.us.

#### **DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

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

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

**General Permit Application No. WMGM019D001. Horgan Recycling, Inc., 2188 Detwiler Road, Harleysville, PA 19348.**

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management has received an application for a determination of applicability (DOA) under the Municipal Waste General Permit (No. WMGM019) for the West Point Pike facility, located in Montgomery County. This general permit is for the processing and beneficial use of: (1) concrete and asphalt as construction material and (2) hardwood timber and uncontaminated soil to create topsoil and mulch for commercial purposes. The Department determined the DOA application to be administratively complete on September 23, 2004.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit ID No. 100172. Arden Landfill, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. Arden Landfill, Inc., 200 Rangos Lane, Washington, PA 15301.** Application for the permit renewal of a municipal waste landfill in Chartiers Township, **Washington County** was received in the Regional Office on October 8, 2004.

#### **AIR QUALITY**

##### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is con-

structed 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 Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

**66-303-007: Wyoming Asphalt—Division of Reading Materials, Inc.** (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) for modification of the batch asphalt plant to utilize recycled asphalt pavement at their facility in Eaton Township, **Wyoming County**.

**40-320-025: Prime Time Rewind, Inc.** (173 Gilligan Street, Wilkes-Barre, PA 18711) for installation of an air cleaning device (regenerative thermal oxidizer) to control the atmospheric emissions from a printing operation at their facility in Hanover Township, **Luzerne County**.

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

**06-05079C: United Corrstack, LLP** (720 Laurel Street, Reading, PA 19602) for installation of a 12 MW electric generator powered by a steam turbine with steam from a new 320 MMBtu/hr boiler in the City of Reading, **Berks County**.

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

**41-318-048: Keystone Leather Distributors, LLC** (2925 West Fourth Street, Williamsport, PA 17701) for construction of a leather sole waterproofing operation in the City of Williamsport, **Lycoming County**.

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

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

**09-0016A: Exelon Generation Co., LLC.** (200 Exelon Way, KSA 1-E, Kennett Square, PA 19348) for modification of the combustion turbines at their Croydon Generation Station in Bristol Township, **Bucks County**. The Croydon Generation Station is a Title V facility. This modification will not result in net emission changes of any pollutants. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0037U: Cabot Performance Materials** (County Line Road, P. O. Box 1608, Boyertown, PA 19512-1608) for installation of an Attritor mill to its tantalum acid leaching/drying process at their Boyertown facility in Douglass and Colebrookdale Townships, **Montgomery and Berks Counties**. This facility is a Title V facility.

The modification will not result in any emission increase. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0036A: Visteon System, LLC.** (2750 Morris Road, Lansdale, PA) for modification to raise the particulate emission limit from 1.0 TPY to 2.1 TPY of five diesel engines controlled by urea selective catalytic reduction (SCR) in Worcester Township, **Montgomery County**. This facility is a Major for NOx. The Plan approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**35-318-087: Milso Industries, Inc.** (8 River Street, Jermyn, PA 18433) for construction of a paint spray operation with filters at their site in Jermyn Borough, **Lackawanna County**. This facility is a non-Title V facility. The VOC emissions will be less than 3.5 TPY. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for visible emissions. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

**22-03017A: Hoover Funeral Homes and Crematory, Inc.** (6011 Linglestown Road, Linglestown, PA 17112) for construction of a pet crematory in Lower Paxton Township, **Dauphin County**. The crematory has the potential to emit 2.5 tpy of NOx, 0.5 tpy of SOx, 0.5 tpy of CO, and 0.4 tpy of PM. The plan approval and State-only operating permit will include emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with all the applicable air quality standards.

**36-05027E: RR Donnelley and Sons Co.** (216 Greenfield Road, Lancaster, PA 17601-5885) for installation of two (20 chrome plating tanks at their Lancaster East facility in Lancaster City, **Lancaster County**. This printing facility is a Title V facility. The new tanks will result in increased of less than one tenth of a ton of chrome emissions per year. Applicable requirements include 40 CFR Part 63, Maximum Achievable Control Technology Subpart N. Monitoring, recordkeeping and other restrictions are included to keep the facility operating within applicable requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**17-399-023: Prism Enterprises, LLC—Permagrain** (4608 Quehanna Highway, Karthaus, PA 16845) for construction of various pieces of wood and plastic sawing, sanding, etc. equipment in Karthaus Township, **Clearfield County**.

The particulate matter emissions from the respective equipment will be controlled by a fabric collector. The resultant particulate matter emission rate is expected to be no greater than 1.33 tons per year.

The Department of Environmental Protection's (Department) review of the information submitted by Prism

Enterprises, LLC indicates that the wood and plastic sawing, sanding, etc. equipment will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants including the particulate matter emission limitations of 25 Pa. Code § 123.13, the fugitive emission requirement of 25 Pa. Code § 123.1 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department of Environmental Protection proposes to issue plan approval for the construction of the wood and plastic sign, sawing, sanding, etc. equipment.

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. The concentration of particulate matter in the exhaust of the fabric collector shall not exceed .003 grain per dry standard cubic foot of exhaust.
2. The fabric collector shall be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis.
3. Spare fabric collector bags shall be kept on hand.
4. Dust shall be removed from the fabric collector dust hopper via an enclosed screw conveyor system into an enclosed tote box.

**55-399-006: Apex Homes, Inc.** (247 US Highway 522 North, Middleburg, PA 17842) for construction of a modular home manufacturing operation in Middlecreek Township, **Snyder County**.

The modular home manufacturing operation involves the use of various VOC compound-containing and volatile hazardous air pollutant-containing materials (paints, stains, adhesives, sealants, cleaning solvents, etc.). The modular home manufacturing operation will emit no more than 21.89 tons of VOCs per year, of which no more than 8.54 tons per year will be volatile hazardous air pollutants.

The Department of Environmental Protection's (Department) review of the information provided by Apex Homes, Inc. indicates that the modular home manufacturing operation will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department of Environmental Protection proposes to issue plan approval for the construction of the modular home manufacturing operation.

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. The total combined VOC emissions from the modular home manufacturing operation shall not exceed 21.89 tons in any 12-consecutive month period and the total combined volatile hazardous air pollutant emissions shall not exceed 8.54 tons in any 12-consecutive month period.

2. Only those specific adhesives, coatings (paints, stains, lacquers, etc.), sealants, cleaning solvents, insulating foams, etc. identified in the plan approval application (or an alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) shall be used.

3. "Duron Pro Kote Supreme No. 59865" shall be the only coating used to coat interior walls. "Duron Dura Clad No. 1688014" shall be the only coating used to coat interior trim and interior doors. "Duron Weathershield" shall be the only coating used to coat exterior trim and exterior doors. "Gemini No. 500 Lacquer Thinner" shall be the only solvent used to thin lacquer and perform general cleanup. "Minwax Fast Drying Polyurethane Clear Semi-Gloss" shall be the only topcoat used for interior trim. "Kad A Lac Lacquer Stain Clear Satin Base No. 70" shall be the only stain used for interior trim kitchen cabinets and bathroom cabinets. "Super Titebond" shall be the only adhesive used to glue kitchen and bathroom cabinet joints. "3M Hi-Strength 90" shall be the only adhesive used to adhere kick plates to cabinets and repair mistakes on cabinets. "Boss Construction Adhesive" shall be the only adhesive used for stair and dormer construction. "Bondaflex PUR 60 Polyurethane Adhesive" shall be the only adhesive used to glue down walls to floors. "Amstone Plastic Roof Cement" shall be the only adhesive used to seal roofs around skylights, vents and pipes. "MUR 8225 BH Adhesive" shall be the only adhesive used to secure floor joists and glue wallboard to studs. "3M Jet Melt" shall be the only adhesive used to seal kitchen and bathroom cabinet joints. "Rectorseal No. 7" shall be the only sealant used on pipe threads. "Nokorode Aqua Flux" shall be the only soldering flux used. "Oatley Purple Primer" shall be the only solvent (primer) used to clean PVC plumbing. "Oatley Clear PVC Solvent Cement" shall be the only adhesive used to make PVC plumbing connections. "Eastman DE Solvent" shall be the only solvent used for cleaning insulating foam and barrier application equipment. "Dow Foam" and "Enerfoam" shall be the only insulating foam and barrier materials used. In each case, the only exception shall be that an alternate material may be used if the Department has first determined that it has an equivalent, or lower, air contaminant emission potential then the material it replaces.

4. All materials listed shall comply with the usage limitation identified as applying to that material:

*Material*

*Maximum Gallons Used/  
12 Consecutive Month Period*

Duron Pro Kote Supreme No. 59865 (and any alternate material)	18,400
Duron Dura Clad No. 1688014 (and any alternate material)	1,095
Duron Weathershield (and any alternate material)	29
Gemini No. 500 Lacquer Thinner (and any alternate material)	950
Minwax Fast Drying Polyurethane Clear Semi-Gloss (and any alternate material)	26
Kad A Lac Lacquer Stain Clear Satin Base No. 70 (and any alternate material)	1,560
Super Titebond (and any alternate material)	8
3M Hi-Strength 90 (and any alternate material)	9
Boss Construction Adhesive (and any alternate material)	400

<i>Material</i>	<i>Maximum Gallons Used/ 12 Consecutive Month Period</i>
Bondaflex PUR 60 Polyurethane Adhesive (and any alternate material)	678
Amstone Plastic Roof Cement (and any alternate material)	99
Rectorseal No. 7 (and any alternate material)	2
Nokorode Aqua Flux (and any alternate material)	6
Oatley Purple Primer (and any alternate material)	123
Oatley Clear PVC Solvent Cement (and any alternate material)	89
Eastman DE Solvent (and any alternate material)	520

5. All materials listed shall comply with the VOC and volatile hazardous air pollutant content limitations identified as applying to that material:

<i>Material</i>	<i>Maximum Pounds VOCs/ Gallon Material</i>	<i>Maximum Volatile HAPs/ Gallon Material</i>
Duron Pro Kote Supreme No. 59965 (and any alternate material)	.94	Zero
Duron Dura Clad No. 1688014 (and any alternate material)	.56	Zero
Duron Weathershield (and any alternate material)	1.85	.52
Gemini No. 500 Lacquer Thinner (and any alternate material)	6.84	5.31
Minwax Fast Drying Polyurethane Clear Semi-Gloss (and any alternate material)	3.72	Zero
Kad A Lac Lacquer Stain Clear Satin Base No. 70 (and any alternate material)	7.30	3.49
All stains other than Kad A Lac Lacquer Stain and all stain tints and additives.	4.20	Zero
Super Titebond (and any alternate material)	5.53	Zero
3M Hi-Strength 90 (and any alternate material)	4.06	Zero
Boss Construction Adhesive (and any alternate material)	2.96	1.74
Bondaflex PUR 60 Polyurethane Adhesive (and any alternate material)	.50	.50
Amstone Plastic Roof Cement (and any alternate material)	2.51	.03
MUR 8225 BH Adhesive (and any alternate material)	Zero	Zero
3M Jet Melt (and any alternate material)	Zero	Zero
Rectorseal No. 7 (and any alternate material)	3.65	Zero
Nokorode Aqua Flux (and any alternate material)	.82	.82
Oatley Purple Primer (and any alternate material)	7.09	5.67
Oatley Clear PVC Solvent Cement (and any alternate material)	6.68	4.45
Eastman DE Solvent (and any alternate material)	8.26	8.26

6. The total combined VOC emissions and volatile hazardous air pollutant emissions resulting from the use of "Dow Foam" and "Enerfoam" (and any alternate material) shall not exceed one pound in any 12-consecutive month period, nor shall the total combined emissions of chlorodifluoromethane (and any alternate chlorofluorocarbon, hydrochlorofluorocarbon or hydrofluorocarbon) exceed 250 pounds in any 12-consecutive month period.

7. The total combined VOC emissions resulting from the use of stains other than Kad A Lac Lacquer Stain Clear Satin Base No. 70 and from the use of all stain tints and additives shall not exceed .06 ton in any 12-consecutive month period.

8. All coatings other than stains shall be applied by brush, wiping cloth, airless spray, air-assisted airless spray or high volume low pressure spray. All stains shall be applied by brush or wiping cloth only.

9. The two spray booths shall be equipped with spray booth filters and instrumentation to monitor the pressure differential across the filters. The resultant particulate matter emission concentration shall be no greater than .01 grain per dry standard cubic foot of exhaust.

10. All containers of VOC-containing and/or volatile hazardous air pollutant-containing materials shall be kept closed except when in actual use. Any solvent flushed from spray lines shall be flushed in a solid stream into a container. Solvent may not be removed from spray

lines by spraying into the air or by spraying an atomized spray into a container. All solvent-wet rags shall be stored in closed containers.

11. Appropriate records shall be kept to demonstrate compliance with all plan approval conditions. All records generated for each calendar quarter shall be submitted to the Department by no later than the 30th day of the month following the respective calendar quarter.

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

**42-177A: Bradford Forest, Inc.** (444 High Street, P. O. Box 369, Bradford, PA 16701) for construction of a wood fired boiler, rated at 25.1 MMBtu/hr heat input, at their facility in the Township of Bradford, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a wood fired boiler, rated at 25.1 MMBtu/hr heat input, at their facility in the Township of Bradford, McKean County. This plan approval will be incorporated into a State Only operating permit at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.13 123.31 and 123.41 for fugitive, particulate matter, odor, and visible emissions, respectively.

2. The facility shall only burn hardwood sawdust and wood chips.

3. The particulate emissions shall not exceed 0.2 No. /MMBtu heat input. The maximum heat input of the boiler shall not exceed 25.11 MMBtu/hr (as stated in the application).

4. The emissions from the source shall not exceed the following:

<i>Pollutant</i>	<i>Emission Rate (No./hr)</i>	<i>Emission Rate (TPY)</i>
Particulate	5.02	21.98
CO	15.07	66.0
NOx	12.30	53.87

5. NOx and CO emissions from this facility shall not exceed 95 tons per year each, to be defined as any 12 month rolling total

6. A monthly log of hours of operation of the source shall be kept. The monthly total will be added to the previous 11 months to assure compliance with condition 5.

7. Devices for measuring fuel feed auger revolutions and steam output shall be installed. Devices shall be monitored and recorded daily to assure compliance with 25.1 MMBtu/hr input limitations.

8. A separate magnehelic gauge or equivalent shall be permanently installed and maintained at a convenient location to indicate the pressure drop across each multi clone. The gauges employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within  $\pm 2\%$  of full scale reading.

9. The source will be subject to 40 CFR Part 60.48c Subpart Dc.

### OPERATING PERMITS

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

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

**38-05003: Carmeuse Lime, Inc.** (3 Clear Spring Road, Annville, PA 17003) for operation of their Millard lime plant in North Londonderry Township, **Lebanon County**. The facility is a major source of sulfur oxides and nitrogen oxides emissions. This action is a renewal of the Title V operating permit issued in March 2000 and includes a revision of the NOx emissions limit in the RACT plan for the facility's lime kilns.

The Department will hold one public hearing to receive comments on the proposed RACT plan revision. The hearing will be held on January 5, 2005, at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, from (9 a.m. until all scheduled comments are received. Persons wishing to present testimony should contact Gary Lenz, Southcentral

Regional Office at (717) 705-4883. Written comments may be submitted to the Southcentral Regional Office until January 20, 2005.

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

**41-318-048: Keystone Leather Distributors, LLC** (2925 West Fourth Street, Williamsport, PA 17701) for construction of a leather sole waterproofing operation in the City of Williamsport, **Lycoming County**.

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

**65-00042: Ranbar Electrical Materials, Inc.-Manor Division**, (Route 993, Box 607, Manor, PA 15665) for renewal of the Title V permit for their paint and coatings manufacturing facility in Manor Township, **Westmoreland County**. The facility's major source(s) of emissions include paint and resin manufacturing which emit major quantities of VOCs.

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

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

**15-00115: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) for a non-Title V, State Only, Synthetic Minor Operating Permit in West Goshen Township, **Chester County**. QVC, Inc. owns and operates a television-broadcasting studio used in the sale of products to customers in their homes. The facility operates three boilers, four emergency generators, and two fire pumps. The facility has the potential to emit 11.7 tons of nitrogen oxides per year, 4.5 tons of sulfur oxides per year, 0.95 ton of particulate matter per year, 7.6 tons of carbon monoxide per year, and 0.84 ton of VOCs per year. Monitoring, record keeping and reporting requirements have been added to the permit to address the applicable limitations.

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

**07-03049: A.P. Green Refractories, Inc.** (R.R. 1, Box 588D, Claysburg, PA 16625) for operation of a refractory manufacturing facility in Greenfield Township, **Blair County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**41-00047: Wildwood Cemetery Co.** (1151 Cemetery Street, Williamsport, PA 17701) for operation of a crematory facility in Wildwood Cemetery in Loyalsock Township, **Lycoming County**.

The crematory facility consists of two crematory incinerators used to cremate human remains. Each of these incinerators is equipped with an integral secondary combustion chamber for air pollution control purposes. The air contaminant emissions from these incinerators are not expected to exceed a combined total of .81 ton of particulate matter, .49 ton of carbon monoxide, 1.14 tons of nitrogen oxides, .045 ton of sulfur oxides and .05 ton of VOCs per year.

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

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued for this crematory facility all conditions contained in existing Operating Permit 41-301-015A. These conditions include a requirement that the secondary combustion chamber of the older of the two incinerators be operated at a minimum temperature of 1,400° F. and the secondary combustion chamber of the newer of the two be operated at a minimum temperature of 1,800° F., a requirement that the secondary combustion chamber temperature of the newer of the two incinerators be continuously monitored and recorded and a requirement that neither incinerator be used to incinerate anything other than human remains and associated containers.

**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 particu-

lar 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)	3.0mg/l	6.0mg/l	7.0mg/l
manganese (total)	2.0mg/l	4.0mg/l	5.0mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0;	less than 9.0
alkalinity greater than acidity <sup>1</sup>			

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

A settleable solids instantaneous maximum limit of 0.5 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.

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

**11040101 and NPDES Permit No. PA0249661. E. P. Bender Coal Company, Inc.,** P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 69.0 acres. Receiv-

ing stream(s): unnamed tributaries to/and Powell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 19, 2004.

**56840111 and NPDES Permit No. PA0607282. Godin & Goden Coal, Inc.**, 128 Colton Drive, Stoystown, PA 15563, surface mining permit renewal for reclamation only in Jenner Township, **Somerset County**, affecting 108.4 acres. Receiving stream(s): unnamed tributaries to Quemahoning Creek classified for the following use(s): CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning Surface Water Withdrawal. Application received September 16, 2004.

**56823108 and NPDES Permit No. PA0605751. C & O Coal Company**, 124 Walker School Road, Berlin, PA 15530, surface mining permit renewal for reclamation only in Brothersvalley Township, **Somerset County**, affecting 42.1 acres. Receiving stream(s): unnamed tributary to/and Buffalo Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 7, 2004.

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

**33030107 and NPDES Permit PA0242403. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 20.4 acres. Receiving streams: Unnamed Tributaries to Soldier Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 3.4 coal acres and 0.9 support acre. Application received: October 25, 2004.

**10040104 and NPDES Permit No. PA0242594. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation, and restoration of a bituminous surface strip operation in Concord Township, **Butler County** affecting 160.0 acres. Receiving streams: Three Unnamed Tributaries to South Branch Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 22, 2004.

**1475-10040104-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to encroach to within 50 feet for coal removal and up to 25 feet for construction of erosion and sedimentation facilities for unnamed tributary No. 1 to South Branch of Slippery Rock Creek in Concord Township, **Butler County**. Receiving streams: Three Unnamed Tributaries to South Branch Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 22, 2004.

**1475-10040104-E-2. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to construct a sediment pond (pond C) and mitigation pond C1 in a portion of unnamed tributary No. 3 to South Branch Slippery Rock Creek in Concord Township, **Butler County**. Receiving streams: Three Unnamed Tributaries to South Branch Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 22, 2004.

**33990112 and NPDES Permit No. PA0241636. P. & N. Coal Co., Inc.** (P. O. Box 332, 240 W. Mahoning

Street, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Gaskill Township, **Jefferson County** affecting 122.1 acres. Receiving streams: unnamed tributary to Ugly Run (classified for the following: CWF) and unnamed tributary to Stony Run, (classified for the following: HQ-CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: October 28, 2004.

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

**40940101R2. Pioneer Aggregates, Inc.**, (202 Main Street, Laflin, PA 18702), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Laflin Borough and Plains Township, **Luzerne County** affecting 117.0 acres, receiving stream: none. Application received October 25, 2004.

*Noncoal Permit Application Received*

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

**10990302. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0241598, Marion Township, **Butler County**. Receiving streams: unnamed tributary to North Branch Slippery Rock Creek and unnamed tributary to Blacks Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: October 26, 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 Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-965. Upper Providence Township**, 5 River Road, Oaks PA 19456-0013, **Montgomery County**, ACOE Philadelphia District.

Oaks Water Treatment Plant Expansion, Lower Perkiomen Valley Regional Sewer Authority (LPVRS).

The project proposes to modify the existing treatment plant facility to accommodate the increase in sewage from 9.5 mgd to 14.5 mgd. The two major impacts of the project are the expansion of the footprint of the existing wastewater treatment plant main building and the raising of the grade of the entire site above the 100-year floodplain elevation at the confluence of the Perkiomen Creek (WWF-MF) and Schuylkill River. The work associated with obstruction and encroachment within the floodplain will involve the following:

1. Construction and maintenance of additional 27,000 square feet of structure to the main wastewater treatment plant.
2. Construction and maintenance of a new 28, 000 square foot maintenance building.
3. Removal of approximately 1,000 square feet of the existing Grid Chambers Building.
4. Minor grading activities involving the removal of 62,000 square feet of pavement, raising the height of manholes, and removal of fence to accommodate the grading work.
5. Grading activities consisting of approximately 589,800 square feet to raise the existing grade above the 100-year floodplain
6. To place and maintain fill in 0.09 acre of wetland.

