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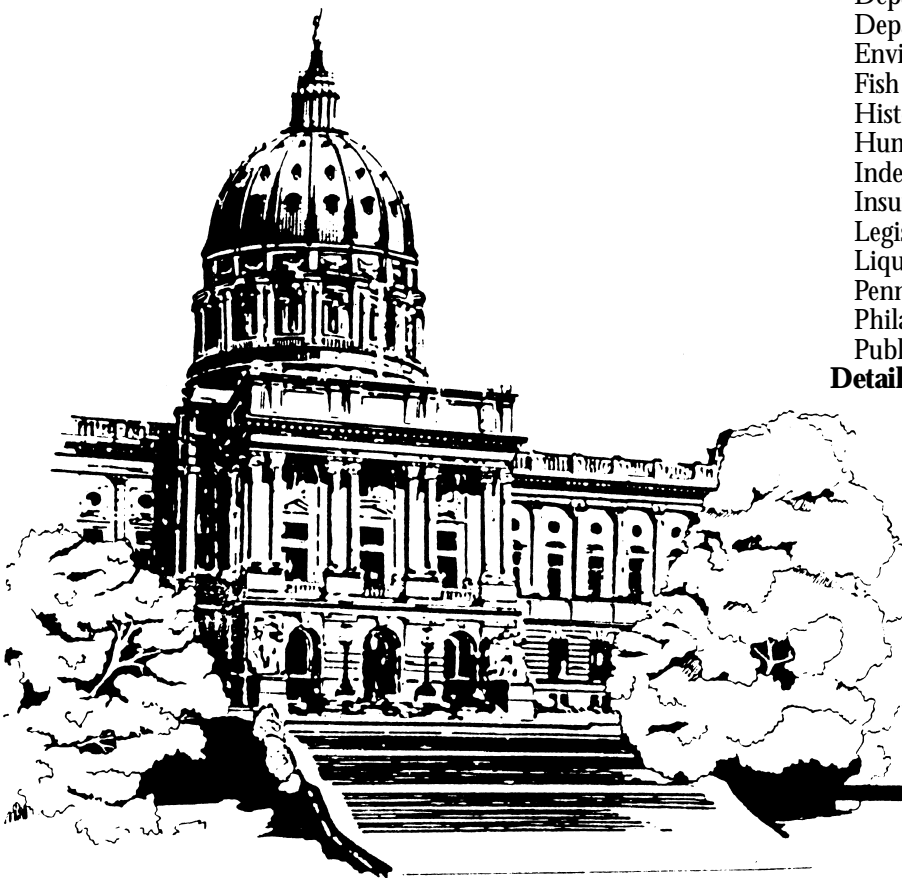
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# PENNSYLVANIA BULLETIN

Volume 34  
Saturday, November 20, 2004 • Harrisburg, Pa.  
Number 47  
Pages 6229—6304

**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
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Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**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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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Rule 430 Service by Publication; No. 2004