The project proposes to affect approximately 589,800 square feet of floodplain and will include the deposition of 115,000 cubic yards of fill within floodplain. The project is one of several phases of the LPVRS paralleling project associated with the Oaks Sewage Treatment Facility upgrade. This phase is located on the east side the floodplains at the confluence of the Perkiomen Creek and the Schuylkill River, at the southern end of Montgomery Avenue and approximately 1,485 feet west of the point where Route SR0422 crosses the Perkiomen Creek in Upper Providence Township, Montgomery County. (Valley Forge, PA Quadrangle N: 21.85 inches; W: 11.80 inches).

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

**E01-255. Jeffrey W. Cooke**, 290 Schwartz Road, Gettysburg, PA 17325-8621 in Mount Joy Township, **Adams County**, ACOE Baltimore District

To construct and maintain 1) a 36-inch by 20-foot culvert pipe to access Lot 2; 2) a 3.5-foot by 20-foot open bottom concrete box culvert to access Lot 6 and 3) a

3.5-foot by 22-foot by 20-foot open bottom concrete box culvert all in an unnamed tributary to Rock Creek (WWF) (Taneytown, PA Quadrangle N: 10.5 inches; W: 12.5 inches) in Mount Joy Township, Adams County.

**E67-763. Stonebridge Crossing LP**, 124 West Church Street, P. O. Box 459, Dillsburg, PA 17019-0459 in Carroll Township, **York County**, ACOE Baltimore District

To construct and maintain a 32-foot Con/Span bridge, an 8-inch water line and an 8-inch sanitary sewer line which all will cross Fishers Run (CWF) and associated wetlands located East of Dillsburg (Dillsburg, PA Quadrangle N: 22.5 inches; W: 1.5 inches) in Carroll Township, York County.

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

**E02-100 A1. City of Pittsburgh, 301 City County Building**, 414 Grant Street, Pittsburgh, PA 15219. Improvements to an existing boat launch in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh East, PA Quadrangle N: 10.4 inches; W: 14.0 inches and Latitude: 40° 25' 57"—Longitude: 79° 58' 31"). The applicant proposes to construct and maintain improvements to the existing boat launch in the channel and along the left bank of the Monongahela River for the purpose of improving access to said river. The project is located just downstream from the Brady Bridge and will consist of removing two existing concrete ramps and a concrete bulkhead and constructing a 40 foot wide x 50 foot long boat launch ramp, a 10 foot wide x 15 foot long bulkhead, a 10 foot wide x 25 foot long fishing pier, and aluminum gangway and three floating docks, each one 6 feet wide x 20 feet in length. The project will impact approximately 155.3 linear feet of stream channel.

**E03-427. Manor Housing Limited Partnership IV**, 4415 Fifth Avenue, Pittsburgh, PA 15213. Valley View Apartments wetland fill in Manor Township, **Armstrong County**, Pittsburgh ACOE District. (Kittanning, PA Quadrangle N: 6.7 inches; W: 2.4 inches and Latitude: 40° 47' 13" and Longitude: 79° 31' 32"). The applicant proposes to place and maintain fill in a deminimus area of wetland equal to .046 acre as part of developing a 20 unit senior housing apartment community. The project is located off of Valley View Drive.

**E65-858. Jacobs Creek Watershed Association**, P. O. Box 1071, Mt. Pleasant, PA 15666. Bank stabilization in Mt. Pleasant Township, **Westmoreland County**, Pittsburgh ACOE District. (Mammoth, PA Quadrangle N: 0.15 inches; W: 4.96 inches and Latitude: 40° 07' 33"—Longitude: 79° 24' 38"). The applicant proposes to construct and maintain bank stabilization using rock armor and vegetative cover along approximately 2860 feet of Jacobs Creek (CWF) for the purpose of preventing erosion. The project is located at the Donegal Highland Golf Course off of Clay Pike Road.

**E65-860. Totteridge Limited Partnership**, R.R. Box 121, Greensburg, PA 15601. Wetland fill in Salem Township, **Westmoreland County**, Pittsburgh ACOE District. (Greensburg, PA Quadrangle N: 18.97 inches; W: 0.08 inches and Latitude: 40° 21' 16"—Longitude: 79° 30' 02"). The applicant proposes to place and maintain fill in approximately 0.08 acre of wetland for the purpose of developing multi-unit residential buildings and to install and maintain a sanitary sewer line across wetlands near Crabtree Creek (WWF). The project is located off of Hannastown Road.

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



**E25-691, North East Township Supervisors**, 10300 West Main Road, Box 249 North East, PA 16428. Oxbow Road (T-765) Bridge Replacement Project, in Northeast Township, **Erie County**, ACOE Pittsburgh District (Northeast, PA Quadrangle N: 12.0 inches; W: 6.2 inches).

To remove the existing structure and to construct and maintain an 80-foot long, 14.9-foot wide by 10.2-foot high CMP pipe arch culvert in an unnamed tributary to Sixteenmile Creek on T-765 (Oxbow Road) approximately 1 mile south of SR 426 (downstream of Grahamville Reservoir) in Northeast Township, Erie County. The structure has already been installed under emergency permit EP2504602. Sixteenmile Creek is a perennial stream classified as a CWF and a migratory fishery. The project directly impacted approximately 100 lineal feet of stream.

**E37-158, Neshannock Township**, 3131 Mercer Road, New Castle, PA 16105. Millennium Sewer Project, in Union and Neshannock Townships, **Lawrence County**, ACOE Pittsburgh District.

To construct and maintain the Millennium Sewer and Force Main South consisting of five main contracts crossing a total of 24 watercourses, including the Shenango River and across a total of 11 wetland areas for a total temporary impact of 1.83 acres.

1. Contracts 1 and 2 include the construction of the proposed Millennium Pump Station within the 100-year flood plain of the Shenango River

2. Contract 3 begins at the north side of SR 4002 (Sampson Street) where it connects to the existing West Bank Sewer Project and extending north across the Shenango River and adjoining wetlands then northwest following an existing abandoned railroad right of way to just west of SR 60 south of SR 4004 (Pulaski Road) approximately 2.5 miles. Three wetland crossings having and four crossings of tributaries to Shenango River will also occur.

3. Contract 4 continues northwest and then north along the abandoned railroad right of way approximately 2 miles and then turns east approximately 0.3 mile to where it will cross SR 60 approximately 1 mile south of Mitchell Road. This section includes replacement of an existing 24-inch diameter culvert with two 18-inch diameter culverts in a tributary to Shenango River on the existing railroad right of way approximately 1,575 feet north of Kings Chapel Road. The sewer line also crosses another tributary to Shenango River under the existing 60-inch diameter pipe approximately 4,975 feet north of Kings Chapel Road. Grading and fill will occur along the left (south) bank within 50 feet of the edge of a tributary to Shenango River for a distance of approximately 160 feet extending upstream from the existing railroad right of way where the sewer line extends east toward SR 60. This section also includes wetland impacts along the hillside in the area between the railroad right of way and SR 60. The sewer line crosses the tributary just downstream of SR 60 to a bore pit located along the west side of SR 60 in the wetland.

4. Contract 5 continues southeast from SR 60 along and crossing a tributary to Shenango River in multiple places crossing New Castle-Pulaski Road and continues southeast along and across the tributary before turning northeast and crossing Chapin Road, through the New Castle Country Club to the existing Valhalla Pump Station south of Valhalla Drive approximately 800 feet east of Clover Lane. This section includes 6 wetland crossings and 14 stream crossings associated with the tributary to Shenango River. This contract also indicates that two gabion basket retaining walls will be installed along the right bank of the tributary for a total distance of approximately 225 feet between manholes V-27 and V-29 approximately 1,800 feet west of the Valhalla Pump Station.

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## ACTIONS

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational

standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051781 (IW)	Reading Area Water Authority 815 Washington Street Reading, PA 19601	Berks County Ontelaunee Township	Maidencreek/3-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114308 Sewerage	Orange Township Supervisors 2028 State Route 487 Orangeville, PA 17859	Orange Township, Columbia County	Fishing Creek 5-C	Y
PA0228133 (Industrial Wastewater)	PA Dept. of Transportation 1924 Daisy Street Ext. Clearfield, PA 16830	Lumber Township, Cameron County	Driftwood Branch Sinnemahoning, 8A	Y
PA0111929	Lawrenceville Sewage Treatment Plant P. O. Box 115 Lawrenceville, PA 16929	Tioga County Lawrenceville Borough	Tioga River (SWP 4A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035670 Sewage	Pennsylvania Department of Transportation Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Armstrong County Kiskiminetas Township	Rattling Run	Y
PA0096164 Sewage	Thomas Guiher P. O. Box 346 Donegal PA 15628	Westmoreland County Donegal Township	Indian Creek	Y
PA0096938 Sewage	Paul M. Golobic R. D. #1, Box 640 Greensburg, PA 15601	Westmoreland County Hempfield Township	UNT of Little Sewickley Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0220931	Butler Country Club P. O. Box 348 Butler, PA 16003-0348	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
PA0033588	Country Estates, Inc. Mobile Home Park P. O. Box 91 Brookfield, OH 44403-0091	Jefferson Township Mercer County	Unnamed Tributary to Lackawannock Creek 20-A	Y
PA0026832 Amendment No. 1	Ellwood City Borough 525 Lawrence Avenue Ellwood City, PA 16117	Ellwood City Borough Lawrence County	Connoquenessing Creek 20-C	Y
PA0103098	Reynolds Water Company 301 Arlington Avenue Greenville, PA 16125-8214	Pymatuning Township Mercer County	Shenango River 20-A	Y
PA0100510	Greenville Metals 99 Crestview Drive Extension Transfer, PA 16154	Pymatuning Township Mercer County	Shenango River 20-A	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. PA0010855**, Industrial Waste, **E.I. Dupont de Nemours & Company, Inc.** 3401 Grays Ferry Avenue, Philadelphia, PA 19146. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge noncontact cooling water and stormwater for Marshal Laboratory into the Schuylkill River in Watershed 2E.

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

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on October 28, 2004 issued a National Pollutant Discharge Elimination System Permit to:

Permit No. PA 0246816  
Permittee: Lenker Estates Homeowners Association

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

1. The discharge limitations were determined using a revised discharge rate of 0.045375 mgd resulting in no change to the draft effluent limitations.

2. A schedule was added to the permit allowing phased construction requiring an additional sewage treatment unit to be added when an average monthly flow is equal to or greater than 0.0092 mgd, 0.0184 mgd and 0.0276 mgd.

Persons may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

**NPDES Permit No. PA0246816**, Sewage, **Lenker Estates Homeowners Association**, P. O. Box 123, Dauphin, PA 17018. This proposed facility is located in Halifax Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of the Susquehanna River in Watershed 6-C.

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

**PA0228842**, Sewerage SIC, 4952, **Muddy Run Regional Authority**, P. O. Box 474, Madera, PA 16661-0474. This proposed facility is located in Bigler Township, **Clearfield County**.

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

The receiving stream, Clearfield Creek, is in the State Water Plan watershed 8C and classified for: WWF. The nearest downstream public water supply intake for Reliant Energy at Shawville is located on West Branch Susquehanna River is 34 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.4 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Total Cl <sub>2</sub> Residual	0.50			1.6
Fecal Coliforms: (5/1-9/30)	200 col/100 ml as a geometric mean			
(10/1-4/30)	2000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

**PA0020273**, SIC 4952, **Milton Regional Sewer Authority**, 5585 State Route 405, P. O. Box 433, Milton, PA 17847-0433. This facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Proposed Activity: Amendment of a NPDES permit to include discharge of site stormwater through Outfall S01.

The receiving stream, the West Branch Susquehanna River, is in the Muncy watershed (10-D) and is classified for the following uses: Warm water fisheries and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream PWS considered during the evaluation is located at Sunbury.

The proposed effluent limits for Outfall S01 include: Annual stormwater inspection and Best Management Practices.

Other Conditions: Stormwater Management requirements.

**PA0008923**, Industrial Waste, SIC 3229, **Corning Asahi Video Products Company**, 3500 West College Avenue, P. O. Box 9, State College, PA 16801-0009. This existing facility is located in College Township, **Centre County**.

Description of Proposed Activity: Permit amended to reflect the impending closure of the facility and to monitor the stormwater runoff at the site. Process wastewater is no longer generated at the site.

The receiving stream, Unnamed Tributary to Logan Branch, is in the State Water Plan watershed 9C and is classified for Cold Water Fishes. Downstream portions of Logan Branch are protected as HQ-CWF.

The nearest downstream public water supply intake, for the Pennsylvania-American Water Company at Milton, is located on the West Branch Susquehanna River 87 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on precipitation events:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Oil & Grease			30	30
Lead			0.081	0.108
Total Suspended Solids			15	20
pH	Within the range of 6.0 to 9.0			

The proposed effluent limits for Outfall 101 are based on precipitation events:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Lead			Report	
Total Suspended Solids			Report	
pH	Within the range of 6.0 to 9.0			

In addition to the effluent limits, the permit contains the following major special conditions: 1) Stormwater Impact/BMP Development Study/Implementation Plan; and 2) Lead Sediment Abatement Strategy.

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

**NPDES Permit No. PA0252719**, Sewage, **Jenner Township**, 2058 Lincoln Highway, Boswell, PA 15531. This proposed facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: Discharge from STP to serve Ligonier Highlands.

**NPDES Permit No. PA0252735**, Sewage, **Huston Farms, LLC**, 626 Cross Road, Rockwood, PA 15557. This proposed facility is located in Milford Township, **Somerset County**.

Description of Proposed Action/Activity: Discharge from STP to serve Huston's Hickory Hollow Campground.

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

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

**WQM Permit No. 2204404**, Sewerage, **Lenker Estates Homeowners Association**, P. O. Box 123, Dauphin, PA 17018. This proposed facility is located in Halifax Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction / operation of sewerage facilities consisting of a 46,000 gpd treatment plant with four Cromaglass CA-150 modules, a 2-inch Netafim filter system, sludge holding tank, chlorine disinfection, dechlorination, and an aerated sample tank.

**WQM Permit No. 3604413**, Sewerage, **East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction / operation of sewerage facilities consisting of a submersible duplex pumping station for the Blue Ball Commons development with a design capacity of 182 gpm and about 4,144 feet of 6-inch force main.

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

**WQM Permit No. 4904402**, Sewage 4952, **Mount Carmel Municipal Authority**, 201 South Oak Street, Mt Carmel, PA 17851. This proposed facility is located in Mt Carmel Township, **Northumberland County**.

Description of Proposed Action/Activity: The applicant proposes to replace the vacuum sludge dewatering with a sludge belt press.

**WQM Permit No. 6004401**, Sewerage (SIC 4952), **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837. This existing facility is located in East Buffalo Township, **Union County**.

Description of Proposed Action/Activity: Permit is issued, authorizing the upgrade and operation of the existing sewage treatment facilities. Upgrades include replacement of the aeration diffusers, modifications to the aeration tanks, installation of blowers and installation of an anaerobic selector zone.

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

**WQM Permit No. 0204407**, Sewerage, **Gina Muscante**, 79 Coursin Road, Elizabeth, PA 15037. This proposed facility is located in Lincoln Borough, **Allegheny County**.

Description of Proposed Action/Activity: Construction of a single resident sewage treatment plant.

**WQM Permit No. 0404405**, Sewerage, **Penko Properties, LLC**, 2710 20th Street, Beaver Falls, PA 15010. This proposed facility is located in Chippewa Township, **Beaver County**.

Description of Proposed Action/Activity: Low pressure sanitary sewer system.

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

**WQM Permit No. WQG018322**, Sewerage, **Edgar L. & MaryLou Bell**, Leadbetter Lane, Strattanville, PA 16258. This proposed facility is located in Clarion Township, **Clarion County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. 4399409**, Sewerage, **Dyan M & Jess E Sowers**, 1898 Mercer-West Middlesex Rd, Mercer, PA 16137. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. 2500418**, Sewerage, **Anthony Szoszorek**, 8668 Haft Road, Erie, PA 16510. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAI130543	Milford Township 2100 Krammes Rd. Spinnerstown, PA 18968	Bucks	Milford Township	Perkiomen Creek Unami Creek	Y

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG133559	Warrington Township 3345 Rosstown Rd. Wellsville, PA 17365	York	Warrington	N. Branch Bermudian Creek/WWF	Y
PAG133580	Oley Township P. O. Box 19 Oley, PA 19547	Berks	Oley	Monocracy/WWF	Y
PAG133623	South Annville Twp. 1000 Clearview Lane Lebanon, PA 17042	Lebanon	South Annville Twp.	Quittapahilla Creek/TSF Killinger Creek/TSF Bahman Run/TSF	Y

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1504049	Baxter Properties Honey Brook Industrial Center 1025 Andrew Drive, Suite 200 West Chester, PA 19380	Chester	Honey Brook Township	West Branch Brandywine Creek (HQ)
PAI01 1504067	Villa Maria House of Studies Villa Maria House of Studies Accessory Homes 1140 King Road Immaculata, PA 19355	Chester	East Whiteland Township	Ridley Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504015	Pierce Hardy Limited Partnership 1019 Route 519 Eighty-Four, PA 15330-2813	Monroe	Tobyhanna Twp.	Swiftwater Creek, HQ-CWF

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056304003	Theodore Taylor and Rolin Ferris 608 East McMurray Road McMurray, PA 15317	Washington	North Strabane Township	Tributary to Little Chartiers Creek (HQ-CWF)

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


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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).

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


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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-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedminster Township Bucks County	PAG200 0904133	Grosse Development Company Stoney Hill Manor 762 Main Street Lansdale, PA 19446	Deep Run Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG200 0903175	D'Angeleo Construction Baker Tract P. O. Box 753 Warrington, PA 18976	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG200 0904122	Richland Township Richland Municipal Complex 1328 California Road, Suite A Quakertown, PA 18951	Tohickon Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haycock Township Bucks County	PAG200 0904169	Chris Miller Lot Line Adjustment Miller Lot 658 Old Bethlehem Road Quakertown, PA 18951	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG200 0904050	Barness Land Development, LLC Coventry Meadows 975 Easton Road Warrington, PA 18976	Unnamed Tributary East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG200 0904119-2	Bedminster Municipal Authority Bedminster MA WW Conveyance and Water Transmission Lines P. O. Box 92 Bedminster, PA 18910-0092	Deep Run Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warwick Township Bucks County	PAG200 0904018	Warwick Road Associates Morrison Tract 102 North Main Street Doylestown, PA 18901-0700	Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Bradford Township Chester County	PAG200 1503091	Thomas Baldwin Baldwin Subdivision 856 Lenape Road West Chester, PA 19382-2143	Plum Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Penn Township Chester County	PAG200 1504076	Snyder Developers Albert and Evelyn Ciarracchi Dev 119 West Lancaster Avenue Shillington, PA 19607	Middle Branch White Clay Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Birmingham Township Chester County	PAG200 1503063	Stephen Monaco Design Data Associates 9 Fox Brook Lane Thornton, PA 19373	Unnamed Tributary Branch Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Township Delaware County	PAG200 2304005	Packside Associates 3 Harvey Road Wallingford, PA 19086	Harvey Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Chester Delaware County	PAG200 2304035	Pennrose Properties One Liberty Place, Suite 3810 Philadelphia, PA 19103-1101	Chester Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Chadds Ford Township Delaware County	PAG200 2304038	David Harrington 919 Sunstone Lane Kennett Square, PA 19348	Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Delaware County	PAG200 2304043	Lima Associates, LP 109 Chesley Drive Media, PA 19063	Chrome Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Delaware County	PAG200 2304056	Autotainment Ventures, LLC P. O. Box 671002 Dallas, TX 75367-1002	Stony Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Williams Twp. Northampton Co.	PAG2004804030	Lewis Ronca Ashley Partners, L.P. 179 Mikron Rd. Bethlehem, PA 18020	Delaware River, WWF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Wilson Borough Northampton Co.	PAG2004804029	Lawrence O'Neill 1118 S. 25th St. Easton, PA 18042-6030	Lehigh River, WWF	Northampton Co. Cons. Dist. (610) 746-1971
North Manheim Twp. Schuylkill Co.	PAG2005404022	Grande Construction 424 Miller Road Sinking Spring, PA 19608	Beaver Creek, CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Dauphin County West Hanover Township	PAG-0022-04-053	Sanjay Patel 2845 Lebanon Road Manheim, PA 17545	Manada Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dauphin County West Hanover Township	PAG2-0022-04-049	Skyline Partners P. O. Box 6330 Harrisburg, PA 17112	Manada Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dauphin County Susquehanna Township	PAG2-0022-04-062	Michael Mazzaccaro 2401 Bradley Place Harrisburg, PA 17110	Paxton Creek/CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dauphin County Lower Paxton Township	PAG2-0022-04-063	Rhodes Development Group, Inc. 1300 Market St. Suite 307 Lemoyne, PA 17043	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Berks County Exeter Township	PAG2-0006-04-097	Giuseppe Fillippini 811 Shelbourne Road Reading, PA 19606	Unt To Antietam Creek/CWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533 (610) 372-4657, ext 209



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Upper Tulpehocken Township	PAG2-0006-04-106	Mark Buckingham 10 Birch Lane Bernville, PA 19508	Birch Creek/CWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533 (610) 372-4657, ext 209
Bedford County Bedford Township	PAG2-0005-04-007	Nancy Pyle 840 South Juliana Street Bedford, PA 15522	Brush Run/WWF	Bedford County Conservation District 702 W. Pitt Street Suite 4 Fairlawn Court Bedford, PA 15522
Carroll Township York County	PAG2006703141	Stonebridge Crossing Mark Yinger P. O. Box 459 124 W. Church St. Dillsburg, PA 17019-0459	Fishers Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Twp York County	PAR10Y511	Colonial Crossing—Phase 3 Drylic Snyder Cornerstone Development 1 Marketway East York PA 17401	UNT to West Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006704014	Morgan E. Cousier Park Tim James Manchester Township 3200 Farmtrail Road York, PA 17402	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Twp York County	PAR10Y447	John Rudy Park Upgrade Phase 2 York County Board of Commissioners 1 West Marketway York, PA 17401	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Spring Garden Twp York County	PAG2006704097	Sixth Ave. Professional Center 1005 E. King Street York, PA 17403	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Twp York County	PAG2006704023	Wal-Mart Hanover Store # 5469 Wal-Mart Stores Inc. 2001 S.E. 10th Street Bentonville, AR 72716	Indian Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springfield Township York County	PAI026704005	Scott & Janelle Morris 23 McCurdy Drive New Freedom, PA 17349	Seaks Run HQ-CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAG2006704050	Fishing Creek Commerce Park Michael Martin 584 Grandview Drive Lewisberry, PA 17339	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dover Township York County	PAG2006704040	John Thornton Ashcombe Farms West Phase 1 1065 Box Hill Lane York, PA 17403	Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006704064	Kendale Heights Phase 3 Kenneth Stoltzfus 3375 Cape Horn Road Red Lion, PA 17356	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAG200670419	Pahagaco Hills Preferred Properties Partnership William Shamberger 570 Carlisle Street Hanover, PA 17331	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Hopewell Twp East Hopewell Twp York County	PAG2006704093	Roy Jackson Pond Reconstruction Roy Jackson Jr. 2391 Glessick School Road Felton, PA 17322	N. B. Muddy Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Twp York County	PAR10Y418R	Farmbrook Industrial Park Robert Kinsley China Wall LLC 2700 Water Street York, PA 17403	UNT to Little Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Twp York County	PAG2006703149	Red Land Soccer Assoc. Field 8 Kathren Curran Red Land Soccer Club P. O. Box 243 Lewisberry, PA 17339	Bennett Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Twp York County	PAR10Y581	Chatham Creek—Phase 2 Jeff Rutt Chatham Creek, LLC 214A Willow Valley Lakes Drive Willow Street, PA 17584	UNT to Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006703009	Timothy F. Pasch Windsor Pointe 2645 Carnegie Rd York, PA 17402	Cabin Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAG2006704024	Sweitzer Storage Benrus L. Stambaugh 175 N. Hills Road York, PA 17402	UNT to Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Twp York County	PAG200670458	Midsomer Manor Baron Matthews 306 E. Main Street New Freedom, PA 17349	UNT to Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Conewago Township York County	PAG2006703142	Enclave at Hunters Creek Cornerstone at Hunters Creek 1 Marketway East York, PA 17401	Little Conewago TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bradford County Troy Borough & Troy Township	PAG2000804009	Martha Lloyd Community Services 190 W. Main St. Troy, PA 16947	Sugar Creek TSF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539x205
Columbia County Town of Bloomsburg	PAG2001904010	Eric Milner Bloomsburg University 400 E. 2nd St. Buckingham Maintenance Center Bloomsburg, PA 17815	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Road, Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Indiana County Burrell Twp.	PAG2003204008	Jeff Renken Corinthian Colleges 610 Newport Center Newport Beach, CA 92660	Unnamed Tributary to Blacklick Creek (CWF)	Indiana County CD (724) 463-8547
Somerset County Somerset & Stonycreek Townships	PAG2005604010	Stonycreek Windpower LLC Attn: R. James Ansell 803 Appleridge Court Gibsonia, PA 15044	Stonycreek & Kimberly Run Tributaries (CWF)	Somerset County CD (814) 445-4652
Washington County Cecil Township	PAG2006304018	Cecil Township Municipal Authority 3599 Millers Run Suite 104 Cecil, PA 15321	Millers Run & McPherson Creek (WWF)	Washington County CD (724) 228-6774
Washington County California Borough	PAG2006304035	Mid Mon Valley Transit Authority 1300 McKean Avenue Charleroi, PA 15022	Monongahela River (WWF)	Washington County CD (724) 228-6774
Elk County Ridgway Township	PAG2002404006	Micale Construction Services Allegheny Coatings Inc.	Tributary Elk Creek CSF	Elk Conservation District (814) 776-5373
Jefferson County Henderson Township	PAG200033-04-005	Department of Transportation, 2550 Oakland Avenue, Indiana, PA 15701	Stump Creek and unnamed tributary CWF	Jefferson Conservation District (814) 849-7463
Union Township Washington County	PAG2106304006	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Peters Creek and Peters Creek (TSF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAR600073	Bruce Paul Auto Parts 2157 E Lehigh Ave Philadelphia, PA 19125	Delaware River-3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

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*Facility Location:  
Municipality &  
County*

City of Philadelphia  
Philadelphia County

*Permit No.*  
PAR600072

*Applicant Name & Address*  
Harold's Auto Parts  
5347 Whitby Ave  
Philadelphia, PA 19143

*Receiving Water/Use*  
Schuylkill River-3F  
Watershed

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

City of Philadelphia  
Philadelphia County

PAR600074

Freddie's Auto Parts  
6330 W Passyunk Ave  
Philadelphia, PA 19153

Schuylkill River-3F  
Watershed

Southeast Regional  
Office  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970

Newtown Township  
Bucks County

PAR230087

Plastomer Technologies  
23 Friends Lane  
Newtown, PA 18940

Core Creek-2F  
Watershed

Southeast Regional  
Office  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970

Chalfont Borough  
Bucks County

PAR800127

Bi County Fuels  
10 N Kearns Ave  
Chalfont, PA 18914

North Branch  
Neshaminy Creek-2F  
Watershed

Southeast Regional  
Office  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970

Northampton  
Borough  
Northampton County

PAR602229

Todd Heller, Inc.  
P. O. Box 95  
Northampton, PA 18067

Hokendauqua Creek,  
CWF

DEP—NERO  
Water Mgmt.  
Program  
2 Public Square  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2511

Nicholson Township  
Wyoming County

PAR212229

Neilton Enterprises  
RR1 Box 1014  
Nicholson, PA 18441

Tunkhannock Creek,  
CWF

DEP—NERO  
Water Mgmt.  
Program  
2 Public Square  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2511

Mifflin County  
Burnham Borough

PAR603551

Kovalchick Corporation  
P. O. Box 279  
Indiana, PA 15701-0279

Buck Run/TSF/12-A

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

Fairview Township,  
Erie County

PAR608325

Community Auto Recycling  
2540 Manchester Road  
Erie, PA 16506

Walnut Creek

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

*General Permit Type—PAG-4*

*Facility Location &  
Municipality*

Bedford County  
Napier Township

*Permit No.*  
PAG043720

*Applicant Name & Address*  
Nancy R. Miller  
Rebecca's Personal Care Home  
133 Hauck Hollow Lane  
Manns Choice, PA 15550

*Receiving Water/Use*  
Unt Raystown  
Branch Juniata  
River/WWF

*Contact Office &  
Phone No.*  
DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Clearfield County Graham Township	PAG044985	Brenda Ann Buck 2720 Allport Cutoff Morrisdale, PA 16858	UNT to Moravian Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Beaver County Daugherty Township	PAG046199	Eugene DeMarco 136 Dana Drive New Brighton PA 15066	Tributary of Blockhouse Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Allegheny County Lincoln Borough	PAG046291	Gina Muscante 79 Coursin Road Elizabeth PA 15037	UNT of the Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Westmoreland County Unity Township	PAG046293	James Bolton, Jr. 218 Sawmill Road Greensburg PA 15601	UNT of Fourmile Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Clarion Township, Clarion County	PAG049014	Edgar L & MaryLou Bell Leadbetter Lane Strattanville, PA 16258	Unnamed Tributary to Piney Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lackawannock Township, Mercer County	PAG048593	Dyan M & Jess E Sowers 1898 Mercer-West Middlesex Rd Mercer, PA 16137	Unnamed Tributary to Neshannock Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township, Erie County	PAG048695	Anthony Szoszorek 8668 Haft Road Erie, PA 16510	Unnamed Tributary to Fourmile Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
North Versailles Township Allegheny County	PAG056111	Sunoco Inc (R & M) 5733 Butler Street Pittsburgh PA 15201	Crooked Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Brighton Township Beaver County	PAG056116	Brighton Township Supervisors Muni Garage 1300 Brighton Road Beaver PA 15009	UNT to Two Mile Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Houston Borough Washington County	PAG056117	United Refining Co of PA P. O. Box 688 Warren PA 16365	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Washington City Washington County	PAG056146	United Refining Co of PA P. O. Box 688 Warren PA 16365	UNT of Catfish Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
North Union Township Fayette County	PAG056149	United Refining Co of PA P. O. Box 688 Warren PA 16365	UNT to Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Rostraver Township Westmoreland County	PAG056152	CoGo's Co 2589 Boyce Plaza Road Pittsburgh PA 15241	UNT to the Youghiogheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
New Eagle Borough Washington County	PAG056155	New Eagle Senior Apt LP 603 Courthouse Sq 100 West Beau Street Washington PA 15301	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Derry Township Westmoreland County	PAG056157	United Refining Co of PA P. O. Box 688 Warren PA 16365	UNT of Saxman Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Hempfield Township Westmoreland County	PAG056160	Sunoco Inc 5733 Butler Street Pittsburgh PA 15201	UNT (east to west along norther Jacks Run)	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Jeannette Westmoreland County	PAG056162	Maloy's Amoco 101 Altman Road Jeannette PA 15644	Tributary of Brush Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Mt. Pleasant Borough Westmoreland County	PAG056163	Mountain Gateway Convenience Store H. C. Box 65 Mt Pleasant PA 15666	Jacobs Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
New Sewickley Township Beaver County	PAG056166	United Refining Co of PA P. O. Box 688 Warren PA 16365	UNT of Dutchman Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Wharton Township Fayette County	PAG056169	Rishels Service 151 LeGordon Drive Midlothian VA 23114	UNT to Deadman Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Johnstown Cambria County	PAG056174	Sunoco Inc (R & M) 5733 Butler Street Pittsburgh PA 15201	Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
German Township Fayette County	PAG056176	Arnold's Service SR 21 & TR 370 McClellandtown PA 15458	Browns Run to the Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
White Township Indiana County	PAG056177	Sunoco Inc (R & M) 5733 Butler Street Pittsburgh PA 15201	Stoney Run to Blacklick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Center Township Beaver County	PAG056179	Morelli Corporation 2 Lindsay Drive Beaver Falls PA 15010	Moon Run to Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Menallen Township Fayette County	PAG056183	United Refining Co of PA P. O. Box 688 Warren PA 16365	Jennings Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
New Stanton Borough Westmoreland County	PAG056184	Sunoco Inc (R & M) 5733 Butler Street Pittsburgh PA 15201	Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Upper Paxton Twp. Dauphin Co.	PAG083544 Millersburg Area Authority 101 West St. Millersburg, PA 17061	Jonas Lantz Farm Upper Paxton Twp. Dauphin Co.	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9*

*Facility Location &  
County/Municipality*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Barr Township Cambria County	PAG096104 Mark Brawley Brawley Septic Tank Service 254 Brawley Road Carrolltown PA 15722		Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000



*General Permit Type—PAG-9 (SSN)**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Site Name & Location**Contact Office & Phone No.*Southampton Twp.  
Franklin Co.

PAG093510

Chamberlin and Wingert  
Sanitary Services, LLC  
535 Lurgan Ave.  
Shippensburg PA 17257James Witter Farm  
Southampton Twp.  
Franklin Co.DEP-SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act.

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

**Operations Permit** issued to: **Borough of Kutztown**, 3060041, Maxatawny Township, **Berks County** on October 25, 2004, for the operation of facilities approved under Construction Permit No. 0604509 MA.

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

#### Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b>
Township or Borough	White Deer Township
County	<b>Union</b>
Responsible Official	Steven Seidl Vice President, Engineering Pennsylvania American Water Company 800 Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply-Construction
Consulting Engineer	Scott Thomas, P. E. Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit Issued Date	October 24, 2004
Description of Action	Rehabilitation of purification unit No. 2.

#### Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	<b>Jersey Shore Area Joint Water Authority</b>
Township or Borough	Porter Township
County	<b>Lycoming</b>
Responsible Official	Michael C. Zellers Jersey Shore Area Joint Water Authority 220 South Main Street Jersey Shore, PA 17740
Type of Facility	Public Water Supply-Operation
Consulting Engineer	Larson Design Group P. O. Box 487 Williamsport, PA 17703-0487
Permit Issued Date	November 2, 2004
Description of Action	Operation of a new two million gallon finished water storage tank.

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

**Operations Permit** issued to **Erie City Water Works**, 340 East Bayfront Parkway, Erie PA 16507, PWSID No. 6250028, City of Erie, **Erie County**, on October 26, 2004, for the operation of South Booster Tank-Cherry Street Waterline Extension as approved under Construction Permit No. 2594501-MA9.

**Operations Permit** issued to **Hemlock Mobile Home Park**, 2213 Martin Road, New Castle, PA 16101, PWSID No. 6430072, Wolf Creek Township, **Mercer County**, on October 28, 2004, for the operation of the water system as approved under Construction Permit No. 4303503.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Codorus Township	1986 Stoverstown Road, Spring Grove, PA 17362	York

Plan Description: Roy Daugherty, A3-67946-285-2. The approved plan provides for a two lot single-family residential subdivision on 60 acres with total proposed sewage flows of 400 gpd to be treated by an individual on-lot disposal system. The use of a groundwater easement will be used to address the subdivision's nitrate-nitrogen issues. The subdivision is located on the north-eastern corner of Beards School Road and Nace Road in North Codorus Township, York County. The plan was approved with the following conditions:

1. The proposed groundwater easement must be clearly located and labeled on the plot plan for recording at the County Courthouse.
2. Both the plot plan and deeds of the new lot created and the lot on which the groundwater easement is located must note the following:
  - a. The easement located on Lot 1 is to provide groundwater recharge for diluting the sewage flows from Lot 2.
  - b. The easement will exist until the lot is served by a community sewage system.
  - c. The easement will not be covered with impermeable surfaces.
  - d. The easement area cannot be used to provide groundwater recharge for diluting other sewage flows.
  - e. No drinking water wells may be drilled in the area of the easement.
3. A surface easement should be created and recorded on Lot 1 for the sewage system that will be serving Lot 2. The plot plan and deeds for Lots 1 and 2 should also document the sewage easement areas on Lot 1, and they should note that the owners of Lot 1 may not obstruct the easement area in any way and that it remain untouched, open space in order to ensure the current and future sewage needs of Lot 2.
4. Successful use of the groundwater and sewage easements will result in conditional approval by the Department. Failure to record all the appropriate deed restrictions concerning the easements on all properties involved will negate both Township and State planning approval, and the lots cannot be created.

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wayne Township Newton Hamilton Borough	3055 Ferguson Valley Road, McVeytown, PA 17051 P. O. Box 63, Kinsloe Avenue, Newton Hamilton, PA 17075	Mifflin Mifflin

Plan Description: The approved plan provides for the construction of a public sewer system to serve Newton Hamilton Borough and areas of Wayne Township as defined in the plan. Sewage will be conveyed to Mount Union for treatment at the Mount Union Municipal Authority wastewater treatment facility (NPDES Permit No. PA 0020214). The plan also provides to an onlot sewage management program and the submission of quarterly reports presenting results of the sanitary survey (resurvey) of the onlot sewage disposal systems in the Phase II area of Wayne Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Burnside Borough	Twila Sunderlin, Secretary General Delivery Burnside, PA 15721	Clearfield

Plan Description: The approved plan provides for a sewage collection, conveyance and treatment system to serve the Borough of Burnside. The proposed system includes approximately 2,000 feet of low-pressure sewers and 8 grinder pumps serving the section of the Borough south of the W. Br. Susquehanna River. The remainder of the Borough will be served by a gravity collection system consisting of approximately 21,200 feet of sewers. Treatment will be provided by a 40,000 gallon per day Bio-Wheel Reactor Sewage Treatment Plant which will discharge to the West Branch Susquehanna River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995**  
**PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation

standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**CVS Pennsburg**, Pennsburg Borough, **Montgomery County**. Craig Herr, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 621 Delaware St., New Castle, De 19720, has submitted a Final Report concerning remediation of site shallow soil contaminated with lead and arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Salmon and Butler Property**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Svc., Inc. 215 W. Church Rd., King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with metals and PHA; groundwater contaminated with benzene and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**API Harowe, Inc.**, West Goshen Township, **Chester County**. C. Peter Barringer, UAI Environmental, Inc., 495 Highlands Blvd., Suite 106, Coatesville, PA 19320, on behalf of High V.L.P., 1835 William Penn Way, Lancaster, PA 17605 has submitted a addendum to the Remedial Investigation Report and Final Report concerning remediation of site soil and groundwater contaminated with solvents and BTEX. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1500 S. Front St.**, City of Philadelphia, **Philadelphia County**. Natalie Hsueh & Jason Plucinski, React Environmental Svc., Inc. 6901 Kingsessing Ave., Philadelphia, PA 19142 on behalf of Isaac Ohayon, Masada Custom Builders, 100 South St., Philadelphia, PA 19147 has submitted a Final Report concerning remediation of site

soil contaminated with lead and inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Cellini Prop.**, Springfield Township, **Montgomery County**. Charlie McGuth, PG, Environmental Maintenance Co., Inc., 1420 E. Mermaid Ln, Glenside, PA 19038 on behalf of Edward Cellini, 218 92nd North Unit, Sea Isle City, NJ 08243, has submitted a Final Report concerning remediation of site soil contaminated with unleaded/leaded gasoline and diesel fuel). The report is intended to document remediation of the site to meet the Statewide Health Standard.

**CVS Store Doylestown**, Doylestown Borough, **Bucks County**. Christopher Orzechowski, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with lead, arsenic and benzo (a) pyrene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Dimitrackopoulos Property**, Barrett Township, **Monroe County**. James Sposito, Geologist, Quad Three Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has submitted a Final Report (on behalf of his client, Helen Dimitrackopoulos, Ashmall Avenue, Monroe, NJ 08831) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental overflow. The report was submitted in order to demonstrate attainment of the residential Statewide health standard.

**Bandy Property**, Hamilton Township, **Monroe County**. James Sposito, Geologist, Quad Three Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has submitted a Final Report (on behalf of his client, Danielle Bandy, P. O. Box 701, Sciota, PA 18354) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an accidental overflow. The report was submitted in order to demonstrate attainment of the residential Statewide health standard.

**Palmer Town Center (former Bethlehem Corporation and Young Volkswagen Mazda)**, Palmer Township, **Northampton County**. James LaRegina, P. G., HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan (on behalf of his client, Easton Center LLC, 424 Park Lane, Hudson, WI 54016) concerning the characterization and remediation of site groundwater. The reports were submitted in partial fulfillment of a combination of the site-specific standard.

**Conewago Equities (former Ross Bicycle, a/k/a former Chain Bike)**, Hanover Township, **Lehigh County**. Ethan Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 submitted a Final Report (on behalf of his client, Conewago Equities, LP, 610 Edgegrove Road, Hanover, PA 17331) concerning the characterization of groundwater found or suspected to have been contaminated with chlorinated solvents and metals. The report was submitted in order to demonstrate attainment of the Statewide health standard.

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

**Laurel Springs Condominiums**, Exeter Township, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of Laurel Homeowners Association, 625A East Neversink Road, Reading, PA 19606, submitted a Final Report concerning remediation of site soils and groundwater contaminated with heating oil. The report is intended to document remediation of the site to 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.*

**Former Wyncote Manufactured Gas Plant (MGP) Site**, Cheltenham Township, **Montgomery County**. David Kistner, URS Corp., 335 Commerce Dr., Suite 300, Ft. Washington, PA 19034-2623 on behalf of David Kraynick, Cheltenham Township Manager, 8230 Old York Rd., Elkins Park, PA 19027-1589 has submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with aromatic PAHs. The Remedial Investigation Report was approved by the Department on October 19, 2004.

**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 the remediation of site soil and groundwater contaminated with inorganics, PAH and other organics. The Final report demonstrated attainment of the site-Specific Standard and was approved by the Department on October 25, 2004.

**Brittany Square**, New Britain Township, **Bucks County**. Christopher Orzechowski, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 has submitted a Remedial Investigation and Cleanup Plan Reports concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation and Cleanup Plan Reports was approved by the Department on October 25, 2004.

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

**Former Ace Rentals Facility**, City of Lancaster, **Lancaster County**. Synergy Environmental Inc., 607 Washington Street, Reading, PA 19601, on behalf of Ace Rents, Inc, 1103 Ranck Mill Road, Lancaster, PA 17602 and the Redevelopment Authority of the County of Lancaster, 150 North Queen Street, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with petroleum products. The final report demonstrated attainment of the Statewide Health standard. The report was approved by the Department on October 28, 2004.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General 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. WMGR090R037. B. R. Kreider & Son, Inc.**, 63 Kreider Lane, Manheim, PA 17545.

General Permit Number WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on October 29, 2004.

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

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate a solid waste processing or disposal area or site.**

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

**Permit No. 101477. BFI Waste Sys of North America, Inc., Philadelphia Transcyclery, 2209 S 58th St, Philadelphia, PA 19143.** This permit is for the 10 year renewal of the waste permit for the continuing operation of the municipal waste transfer facility located in the City of Philadelphia. This permit was issued by the Southeast Regional Office on October 26, 2004.

**Permit No. 101226. Savoy Transfer Station, P. O. Box 339, Claymon, DE 19703-0339, Chester Township, Delaware County.** This amended waste management permit is to bring Savoy C & D Transfer Station into compliance with the radiation protection action plan requirements. The permit was issued by the Southeast Regional Office on October 29, 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.**

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

**GP3-06-05087A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on October 29, 2004, for Portable Nonmetallic Mineral Processing Plants under GP3 in Colebrookdale Township, **Berks County**.

**GP3-06-05092C: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on October 25, 2004, for Portable Nonmetallic Mineral Processing Plants under GP3 in Cumru Township, **Berks County**.

**GP4-22-03011: General Electrical Service and Sales Co.** (2430 Raleigh Street, Harrisburg, PA 17111) on October 25, 2004, for Burn Off Ovens under GP4 in the City of Harrisburg, **Dauphin 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.**

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

**48-399-054: Spray Tek, Inc.** (3010 Avenue B, Bethlehem, PA 18017) on October 21, 2004, to construct spray dryer No. 7 and associated air cleaning devices at their facility in Bethlehem, **Northampton County**.

**39-302-179: Nestle Purina Petcare Co.** (2050 Pope Road, Allentown, PA 18104) on October 25, 2004, to construct a natural gas/No. 2 oil fired boiler at their facility in South Whitehall Township, **Lehigh County**.

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

**36-05135A: StyleCraft Corp.** (P. O. Box 458, Blue Ball, PA 17506) on October 27, 2004, to install four spray booths controlled by dry filters in Terre Hill Borough, **Lancaster County**.

**38-05032: Lebanon Valley Aluminum, Inc.** (33 Keystone Drive, Lebanon, PA 17042) on October 25, 2004, to install their secondary aluminum smelting facility in South Lebanon Township, **Lebanon County**.

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

**11-00051A: Quaker Sales Corp.** (P. O. Box 880, Johnstown, PA 15907) on October 26, 2004, to modify their Asphalt Concrete Plant in Johnstown, **Cambria County**. The Plant changes involve addition of a new burner system that will allow the use of alternate fuels to dry mineral aggregate materials used in the process.

**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.*

**23-0003E: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061-3812) on November 1, 2004, to amend the operation of a kerosene and diesel unit in Trainer Borough, **Delaware County**.

**15-0090A: National Service Industries** (303 Eagleview Boulevard, Exton, PA 19341) on October 29, 2004, to operate a flexographic and offset press in Uwchlan Township, **Chester County**.

**15-0115B: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on October 29, 2004, to operate three emergency generators in West Goshen Township, **Chester County**.

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

**22-301-058: Pennsylvania Department of Agriculture** (2301 North Cameron Street, Harrisburg, PA 17110) on September 2, 2004, to construct an animal health laboratory multichambered incinerator, controlled by a Venturi wet scrubber and a mist eliminator in Susquehanna Township, **Dauphin County**. This plan approval was extended.

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

**63-00014F: Reliant Resources, Inc.—Orion Power MidWest** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on October 26, 2004, to allow additional time to

complete stack testing on a Selective Non-Catalytic Reduction System on Unit No. 4 at Elrama Power Plant in Union Township, **Washington County**. This Plan Approval was extended.

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

**62-017H: United Refining** (Bradley and Dobson Streets, Warren PA 16365) on October 22, 2004, for the low sulfur gas project at the Warren Refinery in Warren, **Warren County**. The refinery is a Title V Facility.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

**28-05036: LamTech, Inc.** (5150 Innovation Avenue, Chambersburg, PA 17201) on October 26, 2004, to operate their synthetic marble manufacturing facility in Green Township, **Franklin County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Thomas Huynh, Chief, (215) 823-7584.*

**V03-004: Allied Tube and Conduit Corp.** (11350 Norcom Road, Philadelphia, PA) on October 12, 2004, to operate a tube and conduit manufacturing facility. The Title V facility's air emissions' sources include three mills, one space heater rated at 3.76 MMBtu/hr, and four space heaters rated at 801,000 Btu/hr each.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**15-00110: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335) on November 1, 2004, to operate a Synthetic Minor Operating Permit in Downingtown Borough, **Chester County**.

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

**28-05031: Borough of Chambersburg** (100 South Second Street, P. O. Box 1009, Chambersburg, PA 17201-0909) on October 28, 2004, for a Synthetic Minor Operating Permit at their Sheffler Drive site in the Borough of Chambersburg, **Franklin County**.

**31-03001: Alexandria Wood Products, Inc.** (P. O. Box 357, Alexandria, PA 16611) on November 1, 2004, to operate a wood fired boiler at their wood drying operation in Porter Township, **Huntingdon County**.

**36-03138: Advantage ID Technologies** (1857 Colonial Village Lane, P. O. Box 10155, Lancaster, PA 17605-0155)

on October 26, 2004, to operate their security printing facility in East Lampeter Township, **Lancaster County**.

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

**32-00371: Blairsville Wilbert Vault Co., Inc.** (P. O. Box 7, Blairsville, PA 15717) on October 27, 2004, for a State only operating permit for a crematory in Blairsville Borough, **Indiana County**.

**63-00636: McGrew Welding and Fabricating, Inc.—Donora Site** (30 South Washington Street, Donora, PA 15033) on November 2, 2004, to operate at Donora in **Washington County**. The facility's major sources of emissions include a conveyor system, barge unloading, coal storage piles, sand/gravel storage piles, paved/unpaved roads and material handling/truck unloading.

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

**62-00171: Meridien Hardwoods of PA, Inc.** (Old Pittsfield Road, Pittsfield, PA 16340) on November 1, 2004, for a Natural Minor Operating Permit to operate a waste-oil boiler at their hardwood finish mill in Pittsfield Township, **Warren County**.

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**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.**

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

**06-03025: Reading Plating and Polishing, Inc.** (1833 Cotton Street, Reading, PA 19606-1712) on October 29, 2004, to operate their decorative chrome plating facility in the City of Reading, **Berks County**. This State-Only Operating Permit was administratively amended to include the changes to 40 CFR 63 Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. This is Revision No. 1.

**36-05027: RR Donnelley and Sons Co.** (216 Greenfield Road, Lancaster, PA 17601) on October 26, 2004, to operate their Lancaster facility in the City of Lancaster, **Lancaster County**. This Title V Operating Permit was administratively amended to include the changes to 40 CFR 63 Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. This is Revision No. 3.

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

**37-00162: Precision Plating Co., Inc.** (407 Summit View Drive, New Castle, PA 16105) on November 1, 2004, to amend the Natural Minor Operating Permit to incorporate the requirements of plan approval 37-0162B, which authorized the installation of additional hard chromium electroplating tanks in Neshannock Township, **Lawrence County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**56010106 and NPDES Permit No. PA0249076. PBS Coals, Inc.,** P. O. Box 260, Friedens, PA 15541, surface mining permit revision to add acreage in Shade Township, **Somerset County**, affecting 317.1 acres. Receiving stream(s): Dixie Run and Fallen Timber Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stoneycreek Surface Water Intake. Application received May 28, 2004. Permit issued: October 25, 2004.

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

**10010101 and NPDES Permit No. PA0241873. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) Commencement, operation and restoration of a bituminous strip operation in Muddy Creek Township, **Butler County** affecting 38.2 acres. This application was originally applied for by Ben Hal Mining Company and transferred to Ancient Sun, Inc. Receiving streams: Unnamed tributaries to Cheeseman Run. Application received: February 28, 2001. Permit Issued: October 18, 2004.

**1307-10010101-E-1. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) Application for a stream encroachment to conduct mining within 100 feet but no closer than 25 feet of Unnamed tributary "B" to Cheeseman Run in Muddy Creek Township, **Butler County**. Receiving streams: Unnamed tributaries to Cheeseman Run. Application received: February 28, 2001. Permit Issued: October 18, 2004.

### Noncoal Permits Actions

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

**61042801. Cooperstown Sand & Gravel** (P. O. Box 4, Cooperstown, PA 16317) Commencement, operation and restoration of a small sandstone operation in Jackson Township, **Venango County** affecting 8.0 acres. Receiving streams: Wolf Run. Application received: March 11, 2004. Permit Issued: October 25, 2004.

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

**09920302C2 and NPDES Permit PA0595497. Delaware Valley Landscape Stone, Inc.,** (P. O. Box 778, New Hope, PA 18938), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Middletown Township, **Bucks County**, receiving stream: unnamed tributary to Neshaminy Creek. Application received August 30, 2004. Renewal issued October 25, 2004.

**09960301C2. Warner Company,** (1121 Bordentown Road, Morrisville, PA 19067), depth correction for an existing quarry operation in Falls Township, **Bucks County**, affecting 46.0 acres, receiving stream: none. Application received July 8, 2004. Correction issued October 25, 2004.

**09870301C9. Warner Company,** (1121 Bordentown Road, Morrisville, PA 19067), depth correction for an existing quarry operation in Falls Township, **Bucks County**, affecting 501.0 acres, receiving stream: Van Sciver Lake. Application received July 8, 2004. Correction issued October 27, 2004.

## 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.**

### Blasting Permits Actions

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

**03044002. Palo Construction** (P. O. Box 368, Clarion, PA 15214). Blasting activity permit for emergency road repair located in Boggs Township, **Armstrong County** with an expected duration of 60 days. Permit issued: October 27, 2004.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**09044035. AMROC, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Hilltown Reserves and Ridge in Hilltown Township, **Bucks County** with an expiration date of November 19, 2005. Permit issued October 25, 2004.

**48044040. AMCRO, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Lehigh Valley Industrial Park VI Lots 5 B-C in Bethlehem Township, **Northampton County** with an expiration date of May 20, 2005. Permit issued October 25, 2004.

**21044070. Brubacher Excavating, Inc.,** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at King Farm Manure Pit in North Newton Township, **Cumberland County** with an expiration date of October 31, 2005. Permit issued: October 25, 2004.

**09044036. AMROC, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Deer Valley in Warrington Township, **Bucks County** with an expiration date of November 21, 2005. Permit issued October 25, 2004.



**10144013. David H. Martin Excavating, Inc.**, (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Mason Dixon Farms in Freedom Township, **Adams County** with an expiration date of October 31, 2005. Permit issued October 25, 2004.

**67044051. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Mottor Tract in Springettsbury Township, **York County** with an expiration date of October 31, 2005. Permit issued October 25, 2004.

**67044050. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Rt. 462 Drive-In in Springettsbury Township, **York County** with an expiration date of October 31, 2005. Permit issued October 25, 2004.

**10144014. Explosive Experts, Inc.**, (P. O. Box 879, Sparks, MD 21152), construction blasting at Patriot's Choice in Cumberland Township, **Adams County** with an expiration date of December 31, 2004. Permit issued October 25, 2004.

**28044043. David H. Martin, Inc.**, (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Green Valley Estates/Ragged Edge Road in Greene Township, **Franklin County** with an expiration date of October 31, 2005. Permit issued October 25, 2004.

**67044052. Explosives Experts, Inc.**, (P. O. Box 879, Sparks, MD 21152), construction blasting at Logan's Reserve in Loganville Borough, **York County** with an expiration date of February 28, 2005. Permit issued October 25, 2004.

**21044071. Liberty Excavators**, (4402 Gettysburg Road, Camp Hill, PA 17011) and Kesco, Inc., (127 Oneida Valley Road, Butler, PA 16001), construction blasting at Lower Allen Business Center in Lower Allen Township, **Cumberland County** with an expiration date of April 30, 2005. Permit issued October 25, 2004.

**10144015. Geological Technologies, Inc.**, (715 Baltimore Street, Martinsburg, WV 25401), construction in Gettysburg Borough and Cumberland Township, **Adams County** with an expiration date of October 31, 2005. Permit issued October 25, 2004.

**15044102. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at French Creek Development in West Nantmeal Township, **Chester County** with an expiration date of December 31, 2005. Permit issued October 26, 2004.

**45044106. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for Harvest Acres Development in Tobyhanna Township, **Monroe County** with an expiration date of December 31, 2005. Permit issued October 26, 2004.

**06044105. Keystone Blasting Services**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Racis Auto in South Heidelberg Township, **Berks County** with an expiration date of January 30, 2005. Permit issued October 27, 2004.

**36044115. Keystone Blasting Services**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Earl Township, **Lancaster County** with an expiration date of December 30, 2004. Permit issued October 27, 2004.

**38044103. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Valspar Project in North Lebanon

Township, **Lebanon County** with an expiration date of December 31, 2004. Permit issued October 27, 2004.

**40044103. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for Laurel Brook Estates in Bear Creek Township, **Luzerne County** with an expiration date of December 31, 2005. Permit issued October 27, 2004.

**21044104. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Trammel Crow Warehouse in South Middleton Township, **Cumberland County** with an expiration date of November 30, 2005. Permit issued October 28, 2004.

**21044105. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Lowe's Warehouse Store in Hampden Township, **Cumberland County** with an expiration date of November 30, 2005. Permit issued October 28, 2004.

**64044011. Northeast Blasting** (2626 Lake Ariel Highway, Honesdale, PA 18431), construction blasting for Shaffer Sawmill in Salem Township, **Wayne County** with an expiration date of December 15, 2004. Permit issued October 28, 2004.

**15044043. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Woods of Edges Mill in Caln Township, **Chester County** with an expiration date of November 20, 2005. Permit issued October 28, 2004.

**15044044. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Kings Grant subdivision in Caln Township, **Chester County** with an expiration date of November 20, 2005. Permit issued October 28, 2004.

**48044041. Bernard J. Hasara** (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), and MF Ronca & Sons, Inc. (179 Mikron Road, Bethlehem, PA 18020), construction blasting for Penn Dixie Manor in Upper Nazareth Township, **Northampton County** with an expiration date of May 19, 2005. Permit issued October 28, 2004.

**48044042. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting for Faulkner Subaru in Hanover Township, **Northampton County** with an expiration date of March 31, 2005. Permit issued October 28, 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 may 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.

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**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).**

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*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*

**E15-729. PADOT, District 6-0**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Multiple Townships, **Delaware County**, ACOE Philadelphia District.

To install and maintain an ancillary conduit along S.R. Route 202, S.R. Route 100, and U.S. Route 30 associated with the S.R. 202, Section 3IT, Traffic and Incident Management System (TIMS). The proposed conduit will be installed approximately 2 to 5 feet outside the edge of shoulders, within PennDOT right-of-way or over the existing structures which cross Chester Creek (TSF, MF); East Branch Chester Creek (TSF, MF); Parke Run (WWF, MF); Valley Creek (CWF, MF); Broad Run (EV, MF); and unnamed tributaries to aforementioned watercourses. The proposed conduit will extend through East Goshen, East Whiteland, Thornbury, Tredyffrin, West Goshen, West Whiteland, Westtown, Chadds Ford, Birmingham, and Concord Townships in **Chester and Delaware Counties**.

The scope of the work for each section of the roadway will extend as follows:

Along Route 202, work will extend from Valley Road Crossing (Valley Forge, PA Quadrangle N: 10.45 inches, W: 6.6 inches) in Tredyffrin Township to Baltimore Pike (U.S. Route 1) intersection (West Chester, PA Quadrangle N: 1.1 inches; W: 6.6 inches) in Birmingham Township.

Along S.R. Route 100, work will extend from Pottstown Pike intersection (Downingtown, PA Quadrangle N: 12.95 inches; W: 7.85 inches) in Upper Uwchlan Township to

S.R. 202 interchange (West Chester, PA Quadrangle N: 21.25 inches; W: 12.55 inches) in West Goshen Township.

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

**E15-723. Sunoco Pipeline, L.P.**, 525 Fritztown Road, Reading PA 19608, Upper Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To replace an approximately 500-foot segment of an existing deteriorated Sunoco Steel pipeline, which traverses an unnamed tributary to the Marsh Creek (HQ-TSF) and adjacent wetland (PEM- EV). The work will involve construction of a temporary road crossing, trench excavation, and backfilling of approximately 278 cubic yards of wetland soils. The project will temporarily impact up to 10 linear feet of stream and a maximum of 0.12 acre of the wetland associated with the pipe replacement. The project is situated approximately 500 feet northeast of the Marsh Creek Area and approximately 710 feet northwest of the intersection of Park and Moore Roads in Upper Uwchlan Township, Chester County (Downingtown, PA Quadrangle N: 13.66 inches; W: 10.91 inches).

Along U.S. Route 30, work will extend from approximately 1,000 feet west of Beaver Creek Crossing (Downingtown, PA Quadrangle N: 1.65 inches; W: 16.1 inches) in Caln Township to Route 202 and Route 30 bypass interchange (Malvern, PA Quadrangle N: 1.65 inches; W: 12.3 inches).

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

**E09-857. Bucks County Board of Commissioners**, Administration Building, Broad and Court Street, Doylestown, PA 18901, Tincum Township, **Bucks County**, ACOE Philadelphia District.

To replace the existing steel beam bridge and appurtenant structures over the Delaware Canal (TSF), and to construct and maintain a single span box bridge with an approximately 68-foot span, 9.5-foot underclearance, and 36-foot bridge width. Incidental fill is proposed within the floodplain and 0.01 acre of wetland to facilitate bridge construction, roadways widening and roadway approaches.

The project proposes to indirectly affect a total of 75 linear feet of streambank. The site is located approximately 1,820 feet southwest of the intersection of Jugtown Hill and River Roads (S.R. 0032) (Frenchtown, NJ, PA Quadrangle N: 10.41 inches; W: 6.86 inches).

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

**E09-873. Warrington Township**, 852 Easton Road, Warrington, PA 18976, Warrington Township, **Bucks County**, ACOE Philadelphia District.

To construct a 70-foot long prefabricated pedestrian bridge spanning the Little Neshaminy Creek in Lower Nike Park. The 4-foot wide steel truss bridge, which will have a 3.75-foot underclearance and timber decking, will be placed on cast-in-place abutments. The work will also include the extension of an existing 6-foot wide granu-

lated limestone trail by 200 feet within the floodplain. The site is located approximately 397 feet southeast from the terminus of Bradley Road in Warrington Township, Bucks County (Ambler, PA Quadrangle N: 20.22 inches; W: 5.99).

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

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

**E40-636. Louis and Carmella Sebastian**, R. R. 3, Box 87, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing dock structure in Harveys Lake (HQ-CWF), expanding the areal coverage from approximately 975 square feet to 2,120 square feet. As modified, the structure has overall dimensions of approximately 52 feet (lakeward) by 45 feet. The project is located at Pole No. 275 along Lakeside Drive (Harveys Lake, PA Quadrangle N: 18.5 inches; W: 6.2 inches). (Subbasin: 5B)

**E48-351. Strausser Enterprises, Inc.**, 604 Village at Stones Crossing, Easton, PA 18045-5080. Palmer Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an approximate 680 L.F. channel change in a tributary to Bushkill Creek (HQ-CWF) for the purpose of stabilizing the existing eroded channel and providing buildable area for a proposed 32-unit townhouse development known as Hay Terrace South. The project also includes two stormwater outfall structures and associated energy dissipators and is located east of S.R. 2028 (Greenwood Avenue) and north of S.R. 0022 (Nazareth, PA Quadrangle N: 10.6 inches; W: 1.2 inches). (Subbasin: 1F).

**E64-247. 0-6 Rod and Gun Club**, 20 Hospital Street, Carbondale, PA 18407. Mt. Pleasant Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To maintain a private bridge having a 30-foot span and a 6-foot underclearance across the West Branch Lackawaxen River (HQ-CWF). The bridge consists of a flat-bed trailer and wood decking. The project is located on the south side of T611 approximately 1.6 miles south of S.R. 0371 (Forest City, PA Quadrangle N: 17.2 inches; W: 8.2 inches). (Subbasin: 1B)

**E39-438. City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. City of Allentown, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing outfall structure and to construct and maintain an outfall structure consisting of a 24-inch diameter polyethylene pipe with a flared end section in the floodway of the Little Lehigh Creek (HQ-CWF). The project is located approximately 600 feet southeast of the intersection of Martin Luther King Drive and South 10th Streets (Allentown East, PA Quadrangle N: 17.65 inches; W: 13.75 inches). (Subbasin: 2C)

**E39-435. Washington Township**, P. O. Box 27, Slatedale, PA 18079-0027. Washington Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a concrete arch bridge having a span of 20 feet and an underclearance of approximately 5 feet across a tributary to the Lehigh River (CWF). The project is

located on Shady Nook Road approximately 200 feet west of its intersection with Walnut Street. (Cementon, PA Quadrangle N: 20.5 inches; W: 13.5 inches). (Subbasin: 2C)

**E45-466. Effort United Methodist Church**, P. O. Box 545, Effort, PA 18330. Chestnuthill Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To modify and maintain a portion of the existing Effort United Methodist Church situated in the floodway of Pohopoco Creek (HQ-CWF). The proposed work includes: 1) A 2.75-foot high earthen berm along the upstream and stream sides of the church; 2) removal of fill between the Church and the stream; 3) reconstruction of a concrete retaining wall near the stream side entrance; and 4) an 18-inch diameter outfall structure in Pohopoco Creek. The project is located north of the intersection of S.R. 3009 (Merwinburg Road) and S.R. 3014 (Valley Road). (Brodheads ville, PA Quadrangle N: 13.8 inches; W: 10.2 inches). (Subbasin: 2B)

**E40-635. Samuel M. Wolfe**, R. R. 1, Box 410, 17 Lakeside Drive, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain a pile-supported dock in Harveys Lake (HQ-CWF), expanding the area from approximately 810 square feet to 1,840 square feet. As modified, the dock has overall dimensions of approximately 38 feet x 54 feet, and is accessed by a 7-foot-long walkway. The project includes placement of 1,072 square feet of AASHTO No. 10 stone, to a depth of 4 inches, within the lake for the purpose of providing spawning beds. The project is located at Pole 17, along Lakeside Drive (Harveys Lake, PA Quadrangle N: 19.5 inches; W: 4.5 inches). (Subbasin: 5B)

**E40-637. Michael E. Daley**, R. R. 3, Box 3033, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing dock and boathouse in Harveys Lake (HQ-CWF), with work including repair and renovation of the existing boathouse and dock (including repair/replacement of wooden and concrete pilings) and construction of a new pile-supported deck area and boat garage. The project will increase the areal coverage from approximately 1,030 square feet to 1,580 square feet. The structure, as modified, extends approximately 43 feet from the shoreline and has an overall width of approximately 42 feet. The project is located at Pole No. 295 (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 5.6 inches). (Subbasin: 5B)

**E48-353. City of Easton/Hugh Moore Park Commission**, City Hall, 1 South 3rd Street, Easton, PA 18042. City of Easton, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a portion of an 80-foot x 120-foot museum building in the 100-year floodplain of the Lehigh River (WWF). The project is located in Hugh Moore Park, approximately 0.8 mile upstream from S.R. 2012. (Easton, PA-NJ Quadrangle N: 6.7 inches; W: 15.9 inches). (Subbasin: 2C)

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

**E22-475. 84 Lumber Company**, 1019 Route 519, Building #5, Eighty-Four, PA 15330, Highspire Borough, **Dauphin County**, ACOE Baltimore District.

To construct and maintain: 1) a single span bridge attaching to an existing masonry arch culvert crossing extending the crossing by an additional 22 feet, 2) an 8-inch diameter DIP waterline crossing, and 3) a 15-inch diameter HDPE stormwater outfall, all affecting Laurel Run (WWF) and in support of the development of a new 84 Lumber retail facility, located approximately a 1/4 mile downstream of the current Interstate 76 river bridge and about 600 feet southwest of State Route 0230 (Steelton, PA Quadrangle N: 15.0 inches; W: 6.5 inches) in Highspire Borough, Dauphin County.

**E28-319. PENNDOT Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Quincy Township, **Franklin County**, ACOE Baltimore District

To remove the existing structure and then to construct and maintain an 8-foot by 4-foot box culvert with a 1-foot depression at the channel of an unnamed tributary to West Branch Antietam Creek (WWF), on SR 0997, Section 012, Segment 0180, Offset 0004, in order to improve the traffic conditions, located about 1,000 feet north of Quincy High School (Waynesboro, PA Quadrangle N: 12.2 inches; W: 10.2 inches) in Quincy Township, Franklin County.

**E67-765. Windsor Township Board of Supervisors**, 1480 Windsor Road, Red Lion, PA 17356 in North Hopewell and Windsor Townships, **York County**, ACOE Baltimore District

To maintain an 8-foot by 20-foot pre-cast reinforced concrete box culvert with cast-in-place wingwalls upstream with a rip-rap apron and a 5-foot tapered end section downstream with a rip-rap apron at a location where Grove Road (T-685) crosses over the North Branch of Muddy Creek (CWF) (Stewartstown, PA Quadrangle N: 20.4 inches; W: 12.9 inches) in Windsor and North Hopewell Townships, York County. The permit also authorizes the maintenance of 9-foot high by 9-foot wide by 18-foot long gabion basket wall located at the upstream end of the culvert. This is an after-the-fact permit for work done under Emergency Permit EP-67-01-130.

**E67-767. James Yelton**, P. O. Box 153, Glen Rock, PA 17327, Springfield Township, York, ACOE Baltimore District.

To construct and maintain a 20-foot wide bridge having a span of 14-feet for a driveway to cross an unnamed tributary of the South Branch Codorus Creek (WWF) (Glen Rock, PA Quadrangle N: 11.9 inches; W: 16.8 inches) Springfield Township, **York County**.

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

**E12-152. Carol Lee Armagost**, 541 Sizerville Road, Emporium, PA 15834, Sunroom Construction in Floodway in Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle N: 2.60 inches; W: 13.10 inches).

To construct a 12 foot by 9 foot sun room addition on 3 foot high aluminum covered wooden posts in the floodway of Portage Creek off SR 155 about 0.5 miles north of the intersection of SR 155 with SR 120 in Shippen Township, Cameron County.

**E17-399. Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830. Moose Creek Public

Water Supply Project, in Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle N: 10.25 inches; W: 13.5 inches).

To remove a roadway crossing of Moose Creek (High Quality-Cold Water Fishery, wild trout, and trout stocked stream designations), restore exceptional value palustrine emergent wetland systems impacted by roadways, and authorize a water line crossing of exceptional value palustrine emergent wetlands along Moose Creek. This permit has been issued under compliance action initiated by the Department.

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

**E02-1463. Links Development Company, Inc.**, 1060 Corporate Lane, Murry Corporate Park, Export, PA 15632. Place fill in wetlands in West Deer Township, **Allegheny County**, Pittsburgh ACOE District. (Valencia, PA Quadrangle N: 0.9 inches; W: 6.3 inches and Latitude: 40° 37' 48"—Longitude: 79° 55' 13"). To place and maintain fill in 0.076 acres of wetlands (PEM) in the Deer Creek watershed (CWF) as part of a development known as Hunt Club at Grandview Farms. The project is located on the north side of Route 910 approximately 1 mile east of its intersection with Route 8. Permit No. E02-1316 was issued to Richland Properties, Inc. for the placement of fill in 0.47 acres of wetlands. This new permit is part of the same project and the wetland impact is considered cumulative to the original permit, thus making the development's total wetland impact 0.546. The original applicant made a payment into the Wetland Replacement Fund. The permittee will construct 0.097 acre of replacement wetlands on-site.

**E63-562. Borough of Charleroi**, 4th Street and Fallowfield Avenue, Charleroi, PA 15022. Construct and maintain a 72-inch outfall in Charleroi Borough, **Washington County**, Pittsburgh ACOE District. (Monongahela, PA Quadrangle N: 3.2 inches; W: 3.1 inches and Latitude: 40° 08' 28"—Longitude: 79° 53' 58"). To construct and maintain a 72-inch diameter outfall structure on the left bank of the Monongahela River (WWF) and to operate and maintain an existing 1,101-foot enclosure of an unnamed tributary of the Monongahela River for the purpose of separating the existing storm sewer system. The project is located on 7th Street, approximately 1,300 ft. upstream from Lock No. 4 and will impact approximately 10.0 feet of stream channel. Four other outfall structures will also be constructed; one along the left bank of the Monongahela River and three along the left bank of Maple Creek which will be constructed using the Department's General Permit No. 4 (Intake and Outfall Structures).

#### STORAGE TANKS

#### SITE-SPECIFIC INSTALLATION PERMITS

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

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04-40-005	Scott Dobrez Dober Group 14461 South Waverly Ave. Midlothian, IL 60445	Luzerne	Hazle Township	6 ASTs storing hazardous substance	43,200 gallons total
04-62-002	United Refining Company 15 Bradley Street Warren, PA 16365-3299 Attn: Timothy D. Ruth	Warren	City of Warren	1 AST storing Mineral Spirits 1 AST storing Carbon Black Feedstock	184,800 gallons 184,800 gallons

**SPECIAL NOTICES**

**Notice of Intent to Issue a Hazardous Waste Permit under the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984; Opportunity for a Public Hearing**

*Draft Hazardous Waste Permit*

*Permittee:* Safety-Kleen Systems, Inc.

*Permit No.:* PAD981737109

*Facility:* Safety-Kleen Wilkes-Barre Service Center, Hanover Township, Luzerne County

The Department of Environmental Protection (Department) intends to issue to Safety-Kleen Systems, Inc. a Solid Waste Management Act Permit. This draft permit is to operate a hazardous waste storage facility located in Hanover Township, Luzerne County, PA.

*Public Review, Public Comment, Public Hearing*

The Hazardous Waste Regulations, 25 Pa. Code § 270a.80(2) Public Notice and Comment requirements state: The Department gives public notice of the following actions: A draft permit is prepared under § 270a.10(c).

Section 270a.80(b) of 25 Pa. Code requires that the public be given 45 days to comment on each draft permit prepared under the Solid Waste Management Act. The comment period will begin on November 9, 2004, and will end on December 24, 2004. Persons interested in commenting on the application or draft permit must do so within this comment period. Copies of the application, draft permit and fact sheet for the hazardous waste facility may be reviewed at the Department of Environmental Protection Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. Contact Robert C. Wallace at (570) 826-2516 for further information.

*Further Information*

Persons wishing to comment on any of the permit conditions or permit application should submit the comments in writing to the Department of Environmental Protection, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Attention William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

A public hearing is scheduled for December 15, 2004, at 7 p.m. at the Hanover Township Municipal Building, 1267 Sans Souci Parkway, Hanover Township, PA. The public hearing will be held on the Department's draft permit for hazardous waste storage.

*Final Determination*

When making a determination regarding the issuance of a hazardous waste permit to Safety-Kleen Systems, Inc., the Department will consider written comments

received during the comment period, and oral or written statements received during the public hearing, the requirements of the hazardous waste regulations of 25 Pa. Code Chapters 260—270 and the Department's permitting policies.

*Facility Description*

The Safety-Kleen Wilkes-Barre Service Center, located in Hanover Township, Luzerne County, is a storage facility for hazardous waste.

The facility receives and temporarily stores the approved hazardous and residual wastes prior to their offsite disposal or other offsite disposition at a permitted facility. Part of Safety-Kleen's operation involves the renting out of "parts washing equipment" for offsite usage, then returning the used solvents to Safety-Kleen for shipment to offsite recycling or disposal. The wastes are stored within either an approved aboveground storage tank or within the original containers or shipping containers, such as Department of Transportation approved 55 gallon sized drums, inside secondary containment. The facility also includes a "drum washing system" onsite.

**Request for Proposals for Municipal Solid Waste Capacity**

The following notice is placed through the Department of Environmental Protection as required by Section 502(d) of Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act.

**Bedford, Fulton and Huntingdon Counties**

**Request for Proposals for Municipal Solid Waste Disposal Services**

In accordance with 25 Pa. Code Chapter 272, the Counties of Bedford, Fulton and Huntingdon are required to contract for waste disposal capacity for a minimum of 5 years and a maximum of 10 years for the disposal of municipal solid waste (MSW) including construction/demolition (C/D) waste and sewage sludge. The counties are hereby soliciting proposals for disposal of county generated MSW, to begin in April 2005.

Copies of the RFP can be obtained by e-mail as a PDF file or may be purchased on or after November 8, 2004, from the Bedford County Planning Commission, Russell House, 203 South Juliana Street, P. O. Box 166, Bedford, PA 15522, (814) 623-4827 by prepayment of a nonrefundable amount of \$20 per proposal. Make checks payable to the County of Bedford.

Sealed proposals will be received by the Bedford County Planning Commission, Russell House, 203 South Juliana Street, P. O. Box 166, Bedford, PA 15522 until 4 p.m. on December 10, 2004. The Bedford County Commissioners will publicly open all proposals at 10 a.m. on December 14, 2004, at the Bedford County Commissioners Board Room, 211 S. Juliana Street, Bedford, PA.

Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the proposer, the statement "Proposal for Municipal Solid Waste Disposal Services" and be addressed to Bedford County Planning Commission, Russell House, 203 South Juliana Street, P. O. Box 166, Bedford, PA 15522, Attention: Jeffry W. Kloss, Executive Director.

Bedford County reserves the right to reject any or all proposals, to waive any irregularities and/or informalities in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In October, 2004 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Biechler & Tillery	2843 North Front Street Harrisburg, PA 17110	Testing
Remi Briand	49 Springhouse Road Lancaster, PA 17603	Testing
Jeanne Buckley	2575 Giant Oaks Drive Upper St. Clair, PA 15261	Testing
Kevin Crane Crane Enterprises, Inc.	419 West 4th Street, Suite 1 Williamsport, PA 17701	Testing
Daniel Festa Festa Radon Technologies Co.	634 North Avenue Pittsburgh, PA 15209	Mitigation
Kevin Fischer	P. O. Box 586 Yardley, PA 19067	Testing
Jeffrey Flood	P. O. Box 191 117 West Ridge Street Centre Hall, PA 16828	Testing
Christopher Ford	675 E Street R. D. No. 1410 Warminster, PA 18974	Mitigation
Daniel Jones Alpha Detection & Control	98 Porter Avenue Scottsdale, PA 15683	Mitigation
Robert Kent	247 Biskup Lane Monaca, PA 15061	Testing
Ronald Kuntz	P. O. Box 174 703 Main Street Alexandria, PA 16611	Testing
Edward Lasorda	526 Ferncastle Drive Downingtown, PA 19335	Testing
David Miller	3049 Enterprise Drive State College, PA 16801	Testing & Mitigation
Donna Moles	207 DeKalb Street Norristown, PA 19401	Testing
Margaret Payne	500 Carothers Avenue Carnegie, PA 15106	Testing
Randolph Payne	500 Carothers Avenue Carnegie, PA 15106	Testing
Roger Priest	P. O. Box 200 Salfordville, PA 18958	Mitigation
Robert Rowe	P. O. Box 219 Dingmans Ferry, PA 18328	Testing
Marc Shanley	706 East Street West Easton, PA 18042	Testing
John Urenovitch	75 South Hunter Highway Drums, PA 18222	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Glenn Vernon Certified Radon Services	200 Newburgh Avenue Pittsburgh, PA 15227	Testing
Todd Walter	3910 Colonial Avenue Erie, PA 16506	Testing

**Bureau of Abandoned Mine Reclamation  
Request for Proposals**

**Bid Number: OSM PA(MAP-05) 101.3 and 102.3**

Notice is given that the Department of Environmental Protection will issue a Request for Proposal to retain two firms to provide aerial photography, surveying, mapping reproduction and other technical services, as required, for the proper development of plans for the reclamation of abandoned mine lands, abatement of water pollution, prevention of surface subsidence and flood protection projects. Fifty percent of these projects are financed by the Federal Government. The projects will be primarily located in the bituminous coalfields of western Pennsylvania and the anthracite coalfields of northeastern Pennsylvania. Letters requesting the Request for Proposals shall be sent to Joseph Schueck, Chief, Division of Acid Mine Drainage Abatement, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476 and must be received by 2 p.m., December 13, 2004. Faxed requests will be accepted at (717) 783-0470. Persons with questions should call John J. Stefanko at (717) 783-5896, between 7 a.m. and 3 p.m., Monday through Friday.

**Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the Otter Run Watershed in Lycoming County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Otter Run Watershed in Lycoming County. The meeting will be held on December 15, 2004, beginning at 6:30 p.m. at the Little Pine Creek State Park Office, 4205 Little Pine Creek Road, Waterville, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office, at (814) 342-8200 no later than 4 p.m. on Monday, December 13, 2004. The Department will consider all comments in developing the final TMDL for the Otter Run Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Otter Run Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Otter Run Watershed has been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
21249 (7101)	Otter Run	3.8

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese, and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
PH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Otter Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Otter Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Otter Run Watershed. Written comments must be postmarked by January 12, 2005, and sent to John Mital, Geologic Specialist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, jmital@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to Little Pine Creek State Park, contact John Mital at the phone number or e-mail address listed previously.

The proposed TMDL for the Otter Run Watershed can be accessed through the Department's website at [ww.dep.state.pa.us](http://ww.dep.state.pa.us) (DEP Keyword "TMDL"). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

**Notice of Action on First Application of Nonexceptional Value Sewage Sludge under General Permit Pag-8 or Pag-9**

The Department of Environmental Protection (Department) has previously approved coverage under General Permit PAG-8 for the generators of nonexceptional quality sewage sludge. General Permit PAG-08-9901 authorizes the beneficial use of nonexceptional quality sewage sludge by land application to a reclamation site. The purpose of this notice is to advise the public that the Department has reviewed the Notice for First Land Application of Sewage Sludge for the Cooper Township Municipal Authority, P. O. Box 446, Winburne, PA 16879-0446, Larson Site Operation (Permit Number 17048001), located in

Cooper Township, Clearfield County affecting approximately 40 acres, and has determined that the site is suitable for land application of nonexceptional quality sewage sludge effective October 22, 2004.

These actions of the Department may be appealed to the Environmental Hearing Board (Board) at 2nd Floor Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 by an aggrieved person 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 Administrative Agency Law). Appeals must be filed within 30 days of the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practices and procedure may be obtained from the Board.

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) Developed for Deer Creek in Clearfield County**

The Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on November 22, 2004, at 7 p.m. in the auditorium at the Clearfield County Conservation District Office, 650 Leonard Street, Clearfield, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for Deer Creek in Clearfield County. In accordance with the requirements of Section 303(d) of the Clean Water Act, several stream segments in the watershed have been identified as impaired due to high levels of metals and low pH as a result of acid mine drainage.

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
25978	Deer Creek	5.0

The proposed plan provides calculations of stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.0	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal throughout the 19th and 20th centuries. The affects of this are still present. The allocations made in the TMDL are load allocations, which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1994 to 2003.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of this TMDL contact Lee McDonnell, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2938.

Written comments will be accepted at the previously listed address and must be post marked by January 12, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m., November 19, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-2032. Filed for public inspection November 12, 2004, 9:00 a.m.]

**State Water Plan Water Resources Committee Public Outreach Subcommittee Meeting**

The Public Outreach Subcommittee of the Act 220 State Water Plan Statewide Committee and Regional Committees has scheduled a meeting to discuss the public involvement plan to accompany the development of the State Water Plan and fulfill the requirements of the act of December 16, 2002 (P. L. 1776, No. 220). The meeting will be held 10 a.m. on November 15, 2004, Centre County Solid Waste Authority Interpretive Center, 235 Transfer Road, Bellefonte, PA 16823.

Questions concerning the meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 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. 04-2033. Filed for public inspection November 12, 2004, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Chronic Renal Disease Advisory Committee Meeting**

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a teleconference call on Friday, November 19, 2004, from 1 p.m. to 1:30 p.m. in Conference Room A, 7th Floor, East Wing, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Committee members will be participating by means of

teleconferencing. The single subject to be discussed and voted upon by the committee members is the inclusion of the drug Coreg® on the Chronic Renal Disease Program Formulary.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Elaine E. Gibble, Program Administrator, Chronic Renal Disease Program, Division of Child and Adult Health Services, (717) 772-5138 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-2034. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 1, 2004, at 10 a.m., Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17108.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cynthia Trafton, Bureau of Health Planning at (717) 772-5298, ctrafton@state.pa.us, for speech and/or hearing impaired persons, 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. 04-2035. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Newborn Screening Technical Advisory Committee Meeting

The Newborn Screening Technical Advisory Committee will hold a public meeting on Tuesday, November 16, 2004, 9 a.m. to 3 p.m., Commonwealth Keystone Building, Room 125A, Commonwealth Avenue and Forster Streets, Harrisburg.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Michelle Connors, Acting Division Director, Division of Newborn Disease Prevention and Identification at (717) 783-8143, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-2036. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on December 8, 2004, from 10 a.m. to 2 p.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5900.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact William J. Neil at (717) 787-5900, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-2037. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Technical Advisory for Managed Care Plans Seeking to Offer Benefit Plans With Less Than 80% Plan Paid Co-Insurance for Out-of-Network Covered Services

Under 28 Pa. Code § 9.603 (relating to technical advisories), the Department of Health (Department), Bureau of Managed Care is issuing notice of the availability of a technical advisory on Department review of a managed care plan seeking to offer benefit plans with less than 80% plan paid co-insurance for out-of-network covered services. See 31 P. S. § 152.4 (relating to scope of Department of Health review of a preferred provider organization). Nothing in the advisory abrogates the requirements imposed by section 4 of the Individual Accident and Sickness Insurance Minimum Standards Act (40 P. S. § 776.4) and the regulations applicable to that section.

Copies of the technical advisory may be obtained by contacting William Wiegmann, Director, Division of Certification, Department of Health, Room 912, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-5193 or for speech and/or hearing impaired persons, V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. The technical advisory will also appear on the Department's website at www.health.pa.state.us.

Persons with a disability who require alternative format of this notice (for example, large print, audiotape, Braille) should contact William Wiegmann at the previously mentioned address or telephone numbers.

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

[Pa.B. Doc. No. 04-2038. Filed for public inspection November 12, 2004, 9:00 a.m.]



# DEPARTMENT OF LABOR AND INDUSTRY

## Current Prevailing Wage Act Debarments

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

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Lorick Enterprises, Inc. a/k/a Lorick Enterprises, Incorporated (Fed. ER. I.D. No. 25-1891712) -and Lori A. Tuite, a/k/a Lori A. Cronin-Tuite and Rick Tuite	103 Foxchase Court Cranberry Township, PA 16066	July 30, 2004
Gary A. Meyers (Fed. ER. I.D. No. 23-2928658)	107 Sugar Camp Road Venetia, PA 15367	July 30, 2004
CSI Construction Co. Inc and (Fed. ER. I.D. No. 25-1798495) Heddy M. Richard, Individually	7249 Frankstown Avenue Pittsburgh, PA 15208	August 26, 2004
Alexander Painting, Inc., and (Fed. ER. I.D. No. 23-302919) Alexander Pamphillis, Individually	937 Stefko Boulevard P. O. Box 1997 Bethlehem, PA 18016-1997	September 29, 2004

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 04-2039. Filed for public inspection November 12, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Triple 777 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 Triple 777.

2. *Price:* The price of a Pennsylvania Triple 777 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Triple 777 instant lottery game ticket will contain one play area. The play symbols and their captions, printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (BKSEV), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions, printed in red ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (RSEV), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT).

4. *Prize Symbols:* The prize symbols and their captions, printed in black ink, located in the 10 "Prize" areas are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$6.<sup>00</sup> (SIX DOL), \$9.<sup>00</sup> (NIN DOL), \$18\$ (EGHTN), \$27\$ (TWY SVN), \$54\$ (FTY FOR), \$90\$ (NINTY), \$270 (TWOHUNSTY) and \$27,000 (TWYSVNTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$6, \$9, \$18, \$27, \$54, \$90, \$270 and \$27,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Triple 777 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$27,000 (TWYSVNTHO) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27,000.

(b) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$270 (TWOHUNSTY) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$270.

(c) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$90\$ (NINTY) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$270.

(d) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$90\$ (NINTY) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$54\$ (FTY FOR) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$54.

(f) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a

prize symbol of \$18\$ (EGHTN) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$54.

(g) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$27\$ (TWY SVN) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(h) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$9<sup>00</sup> (NIN DOL) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(i) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$18\$ (EGHTN) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$18.

(j) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$9<sup>00</sup> (NIN DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(k) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$3<sup>00</sup> (THR DOL) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(l) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$3<sup>00</sup> (THR DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "Prize" area next to that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "Prize" area next to that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

*Find a "7" Win Prize Shown  
Next to that Symbol. Win  
With Prize(s) of:*

<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 8,400,000 Tickets</i>
\$1 × 2	\$2	17.65
\$2	\$2	17.65
\$1 × 3	\$3	50
\$1 w/Red 7	\$3	42.86
\$3	\$3	60
\$1 × 6	\$6	300
\$2 × 3	\$6	300
\$3 × 2	\$6	300
\$6	\$6	300
\$1 × 9	\$9	150
\$3 × 3	\$9	150
\$3 w/Red 7	\$9	75
\$9	\$9	150
\$2 × 9	\$18	1,500
\$3 × 6	\$18	1,500
\$6 × 3	\$18	1,500
\$9 × 2	\$18	1,500
\$18	\$18	1,500
\$3 × 9	\$27	375
\$9 × 3	\$27	750
\$9 w/Red 7	\$27	166.67
\$27	\$27	300
\$9 × 6	\$54	8,000
\$18 × 3	\$54	8,000
\$18 w/Red 7	\$54	3,636
\$54	\$54	8,000
\$9 × 10	\$90	40,000
\$18 × 5	\$90	40,000
\$90	\$90	40,000
\$27 × 10	\$270	120,000
\$90 × 3	\$270	120,000
\$90 w/Red 7	\$270	120,000

Find a "7" Win Prize Shown  
Next to that Symbol. Win  
With Prize(s) of:

\$270	Win:
\$27,000	\$270
	\$27,000

Red 7 = Triples the prize shown.

Approximate Odds of 1 In:	Approximate No. of Winners Per 8,400,000 Tickets
120,000	70
1,200,000	7

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple 777 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 Triple 777, prize money from winning Pennsylvania Triple 777 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 Triple 777 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 Triple 777 or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-2040. Filed for public inspection November 12, 2004. 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Environmental Quality Board Meeting Cancellation

The November 16, 2004, Environmental Quality Board (EQB) meeting has been cancelled. The next meeting of the EQB is scheduled for Tuesday, December 21, 2004, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's website [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: "Participate").

Questions concerning the EQB's next scheduled meeting may be directed to Natalie Shepherd, (717) 783-8727 or [nshepherd@state.pa.us](mailto:nshepherd@state.pa.us).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 04-2041. Filed for public inspection November 12, 2004. 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-691	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Sexual Misconduct 34 Pa.B. 4908 (September 4, 2004)	10/4/04	11/3/04
16A-4917	State Board of Medicine Licensure of Medical Doctors 34 Pa.B. 4887 (September 4, 2004)	10/4/04	11/3/04
16A-5610	State Real Estate Commission Reciprocal License 34 Pa.B. 4913 (September 4, 2004)	10/4/04	11/3/04

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-5119	State Board of Nursing Certified Registered Nurse Practitioner Program Approval 34 Pa.B. 4890 (September 4, 2004)	10/4/04	11/3/04
16A-5121	State Board of Nursing Temporary Practice Permits 34 Pa.B. 4897 (September 4, 2004)	10/4/04	11/3/04
16A-447	State Board of Podiatry Professional Liability Insurance 34 Pa.B. 4902 (September 4, 2004)	10/4/04	11/3/04
16A-6313	State Board of Psychology Education Requirements 34 Pa.B. 4903 (September 4, 2004)	10/4/04	11/3/04

**State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors  
Regulation # 16A-691 (IRRC # 2419)**

**Sexual Misconduct  
November 3, 2004**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 47.61., Section 48.21. and Section 49.21. Definitions.—Clarity.**

*Client/Patient*

Under the definition of this term, minors and legally incapacitated adults “shall be the client/patient for issues specifically reserved to the individual, such as confidential communications in a therapeutic relationship and issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitive dual relationships.” In its comments, the House Professional Licensure Committee (House Committee) asked for clarification of “other exploitive dual relationships.” We agree that this terminology is vague and request the Board provide examples of these relationships.

*Sexual intimacies*

These sections define this term and list examples of behavior that meets the definition. The examples include “exposure, kissing, hugging, touching, physical contact or self-disclosure of a sexual or erotic nature.” In the preamble, the Board states that it “seeks to insure that nonsexual hugging, touching, physical contact or self-disclosure are excluded from the definition.” The Board goes on to note that nonsexual physical conduct or self-disclosure can be healing and supportive to clients because it “may create trust and facilitate a therapeutic alliance particularly with children, the physically and mentally disabled and the elderly.”

We note that the text of the regulation does not reflect the Board’s position on nonsexual contact or self-

disclosure. We suggest the Board amend the definition of “sexual intimacies” to clarify that nonsexual physical conduct or self-disclosure does not fall under the definition of “sexual intimacies,” and therefore, is not prohibited behavior.

The House Committee commented that Paragraph (iv) of the definition of “sexual intimacies” prohibits a licensee from soliciting a date from a client/patient, but does not prohibit a licensee from accepting a date from a client/patient. The House Committee suggests expanding the language of this paragraph to also prohibit a licensee from accepting a date. We agree.

**2. Section 47.64., Section 48.24. and Section 49.24. Sexual intimacies with a former client/patient or an immediate family member of a former client/patient.—Reasonableness, Feasibility, Clarity.**

Subsection (a) of these sections establishes a seven-year period after termination of the professional relationship during which sexual intimacies between a licensee and client/patient are prohibited. According to the preamble, the Board researched the ethics codes of several professional associations and found time periods during which sexual intimacies were prohibited to range from two years to indefinitely. The seven-year prohibition in this regulation is a compromise between a two-year and an indefinite prohibition.

In reviewing the Board’s proposal, we researched the comparable requirements imposed by the State Board of Psychology and the State Board of Medicine. The State Board of Psychology imposes a two-year period within which sexual intimacies are prohibited (49 Pa. Code § 41.83(a)). The State Board of Medicine also imposes a two-year time period on practitioners who are involved in the management or treatment of a mental health disorder (49 Pa. Code § 16.110(c)). It would appear that issues concerning sexual intimacies would be similar among licensees of this Board and the Boards of Medicine and Psychology. Therefore, we request the Board explain the relevant factors that support a seven-year time period, rather than the two-year time period.

Subsection (a) of these sections also provides that sexual conduct after seven years is permitted “only under very limited circumstances.” The House Committee commented that this language does not give licensees adequate notice as to what conduct is prohibited. We agree. If the Board wants to continue to prohibit a sexual relationship after the seven-year period under certain circumstances, it should specifically delineate what those circumstances are.

**3. Section 47.65., Section 48.25. and Section 49.25. Disciplinary proceedings.—Reasonableness, Clarity.**

Subsection (c) of these sections requires that in a disciplinary proceeding, the licensee “shall have the burden of proving that there has been no exploitation of the client/patient . . .” in light of “relevant factors” listed in the sections related to sexual intimacies with former client/patients and their immediate family members. We have two concerns with this provision.

First, this language contradicts the absolute prohibition in Sections 47.62, 48.22 and 49.22, against sexual intimacies between a licensee and a client/patient, as well as the absolute prohibition in Sections 47.63, 48.23 and 49.23 against a licensee accepting as a client/patient someone with whom the licensee has had sexual intimacies. We agree with the House Committee that sexual conduct under these circumstances is per se exploitative. The only situation in which evidence that the relationship was not exploitative is relevant is when the sexual conduct occurs more than seven years after termination of the professional relationship. Therefore, we recommend that references to Sections 47.62—47.63, 48.22—48.23 and 49.22—49.24 be deleted from Subsection (c) of the above sections.

Second, we note that Subsection (b) of Sections 47.64, 48.24 and 49.24 uses the phrase “burden of demonstrating” while Subsection (c) of Sections 47.65, 48.25 and 49.25 uses “burden of proving.” We agree that the licensee must demonstrate factors over which he or she would have direct control or knowledge. However, as the House Committee correctly notes, the Due Process Clause prohibits the shifting of the burden of proof to the licensee in disciplinary matters. To avoid this confusion, and for the sake of consistency, the phrase “burden of proving” should be replaced with “burden of demonstrating” in Subsection (c).

**4. Miscellaneous clarity issues.**

- The House Committee comments that the term “person” in the definition of “client/patient” should be replaced with “individual.” We agree and suggest the Board make this change in the definition of “client/patient” and in Sections 47.63, 48.23 and 49.23 relating to Former sexual partners as client/patients.

- A commentator noted that the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1903) defines the terms “licensed clinical social worker,” “licensed marriage and family therapist,” “licensed professional counselor” and “licensed social worker.” However, the proposed regulation does not use the term “licensed” in referring to these professionals. The commentator suggests that the Board insert the term “licensed” before all references to these professionals throughout the regulation to be consistent with the terminology used in the statute. We agree and suggest the Board adopt the commentator’s recommendation.

**State Board of Medicine Regulation #16A-4917  
(IRRC #2420)**

**Licensure of Medical Doctors**

**November 3, 2004**

We submit for your consideration the following comment that includes a reference to the criterion in the Regulatory Review Act (71 P. S. § 745.5b) which has not been met. The State Board of Medicine (Board) must respond to this comment when it submits the final-form

regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 17.1. License without restriction and Section 17.5. Graduate License.—Protection of the public health, safety and welfare.**

This rulemaking would delete direct Board evaluation of hourly, monthly and yearly education requirements for graduates of unaccredited medical colleges (foreign medical graduates) to practice in Pennsylvania. The House Professional Licensure Committee objects to these amendments and expressed deep concern that deleting the specific educational requirements from the regulation could jeopardize the health and safety of Pennsylvania citizens.

To complete our evaluation of whether the amendments are in the public interest, we request further explanation and support for the amendments. Specifically, the Board should answer the following questions:

- Will the proposed amendments allow licenses without restriction and graduate licenses to be issued to applicants who cannot qualify under existing regulation?
- Why isn’t Board verification of the specific time period requirements needed under Subsection 17.1(b) and Subsection 17.5(c)?
- Under the proposed amendments to Section 17.1, an applicant must meet the qualifications listed in Subsection (a). Subsection (b) states the applicant may use the Federation of State Medical Boards of the United States, Inc., or Federation’s Credentials Verification Service (FCVS), to verify their credentials. What specific credentials listed in Subsection (a), or elsewhere, can FCVS verify and what specifically will FCVS verify to the Board?
- What other United States jurisdictions accept and use the FCVS?

**State Real Estate Commission # 16A-5610  
(IRRC # 2421)**

**Reciprocal License**

**November 3, 2004**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Real Estate Commission (SREC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. General.—Statutory authority; Clarity.**

The preamble of this regulation states, “Licensees whose principal place of business is outside of this Commonwealth be classified as ‘reciprocal licensees’ and all other licensees in this Commonwealth be classified as ‘standard licensees.’” This statement implies that a person who has a main office outside the Commonwealth is not eligible to apply for a standard license. We don’t believe it is the SREC’s intent to prohibit a person whose principal place of business is outside the Commonwealth

from applying for a standard license. If this is the intent, the SREC should explain the reason for the prohibition.

**2. Section 35.201. Definitions.—Consistency with statute; Clarity.**

*Reciprocal license.*

As written, this definition states a person applying for reciprocal licenses must be, “. . . from a state that has executed a reciprocal agreement with the Commission.” To avoid confusion, the definition in the Act and in the regulation should be verbatim. In the alternative, the definition should cross-reference the definition in the Act.

*Standard license.*

The definition of “standard license” states, “A license issued to an individual or entity who has fulfilled the education/experience and examination requirements of the Act.” The definition in the Act states, “Any license issued under this act that is not a reciprocal license.”

To avoid confusion, the definition in the Act and in the regulation should be verbatim. In the alternative, the definition should cross-reference the definition in the Act.

**3. Section 35.245. Display of licenses in office.—Clarity.**

Subsection (e) requires, “A broker or cemetery holding a reciprocal license . . .” to maintain at a branch office a list of employees who are licensed in the Commonwealth and at which branch office they work. The term “broker” should be added after the word “cemetery” in the final-form regulation.

**4. Section 35.255. Reciprocal licenses.—Reasonableness.**

Subsection (c) requires a reciprocal licensee to notify the SREC of a change in the status of their current standard license or a change in their principal place of business to this Commonwealth within 90 days. How did the SREC determine the 90-day notification period? Will the SREC require office inspections for a change in licensure status?

**5. Section 35.384. Qualifying courses.—Clarity.**

The SREC is proposing to delete from its regulations reference to required topics for continuing education. The House Committee has questioned the rationale behind the SREC’s decision to delete the required three hours in fair housing laws and practices. The SREC should explain why this requirement is being deleted.

**State Board of Nursing Regulation # 16A-5119  
(IRRC # 2426)**

**Certified Registered Nurse Practitioner Program  
Approval**

**November 3, 2004**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Nursing (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 21.361. Approval of programs.—Reasonableness; Need; Clarity.**

*Subsection (b)—Experimental or accelerated programs*

This subsection states that the Board will consider “experimental or accelerated programs that culminate with at least a master’s degree in nursing.” The final-form regulation should define the phrase “experimental or accelerated programs.”

*Subsection (c)—Program goals*

The only sentence in this subsection contains 56 words. The sentence describes the contents of the primary goal for educational programs for certified registered nurse practitioners (CRNPs). The contents should be set forth with shorter sentences and enumeration as recommended in Section 2.8 and Chapter 7 of the *Pennsylvania Code and Bulletin Style Manual*. An example of this format for the goals of a nursing program can be found in Section 21.32 of the current regulations.

**2. Section 21.362. Annual reports and compliance reviews; list of approved programs.—Reasonableness; Implementation procedure.**

Every three years, approved CRNP programs must conduct a compliance review. The results of this review are to be reported on a form provided by the Board. Under Subsection (c), the Board will send “a written report of recommendations or requirements, or both” to CRNP programs based on the compliance reviews. The final-form regulation should specify how long the CRNP program has to comply with the recommendations or requirements of the written report.

**3. Section 21.363. Approval process.—Reasonableness; Implementation procedure; Clarity.**

Subsection (b) relates to CRNP programs that are on “provisional approval status.” The Board can decide whether to place a CRNP program on “provisional approval status” based on compliance reviews submitted by the CRNP program or “other information.” CRNP programs on provisional status are required to submit “progress reports or other information deemed necessary for the evaluation of the program on provisional approval status.” We have two concerns.

First, the final-form regulation should explain what “other information” could be considered by the Board.

Second, when and how often will a program on provisional status be required to submit progress reports? The final-form regulation should specify that the Board will provide programs with written notice describing the specific requirements and timelines for progress reports.

**4. Section 21.365. Establishment.—Reasonableness; Implementation procedure; Clarity.**

*Subsection (a)—Regionally or nationally accredited institutions*

This section establishes the requirements for a CRNP program. The existing regulations of the Board at 49 Pa. Code § 21.51(a) refer to educational programs “under the authority of a regionally accredited university or college.” We have two concerns.

First, it is our understanding that national accreditation programs usually evaluate specific programs, such as a CRNP program, that are parts of larger institutions. In contrast, the words “regionally accredited” are terms of art that are regularly used to describe a university or college. Is it necessary to refer to both “regionally” and “nationally” accredited institutions in this subsection? If

so, should Section 21.51(a) in the current regulations also refer to a “regionally” or “nationally” accredited college and university? The Board should clarify whether the word “national” is being used to refer to the accreditation of a college or university as a whole, or to a specific CRNP program.

Second, would a medical school also be an “accredited university or college”? If not, the Board should consider adding “medical school” to this subsection.

*Subsection (b)—Director*

Subsection (b) requires a program to be “under the direction of a faculty member who holds an active certification as a Pennsylvania CRNP and an earned doctorate degree or a specific plan for completing doctoral preparation.” We have two concerns.

First, is there a specific area or field in which a CRNP program director must hold a doctorate degree?

Second, the phrase, “a specific plan for completing doctoral preparation” is unclear. The final-form regulation should clarify this requirement by specifying that the director must be enrolled in a doctoral degree program and what percentage of required credits must be completed. In addition, the Board should explain why the term “preparation” is used instead of the term “degree.”

**5. Section 21.367. Faculty requirements for certified nurse practitioner programs.—Reasonableness; Clarity.**

Subsection (a)(1) requires faculty members to provide “evidence of expertise” in their subject areas and “when appropriate” be currently licensed and certified in Pennsylvania and maintain national certification. The phrases “evidence of expertise” and “when appropriate” are vague. The final-form regulation should explain what is meant by these phrases. For example, under what circumstances would faculty members not be required to be licensed and certified?

**6. Section 21.369. General curriculum requirements.—Consistency with other regulations; Reasonableness; Need; Clarity.**

The “advanced nursing practice core” component in Subsection (c)(2) includes advanced pharmacology as required content. Subsection (c)(4) is a separate component entitled “advanced pharmacology.” Is there a need to have it in Subsection (c)(2)(iii)?

Subsection (g) requires that the ratio of students to faculty “insure optimal learning opportunities in clinical laboratory sessions.” However, Section 21.373(c)(3)(ii) provides specific guidance regarding the ratio of students to faculty. It reads:

One program faculty member shall supervise no more than 6 students in a clinical course. If faculty are providing onsite preceptorship, the maximum ratio is two students per faculty member. If faculty are managing their own caseload of patients, the maximum ratio is one student per faculty member.

In the final-form regulation, Subsection (g) should cross reference Section 21.373(c)(3)(ii).

**7. Miscellaneous Clarity.**

- Section 21.363(c) references § 21.378. The regulation ends at § 21.377.

- In Section 21.365(a), the first letter of the word “nationally” is capitalized in the version published in the *Pennsylvania Bulletin*. Is this necessary?

- In Section 21.370(a)(2)(iii), a period is missing at the end of the sentence in the *Pennsylvania Bulletin* version.

**State Board of Nursing Regulation # 16A-5121  
(IRRC # 2425)**

**Temporary Practice Permits**

**November 3, 2004**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Nursing (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Comments from the House Professional Licensure Committee.—Consistency with existing regulations; Reasonableness; Implementation procedure; Need; Clarity.**

During our review of this regulation, we identified issues and raised questions related to the criteria of the Regulatory Review Act. Many of these issues were also raised in the comments submitted by the House Professional Licensure Committee (House Committee) in a letter dated October 6, 2004. We concur with the comments presented by the House Committee.

In addition, we have three concerns directly related to the issues of adding definitions and practice by an unlicensed candidate.

First, the final-form regulation should define the terms “graduate registered nurse” and “graduate practical nurse” because similar terms are also used in existing regulations. The terms are used repeatedly in this proposed regulation and the same or comparable terms are also found in existing language at 49 Pa. Code §§ 21.27 and 21.154.

Second, the Board needs to review the relationship between this proposed regulation and existing provisions at 49 Pa. Code §§ 21.27 and 21.154. These existing sections and the proposed regulation both allow unlicensed nurses to practice under certain conditions. Will these two existing provisions be necessary when this proposed regulation is adopted?

Third, the proposed regulation needs to address the fact that existing regulations require that unlicensed graduate nurses practice under the supervision of another nurse. Sections 21.27(2) and 21.154(2) state that a graduate nurse, who is not yet licensed, may practice but may only do so under the supervision of an experienced registered nurse (RN). “Supervision” in both of the existing sections “means that the registered nurse is physically present in the area or unit where the unlicensed candidate is practicing.” Will these existing rules still apply to graduate nurses with temporary practice permits (TPPs)? If not, the existing sections should be revised to clarify that they do not apply to TPP holders.

**2. Sections 21.7 and 21.149. Temporary practice permits.—Reasonableness; Implementation procedure; Clarity.**

This proposed regulation establishes the procedures and standards for the administration of TPPs for both RNs and licensed practical nurses (LPNs). Section 21.7

pertains to RNs and Section 21.149 pertains to LPNs. The following paragraphs identify questions and issues that apply to both Sections 21.7 and 21.149.

*Subsection (a)—Graduate nurses*

This subsection contains the requirements for graduate RNs and LPNs who do not have the results of their licensing examination and want to practice nursing. The first sentence of Subsection (a)(1) states, in part: "An individual who wishes to practice as a graduate registered [practical] nurse during the period from the date of completion of a Board-approved educational program and notification of the results of the licensing examination . . ." (Emphasis added.) The word "and" should be replaced with the phrase "to the."

Under Subsection (a)(2), a graduate nurse that holds a TPP does not have to apply to take the licensure exam until 90 days before the TPP expires. Since TPPs are valid for one year, this would allow graduate nurses to practice for approximately nine months before they need to apply for a licensure examination. The Board should explain the basis for the nine-month timeframe.

Subsection (a)(3) allows for an extension of a TPP for illness or extreme hardship. We have two concerns.

First, the regulation does not indicate how long an extension for illness or extreme hardship lasts. The final-form regulation should include a time limit for these extensions or a statement that the Board will notify the applicant in writing of the time limit for each case.

Second, Paragraph (iii) requires an applicant to supply certification of the illness from the applicant's treating physician. What documentation would be required to evidence extreme hardship?

*Subsection (b)—Nurses with out-of-state licenses*

Under Subsection (b)(4) an applicant must submit all of the required documentation no later than 90 days prior to the expiration date of the TPP. Why are TPP holders allowed to practice for approximately nine months before they are required to supply the necessary documentation for licensure?

Subsection (b)(5) allows for an extension of a TPP for illness or extreme hardship. We have the same two concerns with this subsection that we have with Subsection (a)(3) noted above.

### 3. Miscellaneous Clarity.

These regulations are being added to the "General Provisions" portions of the RN and LPN regulations. A more appropriate place to place the regulations would be under the "License" section of the RN regulations and the "Licensure" section of the LPN regulations.

The evidentiary requirements for the "illness" extensions found in Sections 21.7(a)(3)(iii) and (b)(5)(iii), and 21.149(a)(3)(iii) and (b)(5)(iii) switch back and forth between the term "physician" and the phrase "treating physician." The Board should consistently use either the term "physician" or the phrase "treating physician" throughout the final-form regulation.

Sections 21.7(b)(5) and 21.149(a)(3), unlike similar provisions in Sections 21.7(a)(3) and 21.149(b)(5), do not specifically include the criteria "illness or extreme hardship" as bases for requesting a TPP extension. This final-form regulation should clarify this possible error.

The references in Sections 21.149(a)(2)(ii) and 21.149(b)(1)(ii) should be to Section 21.147 (relating to fees), not Section 21.5.

There is also a notable difference between Sections 21.7(b) and 21.149(b). Section 21.7(b) begins with:

The Board *may* grant a temporary practice permit to a currently-licensed registered nurse as follows . . . . (Emphasis added.)

However, Section 21.149(b) reads:

The Board *will* grant a temporary practice permit for a currently-licensed practical nurse as follows . . . . (Emphasis added.)

Why does one subsection use the term "may" while the other uses "will"?

Subsection (b)(7) references Paragraphs (2)—(5). Should the reference be (2)—(6)?

## State Board of Podiatry Regulation # 16A-447 (IRRC # 2424)

### Professional Liability Insurance

November 3, 2004

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Podiatry (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### 1. Section 29.52. Requirements for applications.— Statutory authority; Reasonableness; Clarity.

The House Professional Licensure Committee (House Committee) questioned the exemption for federal employees in Section 29.52(b). Section 711(i) of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.711(i)) (Mcare Act) specifically includes employees of a governmental entity and Section 711(j) of the Mcare Act (40 P. S. § 1303.711(j)) does not exempt federal employees. We agree with the House Committee's comment and question the statutory authority for the exemption.

As the House Committee correctly noted, the definition of "government" in Section 702 of the Mcare Act (40 P. S. § 1303.702) includes the Government of the United States. Furthermore, Section 711(j) of the Mcare Act (40 P. S. § 1303.711(j)) specifically lists the three types of providers exempt from the insurance provision, and the list does not include government employees. Therefore, Subsection (b) should be deleted, unless the Board can justify its statutory authority for the provision.

#### 2. Section 29.53. Original license.—Consistency with statute.

This section requires a podiatrist applying for an original license to, "within 90 days after receipt of the podiatrist's original license, furnish the Board with the information required in Section 29.51 (relating to applicants)." However, Section 711(b) of the Mcare Act (40 P. S. § 1303.711(b)) requires medical professionals to "submit proof of insurance or self-insurance to the department within 60 days of the policy being issued." The Board should revise Section 29.53 to be consistent with the Mcare Act.



### 3. Miscellaneous clarity issues.

Sections 29.52(a) and 29.54 contain general citations to the Mcare Act. For clarity, the citations to the Mcare Act should be specific to the subjects in these sections.

#### State Board of Psychology Regulation # 16A-6313 (IRRC # 2422)

#### Education Requirements

November 3, 2004

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Psychology (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### 1. General.—Reasonableness; Clarity.

Commentators have indicated that requiring an applicant to graduate from a program accredited by the American Psychological Association or the Canadian Psychological Association or designated by the Association of State and Provincial Psychology Boards/National Register might impede colleges and universities from starting new doctoral programs in the field of psychology. Does the Board anticipate any negative effect on the development of new programs as a result of this regulation? How would a college or university that desires to start a new program be able to do so, given the requirements of this regulation?

#### 2. Section 41.1. Definitions.—Clarity.

We have three concerns with the definition of "Doctoral degree in a field related to psychology."

First, Subsection (iii)(A), which deals with foreign universities, adds the phrase, "... accredited by a recognized accrediting body in the jurisdiction where the college or university is located." Who is responsible for "recognizing" accrediting bodies in foreign jurisdictions? Do all foreign jurisdictions have a "recognized accrediting body"?

Second, Subsection (iii)(D)(IV) contains the phrase, "... appropriate to the practice of psychology." Who is responsible for determining if the internship, practicum or other training is "appropriate"?

Finally, Subsection (iii)(E) requires that the student complete a dissertation prior to the awarding of the doctoral degree by the foreign college or university. However, some doctoral programs require a doctoral project, rather than a dissertation. Will the Board accept doctoral projects when determining if a foreign student has met this criterion? The same concern applies to Subsection (iii)(H) in the definition of "Doctoral degree in psychology."

#### 3. Section 41.31. Qualifications for taking licensing examination.—Clarity.

Subsection (b)(2) contains the phrase, "... foreign education credential evaluator acceptable to the Board..." What criteria does the Board use to determine whether a foreign education credential evaluator is "acceptable"? Does the Board maintain a list of acceptable foreign education credential evaluators?

Subsection (b)(4) sets forth the effective date of the regulation. The House Professional Licensure Committee and others questioned how this provision will be applied. In the final-form regulation, the Board should amend this provision to clearly state the Board's intent and give current students the opportunity to complete their degrees.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 04-2042. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

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

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
8-2	Department of General Services State Art Commission	10/29/04
<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-492	Department of Public Welfare Supplemental Security Income Program and State Supplementary Payment Program	10/28/04

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 04-2043. Filed for public inspection November 12, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of William S. Pharmer Real Estate & Insurance under Act 143; Mercer Insurance Group; Doc. No. AT04-10-020

A prereview telephone conference initiated by this office is scheduled for December 7, 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 November 15, 2004. A review shall occur on December 21, 2004, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before November 30, 2004, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Motion preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any,

must be filed on or before November 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 December 29, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2044. Filed for public inspection November 12, 2004, 9:00 a.m.]

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### Altoona Hospital; Hearing

#### **Appeal of Altoona Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-10-032**

On or before November 16, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for its disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 8, 2004, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 8, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 30, 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 December 6, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2045. Filed for public inspection November 12, 2004, 9:00 a.m.]

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### Application for Approval to Acquire Control

United National Group, Ltd., U.N. Holdings II, Inc. and United National Insurance Company have filed an application to acquire control of Penn-America Insurance Company and Penn-Star Insurance Company, both of which are a Pennsylvania domiciled stock insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to com-

ment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 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 Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2046. Filed for public inspection November 12, 2004, 9:00 a.m.]

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### Nationwide Mutual Fire Insurance Company Homeowners and Mobile Homeowners Rate Revision; Rate Filing

On October 25, 2004, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for a proposed rate change for homeowners and mobile homeowners insurance.

The company requests an overall 1.0% increase amounting to \$2.214 million annually to be effective June 22, 2005.

A copy of the filing is available for review on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Unless formal administrative action is taken prior to December 24, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2047. Filed for public inspection November 12, 2004, 9:00 a.m.]

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### 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, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of John and Gayle Sultzbaugh; file no. 04-181-09428; Prudential Property and Casualty Insurance Company; doc. no. P04-10-025; December 7, 2004, 1:30 p.m.

Appeal of Kevin W. and Sue E. Werkheiser; file no. 04-182-09724; Liberty Mutual Fire Insurance Company; doc. no. P04-10-026; December 8, 2004, 10 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 Jeffery Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2048. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (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 hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Paul and Teresa Burk; file no. 04-188-09164; First Liberty Insurance Corporation; doc. no. P04-10-024; December 1, 2004, 1:30 p.m.

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

Appeal of John J. and Ann M. Garvey; file no. 04-265-03694; Tuscarora Wayne Mutual Insurance Co.; doc. no. PH04-10-031; January 13, 2005, 9 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 Jeffery Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2049. Filed for public inspection November 12, 2004, 9:00 a.m.]

### State Farm Fire and Casualty Company Private Passenger Automobile Rate and Rule Revision; Rate Filing

On November 1, 2004, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for proposed rate and rule changes for private passenger automobile insurance.

The company requests an overall 2.8% decrease amounting to \$3.079 million annually to be effective February 1, 2005.

A copy of the filing is available for review on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Unless formal administrative action is taken prior to December 31, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2050. Filed for public inspection November 12, 2004, 9:00 a.m.]

### State Farm Mutual Automobile Insurance Company Private Passenger Automobile Rate and Rule Revision; Rate Filing

On November 1, 2004, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for proposed rate and rule changes for private passenger automobile insurance.

The company requests an overall 6.1% decrease amounting to \$79.646 million annually to be effective February 1, 2005.

A copy of the filing is available for review on the Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Unless formal administrative action is taken prior to December 31, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2051. Filed for public inspection November 12, 2004, 9:00 a.m.]

### The Medical Protective Company Physicians and Surgeons Professional Liability Rate and Rule Revision; Occurrence and Claims Made Programs; Rate Filing

On October 27, 2004, the Insurance Department (Department) received from The Medical Protective Company

a filing for a rate level change for physicians and surgeons professional liability insurance.

The Medical Protective Company requests an overall 15.0% increase to be effective July 1, 2005.

Unless formal administrative action is taken prior to December 11, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Insurance Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2052. Filed for public inspection November 12, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Lycoming County, Wine & Spirits Shoppe # 4103, 354 Allegheny Street, Jersey Shore, PA 17740-1329.

*Lease Expiration Date:* October 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,600 to 2,800 net useable square feet of new or existing retail commercial space in Jersey Shore Borough or adjacent municipality.

*Proposals due:* December 3, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Ronald Hancher, Jr., (717) 657-4228

Montgomery County, Wine & Spirits Shoppe # 4612, 225 North York Road, Hatboro, PA 19040.

*Lease Expiration Date:* February 28, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a 1/2-mile radius of the intersection of York Road and Montgomery Avenue, Hatboro.

*Proposals due:* December 3, 2004, at 12 p.m.

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

The Liquor Control Board seeks the following new leases:

Bucks County, Wine & Spirits Shoppe # 0938, Route 332 and Route 413, Newtown, PA 18940.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a 1/2-mile radius of the intersection of Route 332 and Route 413, Newtown.

*Proposals due:* December 3, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe # 5104, Ridge Avenue and Domino Lane, Philadelphia, PA 19128.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a 1/2-mile radius of the intersection of Ridge Avenue and Domino Lane, Philadelphia.

*Proposals due:* December 3, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-2053. Filed for public inspection November 12, 2004, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member board on Monday, December 6, 2004, at 10 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B.K. RABINOWITZ,  
*Administrator*

[Pa.B. Doc. No. 04-2054. Filed for public inspection November 12, 2004, 9:00 a.m.]

# PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

## Publication of Financial Statement

Under the section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (Act of June 5, 1991) (P. L. 9, No. 6), the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a concise financial statement annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2004, which includes an audit for this period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority at 1429 Walnut Street, 14th Floor, Philadelphia, PA 19102, (215) 561-9160.

JOSEPH C. VIGNOLA,  
*Executive Director*

## PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

### STATEMENT OF NET ASSETS JUNE 30, 2004

<b>ASSETS</b>	<b>Governmental Activities</b>
<b>CURRENT ASSETS:</b>	
Cash, cash equivalents and short-term investments	\$158,190,452
PICA Taxes receivable	3,250,023
Accrued interest receivable	225,326
Total current assets	161,665,801
OTHER ASSETS—Prepaid rent, security deposit and bond issuance costs	2,138,243
<b>TOTAL</b>	<b>\$163,804,044</b>
<b>LIABILITIES AND NET ASSETS</b>	
<b>CURRENT LIABILITIES:</b>	
Accounts payable	\$ 175,751
Accrued payroll and taxes	80,873
Due to the City of Philadelphia	4,567,307
Deferred revenue	29,486,127
Bonds payable—current portion	47,115,000
Total current liabilities	81,425,058
BONDS PAYABLE—Long-term portion	723,585,000
Total liabilities	805,010,058
<b>NET ASSETS (DEFICIT):</b>	
Restricted for debt service	86,523,092
Restricted for benefit of the City of Philadelphia	34,072,415
Restricted for subsequent PICA administration	1,641,256
Unrestricted deficit	(763,442,777)

Total net assets (deficit)	<u>(641,206,014)</u>
TOTAL	<u>\$163,804,044</u>

**PENNSYLVANIA INTERGOVERNMENTAL  
COOPERATION AUTHORITY**

**STATEMENT OF ACTIVITIES  
YEAR ENDED JUNE 30, 2004**

	<b>Governmental Activities</b>
<b>EXPENSES:</b>	
Grants to the City of Philadelphia	\$221,297,544
General management and support—	
General operations	1,422,080
Interest expense on long term debt	<u>44,264,123</u>
Total program expenses	<u>266,983,747</u>
<b>PROGRAM REVENUES—</b>	
Premium amortization	1,198,875
Interest	<u>6,662,066</u>
Program revenues	<u>7,860,941</u>
Net program revenues	<u>259,122,806</u>
<b>GENERAL REVENUES:</b>	
PICA Taxes	288,179,469
Interest	70,482
Miscellaneous	<u>15,060</u>
Total general revenues	<u>288,265,011</u>
DECREASE IN NET DEFICIT	29,142,205
NET ASSETS (DEFICIT)—Beginning of year	<u>(670,348,219)</u>
NET ASSETS (DEFICIT)—End of year	<u>\$ (641,206,014)</u>

[Pa.B. Doc. No. 04-2055. Filed for public inspection November 12, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-125136. Allegheny Land and Exploration, Inc.** Application of Allegheny Land and Exploration, Inc. for approval to begin to offer, render, furnish or supply gas transporting or conveying service by pipeline to the public from points in Warren County to pipeline facilities owned by PAPCO, Inc., located in Glade Township, Warren County, which facilities are connected to PAPCO, Inc.'s stripping/fractionating plant located in Meade Township, Warren County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 23, 2004. The documents filed in

support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Allegheny Land and Exploration, Inc.

*Through and By Counsel:* Norman James Kennard, Esquire and William T. Hawke, Esquire, Hawke, McKeon, Sniscak and Kennard, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2056. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Recalculation of the Pennsylvania Telephone Relay Service Surcharge

Public Meeting held  
October 22, 2004

*Commissioners Present:* Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli

*Recalculation of the Pennsylvania Telephone Relay Service Surcharge; M-00900239F0007*

#### Order

*By the Commission:*

This Order addresses the ratio used to allocate, between business and residential end users, the expenses of the Telephone Relay Service (TRS)<sup>1</sup> and the Telecommunications Device Distribution Program (TDDP).<sup>2</sup> A Tentative Order was entered at this docket on June 25, 2004, and published in the *Pennsylvania Bulletin*, at 34 Pa.B. 3656, on July 10, 2004. Comments were due by August 9, 2004. AT&T Communications of Pennsylvania, LLC (AT&T), is the only entity to have filed comments.

#### *Background*

In 1990, at M-00900239, this Commission established the TRS. In doing so, we adopted one of two mutually exclusive funding methodologies for the TRS, choosing to surcharge access lines rather than intrastate telecommunications revenues. Act 34 of 1995<sup>3</sup> subsequently expanded the TRS operations and use of the TRS surcharge to fund the TDDP. The 1995 Act provides, in pertinent part, that an "additional use" of the TRS surcharge shall be to fund the TDDP "as calculated by the commission . . . under the methodology established by the commission in order[s] entered May 29, 1990, and July 9, 1990," at M-00900239 (1990 Orders). We periodically recalculate, at least annually and effective July 1 of each year, the TRS

<sup>1</sup> The Pennsylvania TRS is a telephone service provided by AT&T and regulated by this Commission offering persons who are hearing, deaf, hard of hearing, or speech-disabled ways to connect using the telephone: Traditional Relay, Video Relay, and Internet Relay. Each conversation is relayed by a trained Communications Assistant who follows a strict code of ethics and confidentiality. The TRS is available 24-hours a day, seven days a week. For more information, see <http://www.parelay.net/>.

<sup>2</sup> The TDDP provides specialized telecommunications devices, such as text telephones and amplifiers, at no charge to qualifying persons who are deaf or hard of hearing, who have speech and language disorders, or who have a physical disability that prevents them from using standard telecommunication equipment. To qualify, the person must have gross incomes of less than 200% of the federal poverty level, be a Pennsylvania resident at least six years old, and have telephone service and the ability to learn how to use the telecommunications device. The Pa. Department of Labor and Industry, Office of Vocational Rehabilitation administers the program. For more information, see [http://www.puc.paonline.com/telephone/TRS/TRS\\_Default.html#-Telecommunications%20Device%20Distribution%20Program%20-%20TDDP](http://www.puc.paonline.com/telephone/TRS/TRS_Default.html#-Telecommunications%20Device%20Distribution%20Program%20-%20TDDP).

<sup>3</sup> Dual Party Relay Service and TDDP Act, 35 P. S. §§ 6701.1—6701.4, (1995).

surcharge to allocate the TRS and TDDP expenses between business and residence end users.

We opened this docket for the express purpose of allowing interested parties to comment on how the surcharge should be allocated between business and residence end users. In the 2004 Tentative Order at 4, we indicated that, effective with the recalculation for the 2005-2006 surcharge and thereafter, we would:

[A]llow the overall ratio to float from year to year with the general intent of ensuring appropriate and sufficient funding and reserves from the surcharge. This will more equitably match estimated income to estimated expenses as closely as possible, maintain adequate balances, and hold the overall components of the surcharge as low as possible. These factors may take precedence over a purely arithmetic attempt to achieve or maintain a specific target ratio.

AT&T filed Comments in support of an equitable ratio between business and residence surcharges and specifically requested that this Commission "finally and affirmatively reject any expense allocation formula that disproportionately burdens business end users." (AT&T Comments at 1). AT&T requested that the Commission eliminate the 2:1 ratio and instead "equitably" apportion the TRS and TDDP expenses between business and residential end users. (AT&T Comments at 2). No other comments were filed in response to our Tentative Order.

#### Discussion

In calculating the annual TRS surcharge, the Commission has traditionally attempted to use a 2:1 (business-to-residence) ratio to apportion between business and residence end users the costs of TRS/TDDP funding. Neither the 1990 Orders nor the 1995 Act mandate a permanent, fixed, or specific business-to-residence ratio for the surcharge. The 1990 Orders' choice of methodology manifested a decision to surcharge access lines rather than revenue. The 2:1 ratio for assessing the costs against access lines merely reflected rate structure patterns of the day where business services greatly subsidized residential services. The 1995 Act provided for TDDP funding by building upon the access-line-surcharge methodology used in the 1990 Orders for the TRS; it did not mandate a particular ratio.

Further, the May 1990 Order clearly contemplated possible adjustments to the ratio and even to the methodology, especially if other surcharges were imposed upon telecommunications services. Specifically, the May 1990 Order, at page 30, provided that:

The [Pennsylvania Telephone Association (PTA) further requests] that in the event the funding of any other public interest service offering, including Emergency 911, via a surcharge is ordered by the General Assembly or the Commission, the LEC may revise the Relay Service surcharge to be consistent with the funding mechanism employed for such subsequent public interest service.

While the Commission did not adopt the PTA's proposal in this regard, the May 1990

Order further provided that:

While on first reading the PTA's request seems to be reasonable, we would be remiss if we did not require the LECs[,] or the PTA on behalf of the LECs, to file a Petition with the Commission requesting a revision to the Relay Service surcharge mechanism in order to be consistent with the particular public interest service funding mechanism. We believe that to grant,

at this time, the request based upon an occurrence which may take place, at some undetermined future date, and without the benefit of the particular public interest or its funding mechanism, would be a gross neglect of our statutory duty and responsibilities. Thus, we will deny the PTA's request at this time.

(May 1990 Order at 30.) Thus, the 2:1 ratio is clearly subject to adjustment at our discretion. Additionally, legislative changes to the 1995 Act affect the surcharge, as well.<sup>4</sup>

Now, 14 years later, the 2:1 ratio has become increasingly unwieldy and non-responsive to market realities, especially in the wake of competition. Additionally, with the nature of the costs of the TRS and the TDDP and the fluctuations in access line counts, it has become increasingly more difficult to maintain a 2:1 ratio for the surcharge without incurring deficiencies or surpluses in funding. The surcharge (combined and/or at the program level) cannot be assessed as a partial cent. Further, it would be virtually impossible to generate incoming funds in line with expected expenses if such a 2:1 ratio were perpetuated for the specific programs. In fact, the combined surcharge ratio has actually fluctuated around the 2:1 ratio in recent years.<sup>5</sup>

#### Conclusion

Finding no objections to the Tentative Order and pursuant to our authority at 66 Pa. C.S. § 703(g) to modify prior orders after notice and an opportunity to be heard, we will, commencing with the recalculation conducted in 2005, allow the overall ratio to float from year to year with the general intent of ensuring appropriate and sufficient funding and reserves from the surcharge. This will more equitably match estimated income to estimated expenses as closely as possible, maintain adequate balances, and hold the overall components of the surcharge as low as possible. These factors may take precedence over a purely arithmetic attempt to achieve or maintain a specific target ratio; *Therefore,*

#### It Is Ordered:

1. That this Order be published in the *Pennsylvania Bulletin* and served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Telephone Relay Service Advisory Board, and the Pennsylvania Telephone Association.

2. That, henceforth and until further order of this Commission, the Telephone Relay Service surcharge ratio of business-to-residence access line surcharges shall be allowed to float from year to year with the general intent of ensuring appropriate and sufficient funding and reserves from the surcharge, equitably matching estimated income to estimated expenses as closely as possible, maintaining adequate balances, and holding the overall

<sup>4</sup> Indeed, on December 9, 2002, Governor Mark Schweiker signed Act 181 of 2002, which amended the 1995 Act by expanding the definition of "disability" to include any disability that prevents a person from using standard telecommunication equipment. Further, the 1995 Act is again under consideration for amendment to expand the use of the surcharge to also fund the "Newline Program," which provides access to newspapers by the blind and print-disabled. (See Senate Bill 79 (Mowery) (Printer's Number 950; prior Printer's Numbers 74 & 781). As has been the experience with adding the TDDP, funding additional program(s) exacerbates the difficulties in maintaining a fixed 2:1 ratio.

<sup>5</sup> The surcharges for 2003-2004 and for 2004-2005 are:

Year		TRS	TDDP	Total	Ratio (Business to Residence)
2003-2004	Business	\$0.15/month	\$0.02/month	\$0.17/month	2.15:1
	Residence	\$0.08/month	\$0.00/month	\$0.08/month	
2004-2005	Business	\$0.12/month	\$0.01/month	\$0.13/month	1.86:1
	Residence	\$0.06/month	\$0.01/month	\$0.07/month	

components of the surcharge as low as possible. These factors may take precedence over a purely arithmetic attempt to achieve or maintain a specific target ratio.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-2057. Filed for public inspection November 12, 2004, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 6, 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.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-00121195. Barbara D. Burgess, t/a B D Burgess Travel & Delivery** (14 Tinadell Road, Bradford, McKean County, PA 16701)—to transport by motor vehicle, call or demand, in the City of Bradford, the Boroughs of Eldred, Kane, Lewis Run, Mt. Jewett, Smethport and Port Allegany and the Townships of Bradford, Foster, Corydon, Eldred, Hamlin, Keating, Liberty, Otto, Lafayette and Wetmore, all in McKean County.

**A-00119403, Folder 2. Barneston Management Group, Inc, t/d/b/a Beacon Medical Transport** (510 E. Barnard Street, Suite 18, West Chester, Chester County, PA 19382), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the Counties of Montgomery, Bucks, Chester, Delaware, Berks and Lancaster and the City and County of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.***

**A-00121194. Tri County Access Co., Inc.** (R. D. 6, Box 401, Latrobe, Westmoreland County, PA 115650), persons, upon call or demand; (1) in the Borough of Speers, Washington County; (2) in the City of Monongahela, the Townships of Carroll and Union, and the Borough of New Eagle, Washington County, and the Township of Forward, Allegheny County; (3) in the Borough of Donora, Washington County; (4) in the Borough of North Charleroi, and the Township of Fallowfield, Washington County, and that portion of the Township of Rostraver, Westmoreland County, located within an air-

line distance of 2 statute miles of the Borough of North Charleroi and the Township of Fallowfield, Washington County; (5) in the Borough of Charleroi, Washington County; (6) in the City of Monessen, Westmoreland County, and within 2 statute miles of the limits of said City; right No. 6 subject to the following: That no right, power or privilege is granted to transport persons in the Township of Carroll, Washington County; (7) in the Borough of Belle Vernon, Fayette County, and in the Borough of North Belle Vernon, Westmoreland County; (8) in the Boroughs of Fayette City and Perryopolis and the Townships of Perry and Washington, Fayette County, the Boroughs of Allenport, Bentleyville, California, Coal Center, Dunlevy, Elco, Elisworth, Long Branch, Roscoe and Stockdale, and the Townships of Somerset and West Pike Run, Washington County, the Boroughs of Smithton and West Newton, and the Township of Rostraver, Westmoreland County; which is to be a transfer of all the call or demand rights authorized under the certificate issued at A-00096231, F. 1, Am-C, to Veteran's Cab Company, Inc., t/d/b/a Tri County Access, subject to the same limitations and conditions. *Attorney:* John A. Pillar, Esquire, 680 Washington Road, Suite B101, Pittsburgh, PA 15228, (412) 343-0970.

**A-00121194. Folder 2. Tri County Access Co., Inc.** (R. D. 6, Box 401, Latrobe, Westmoreland County, PA 115650), persons, in paratransit service; (1) employees of Consolidated Rail Corporation and their equipment, from points in the Borough of West Brownsville, Washington County, to points within an airline distance of 75 statute miles of the limits thereof, and vice versa; (2) employees of Consolidated Rail Corporation and their equipment, from points in the City of Clarion, Allegheny County, to points within an airline distance of 75 statute miles of the limits thereof, and vice versa; with right No. 2 subject to the following condition: That no right, power or privilege is granted to render service from the City of Clairton, Allegheny County, to points in the counties of Armstrong, Bedford Blair, Cambria, Clarion, Clearfield, Jefferson, Indiana and Somerset or vice versa; with both rights No. 1 and No. 2 above subject to the following conditions: (a) That no right, power or privilege is granted to originate service at points in the Boroughs of Turtle Creek, East Pittsburg, Wilmerding, Wall, Pitcairn, North Braddock, Trafford City, Forest Hills, Monroeville, East McKeesport, Chalfont, Churchill and Plum or in the Townships of Wilkins, North Versailles or Penn Hills, Allegheny County; and (b) That the provisions of 52 Pa. Code §§ 29.353(1) and 29.355(2) relative to the above service be and hereby waived; (3) between points in the Boroughs of Belle Vernon, Fayette City and Perryopolis and Townships of Perry and Washington, Fayette County, the Boroughs of Allenport, Bentleyville, California, Charleroi, Coal Center, Dunlevy, Elco, Ellsworth, Long Branch, New Eagle, North Charleroi, Roscoe, Speers and Stockdale, the City of Monongahela, and the Townships Carroll, Fallowfield, Somerset, Union and West Pike Run, Washington County, and the Boroughs of North Belle Vernon, Smithton and West Newton, the City of Monessen and the Township of Rostraver, Westmoreland County; (4) from point in the Boroughs of Belle Vernon, Fayette City and Perryopolis and the Townships of Perry and Washington, Fayette County, the Boroughs of Allenport, Bentleyville, California, Charleroi, Coal Center, Dunlevy, Elco, Ellsworth, Long Branch, New Eagle, North Charleroi, Roscoe, Speers and Stockdale, the City of Monongahela and the Townships of Carroll, Fallowfield, Somerset, Union and West Pike Run, Washington County, and the Boroughs of North Belle Vernon, Smithton and West Newton, and the City of Monessen and the Town-



ship of Rostraver, Westmoreland County, to point in Pennsylvania within an airline distance of 50 statute miles of the limits of the City of Monessen, Westmoreland County, limited to service for Federal, State, county or local agencies under programs sponsored under said agencies; with right No. 4 subject to the following conditions; That no right, power or privilege is granted to transport persons originating within Allegheny County except that persons may be transported from points within Allegheny County to points in the specified Boroughs, Townships and cities served by carriers only if said persons are transported to points in Allegheny County by Veteran's Cab Company, Inc. t/a Tri County Access; (5) between points in the Borough of Donora, Washington County, and from points in said Borough, to points located within an airline distance of 50 statute miles of the limits of Monessen, Westmoreland County, and return; (6) employees of the Pittsburgh and Lake Erie Railroad Company, from the Borough of Newell, Fayette County, to points within an airline distance of 100 statute miles of the limits thereof, and vice versa; with right No. 6 subject to the following conditions: That the applicant shall comply with the provisions set forth in 52 Pa. Code §§ 29.353 and 29.354; which is to be a transfer of all the rights authorized under the certificate issued at A-00096231, F. 2, Am-C, to Veteran's Cab Company, Inc., t/d/b/a Tri County Access, subject to the same limitations and conditions.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00118810, Folder 1, Am-B. Felix M. Szczepanski, t/d/b/a J.B. Taxi** (233 Midland Avenue, Midland, Beaver County, PA 15059)—inter alia—persons, upon call or demand in the Borough of Midland, Beaver County: *So as to permit* the transportation of persons upon call or demand in the County of Lawrence.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.**

**A-00121024, Folder 2. Amanda Limousine, Inc.** (1100 Spring Garden Street, City and County of Philadelphia, PA 19123), a corporation of the Commonwealth of

Pennsylvania—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00115801 to Prince Limousine, Inc., subject to the same limitations and conditions.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-2058. Filed for public inspection November 12, 2004, 9:00 a.m.]

## PORT OF PITTSBURGH COMMISSION

### Independent Auditors' Report

Board of Directors  
Port of Pittsburgh Commission  
Pittsburgh, Pennsylvania

We have audited, in accordance with auditing standards generally accepted in the United States, the governmental fund balance sheet/statement of net assets of Port of Pittsburgh Commission (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 2004, and the related statement of governmental fund revenues, expenditures and changes in fund balance/statement of activities for the year ended (not presented herein); and, in our report dated August 30, 2004, we expressed an unqualified opinion on those financial statements.

As described below, the accompanying summary financial information of the Commission as of and for the year ended June 30, 2004 is not a presentation in conformity with generally accepted accounting principles generally accepted in the United States. In our opinion, however, the accompanying summary financial information is fairly stated, in all material respects, in relation to the financial statements from which it has been derived.

Terry & Stephenson, P. C.  
429 Forbes Avenue, Suite 1600  
Pittsburgh, PA 15219

August 30, 2004  
Pittsburgh, Pennsylvania

### Port of Pittsburgh Commission Governmental Fund Balance Sheet/Statement of Net Assets

June 30, 2004

	Special Revenue Fund	Adjustments	Statement of Net Assets
<b>Assets</b>			
Cash and investments	\$2,067,621	\$—	\$2,067,621
Capital Assets, net of accumulated depreciation	—	1,691,701	1,691,701
Other Assets	150,515	—	150,515
Total Assets	<u>\$2,218,136</u>	<u>\$1,691,701</u>	<u>\$3,909,837</u>
<b>Liabilities and Fund Balance/Net Assets</b>			
Liabilities	2,106,453	21,300	2,127,753
Fund balance (accumulated deficit)—reserved for economic development	111,683	(111,683)	—

	Special Revenue Fund	Adjustments	Statement of Net Assets
Net Assets:			
Restricted for economic development		2,090,383	2,090,383
Invested in capital assets, net of related debt		(308,299)	(308,299)
<b>Total Liabilities and Fund Balance/Net Assets</b>	<b><u>\$2,218,136</u></b>	<b><u>\$1,782,084</u></b>	<b><u>\$1,782,084</u></b>

**Port of Pittsburgh Commission  
Statement of Governmental Fund Revenues Expenditures,  
and Changes in Fund Balance/Statement of Activities  
for the Year Ended June 30, 2004**

	Special Revenue Fund	Adjustments	Statement of Activities
<b>Expenditures/Expenses</b>			
Personnel	422,457	(25,450)	397,007
Operating	549,244	—	549,244
Other	22,250	90,703	112,953
<b>Total Expenditures/Expenses</b>	<b><u>993,951</u></b>	<b><u>65,253</u></b>	<b><u>1,059,204</u></b>
<b>Revenues and Other Financing Sources:</b>			
Revenues	319,207	—	319,207
Other financing sources	856,100	—	856,100
<b>Total Revenues and Other Financing Sources</b>	<b><u>1,175,307</u></b>	<b><u>—</u></b>	<b><u>1,175,307</u></b>
<b>Excess of Revenues over Expenditures/Expenses and Other Financing Sources</b>	<b>181,356</b>	<b>(65,253)</b>	<b>116,103</b>
Fund balance/net assets, beginning of year	(69,673)	1,735,654	1,665,981
<b>Fund balance/Net Assets, End of Year</b>	<b><u>\$111,683</u></b>	<b><u>\$1,670,401</u></b>	<b><u>\$1,782,084</u></b>

The summary financial information shown above differs from accounting principles generally accepted in the United States. Differences include amounts grouped; captions summarized; footnote disclosures are omitted.

JAMES R. MCCARVILLE,  
*Executive Director*

[Pa.B. Doc. No. 04-2059. Filed for public inspection November 12, 2004, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Aaron Allyn Yelverton; Doc. No. 0980-56-03**

On September 15, 2004, the State Real Estate Commission (Commission) assessed a \$3,000 civil penalty and indefinitely suspended license for a minimum of 4 1/2 years for: (1) engaging in conduct in a real estate transaction with demonstrated bad faith, dishonesty, untrustworthiness or incompetency; (2) participating in a real estate transaction involving property in which the Respondent had an ownership interest without first disclosing his interest in writing to all parties; (3) making a substantial misrepresentation; and (4) failing to deal honestly and in good faith in violation of section 604(a)(1), (15), (20) and (25) of the Real Estate Licensing and

Registration Act (63 P. S. § 455.604(a)(1), (15), (20) and (25)) and 49 Pa. Code § 35.283(a) (relating to disclosure of interest).

Persons may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Commission decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of the petition for review. The Commission contact for receiving service of appeals is Judith Pachter Schulder, Commission Counsel.

JOSEPH J. MCGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 04-2060. Filed for public inspection November 12, 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	③ Contract Information
Location:	Harrisburg, Pa.	④ Department
Duration:	12/1/93-12/30/93	⑤ Location
Contact:	Procurement Division 787-0000	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 HAFER,  
*State Treasurer*

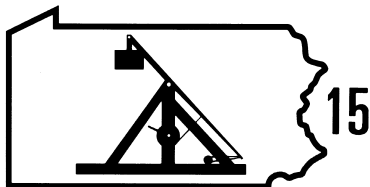
## SERVICES



### Court Reporting

**CN00011590** Provide court reporting services for the Twenty-Second Statewide Investigating Grand Jury which will be housed in Downtown Harrisburg, Dauphin County, PA, specifically Verizon Tower in Strawberry Square. The Contract period begins in December 2004 and will remain in effect for 18 months, ending in June 2006, with the possibility of an additional six months extension through December 2006. Court reporting services are required for five days per month during the 18 month Contract period. On some occasions the Grand Jury will only be in session for four days per month. The Grand Jury 18-month term is set to expire June 2006; however, the Grand Jury may vote to extend the session up to an additional six months which would extend the Contract period through December 2006. The first full Grand Jury session is scheduled to take place during the week of January 10, 2005.

**Department:** Attorney General  
**Location:** Verizon Tower, Strawberry Square, Harrisburg, PA  
**Duration:** December 6, 2004 through June 2006, with the possibility of an additional six-month extension through December 2006  
**Contact:** Jean Kreiser, (717) 783-2369



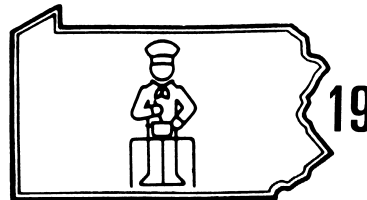
### Environmental Maintenance Service

**BOGM 9-201.1** Cleaning Out and Plugging Forty-Six (46) Abandoned and Orphan Oil Wells, (Ms. Leora A. Gardner and Mr. Peter L. Gardner Properties). The principal items of work include cleaning out and plugging forty-six (46) abandoned and orphan oil wells, estimated to be between 800-1,000 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on November 12, 2004 and bids will be opened on December 7, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about that conference.

**Department:** Environmental Protection  
**Location:** Foster Township, McKean County  
**Duration:** 270 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 787-7820

**BOGM 17-101.1** Cleaning Out and Plugging Two (2) Abandoned Gas Wells, (Mr. Walter Shields and Mr. and Mrs. Allen Winslow Properties). The principal items of work include cleaning out and plugging two (2) abandoned gas wells, estimated to be 3,200 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. The estimated plugging time is 180 hours using approximately 900 sacks of plugging material. This project issues on November 12, 2004 and bids will be opened on November 24, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the conference.

**Department:** Environmental Protection  
**Location:** Toby and Clover Townships, Clarion and Jefferson Counties  
**Duration:** 90 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 787-7820



### Food

**BB2004-01** University Food Services Contract: Invitation to Submit Proposal. Lock Haven University of Pennsylvania (LHU), a member of the Pennsylvania State System of Higher Education, is seeking proposals for a vendor to provide dining services to the University in accordance with Request for Proposal (RFP) No. BB2004-01. Requests for an RFP package should be made in writing, referencing Contract No. BB2004-01, and directed to Todd Webber, MBA - Contracting Manager, LHU, 111 Sullivan Hall, 401 North Fairview Street, Lock Haven, PA 17745; fax: (570) 893-2844; or e-mail: twebber@lhup.edu. Phone calls will not be accepted. The RFP package will be available beginning or shortly after November 1, 2004. A complete RFP package will be mailed shortly after it is requested. Questions must be submitted on or before November 19, 2004. A pre-proposal on-site visitation conference is scheduled for 8:30 AM on Friday, December 3, 2004. Proposals are due no later than 1:00 PM on Thursday, February 10, 2005. The University encourages responses from small and disadvantaged, minority, and women-owned firms. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the State System of Higher Education.

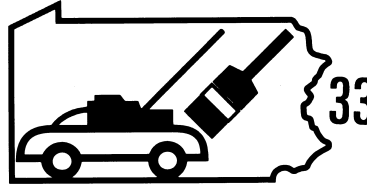
**Department:** State System of Higher Education  
**Location:** Lock Haven University, Lock Haven, PA  
**Duration:** June 1, 2005 - May 31, 2010.  
**Contact:** Todd D. Webber, (570) 893-2019

**CN00011582** Vendor to provide Misc. Foods to Warren State Hospital for period Jan. 05 - March 05. Complete specifications can be obtained by contacting the facility.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365  
**Duration:** 01/01/2005 - 03/31/2005  
**Contact:** John D. Sample, PA I, (814) 726-4448

**CN00011583** Vendor to supply Meat and Meat Products to Warren State Hospital for period Jan. 05 - March 05. Complete specifications may be obtained by contacting the facility.

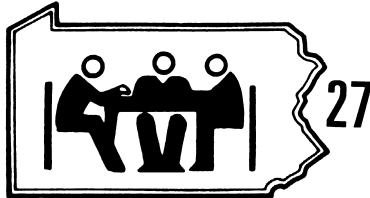
**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 01/01/2005 - 03/31/2005  
**Contact:** John D. Sample, PA I, (814) 726-4448



### Property Maintenance

**KUCC-0054** KUCC-0054: Kutztown University is seeking qualified roofing contractors for the work associated with Slate Roof Replacement on B Wing of the Old Main Building at Kutztown University. The Project consists of the removal of existing slate roof, deck preparation and the installation of new slate roofing and accessories. Bid packages are available for a non-refundable fee of \$50.00 from: Karen Mauger, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, Phone (610) 385-8481. Bid packages are available November 15, 2004 through Pre-Bid. A pre-bid meeting has been scheduled for November 23, 2004 at 10:30 AM in Room OM-26, Old Main Building. Bids are to be received no later than 3:00 PM December 15, 2004 in Room 229, Office of Planning and Construction. Bids will be opened on December 15, 2004 at 3:00 PM in the conference room of the Office of Planning and Construction. Non-discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** NTP issued by 4/1/05; Construction to begin on or after 5/9/05  
**Contact:** Barbara Barish, (610) 683-4602



### Lodging/Meeting Facilities

**CN00011589** Provide hotel accommodations for the Twenty-Second Statewide Investigating Grand Jury which will be housed in Downtown Harrisburg, Dauphin County, PA, specifically Verizon Tower in Strawberry Square. The Contract period begins in December 2004 and will remain in effect for 18 months, ending in June 2006, with the possibility of an additional six months extension through December 2006. On December 5, 2004 housing for the Grand Jury is required for the Grand Jury Empanelment Session scheduled on December 6, 2004. Hotel accommodations for the Grand Jury Session will commence with the January 2005 session, beginning with the evening of January 10, 2005 and continuing for the remainder of the Contract period.

**Department:** Attorney General  
**Location:** Verizon Tower, Strawberry Square, Harrisburg, PA  
**Duration:** December 5, 2004 through June, 2006, with the possibility of an additional six months extension through December 2006  
**Contact:** Jean Kreiser, (717) 783-2369

**CL-607 Chiller Replacement, Becker & Carrier** Clarion University is soliciting bids to replace an existing chiller and chilled water piping, valves, accessories and controls along with chilled water and condenser water pumps in Becker Hall, a classroom/office building. Additionally, the project includes replacement of the chiller and portions of chilled water piping in Carrier Administration Building, an office building. The work will be assigned to two (2) prime contractors, HVAC and Electrical. Pre-bid Meeting: 10:00 a.m., November 18, 2004 in McEntire Maintenance Building, Wilson Avenue, Clarion, PA. Bids Due: 2:00 p.m., December 1, 2004. Plans Cost: \$35,00, refundable, for one complete set of plans and specifications, payable to Clarion University. Additional charge for multiple copies. Plans and specifications may be reviewed without charge at the university. Requests may be mailed to the attention of Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion University, Clarion, PA 16214 or via e-mail at [jmcanich@clarion.edu](mailto:jmcanich@clarion.edu).

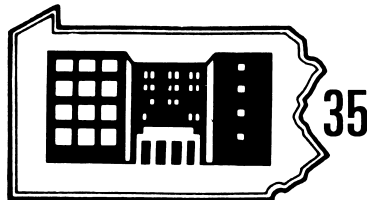
**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, PA  
**Duration:** 120 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Specialist, (814) 393-2240



### Medical Services

**CN00011613** Contractor shall provide various pieces of dental equipment for newly constructed dental office.

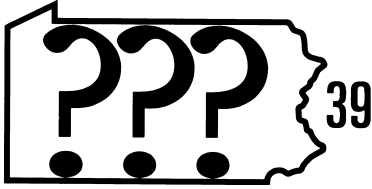
**Department:** Public Welfare  
**Location:** Youth Forestry Camp #2, R. R. #1, Box 82, Hickory Run State Park, White Haven, PA  
**Duration:** Unknown  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509



### Real Estate Services

**098462** Notice is hereby given that pursuant to Title 67 Pa. Code 495.4(d), an application to lease highway right-of-way has been submitted to the Department by Mesto Development, Inc. of 811 Viewmont Avenue, Johnstown, PA seeking to lease right-of-way located at 115 Haynes Street, City of Johnstown, Cambria County containing 12,800 square feet adjacent to SR 56 Section 012, for the purpose of parking. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the Pennsylvania Bulletin, written comments, suggestions and/or objections regarding the approval of this application to Thomas E. Prestash, P.E., Acting District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16866.

**Department:** Transportation  
**Location:** Franklin and Haynes Streets, Johnstown PA  
**Duration:** 25 Years  
**Contact:** Barry Clancy, (814) 696-7211



## Miscellaneous

**CPC 04.085** Provide professional retail services for the Capitol Shop located in the East Wing of the Capitol Building, Harrisburg, PA.

**Department:** PA Capitol Preservation Committee

**Location:** Capitol Preservation Committee, Room 630, Main Capitol Building, Harrisburg, PA 17120

**Duration:** Proposals to be available November 10, 2004, at 2:00 pm prevailing time, in the Capitol Preservation Committee office.

**Contact:** Ruthann Hubbert Kemper, 717-783-6484

**RFP WC 809** West Chester University of PA of the State System of Higher Education is issuing a Request for Proposal WC 809 Programming and Planning Study for the E.O. Bull Center Program Project. The University requires professional services related to the preparation and presentation of a Programming and Planning Study. The University seeks verification of the fit between the proposed tenants and the available square footage for the E.O. Bull Center Renovation/Addition. The University desires that the Programming and Planning Study support and be coordinated with a Feasibility Study prepared by others. The system encourages responses from small firms, minority firms, women owned firms and firms which have not previously performed work for the System, and will consider joint ventures. The proposal is due no later than 3:00 p.m. on November 29, 2004. All questions should be directed, in writing, to Barbara Cooper no later than the close of business, November 17, 2004. It is acceptable to send questions via US mail, fax number 610-436-2720 or e-mail to bcooper2@wcupa.edu. To request a copy of the RFP package, send your request via fax to 610-436-2720 or e-mail to bcooper2@wcupa.edu. Your request must include your full company name, address, phone, fax, contact person's name and e-mail. RFP packages can be picked up at 201 Carter Drive, Suite 200, Room 211, West Chester, PA 19383.

**Department:** State System of Higher Education

**Location:** West Chester University, 201 Carter Drive, Suite 200, Office 211, West Chester, PA 19383

**Contact:** Barbara A. Cooper, (610) 436-2706

[Pa.B. Doc. No. 04-2061. Filed for public inspection November 12, 2004, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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





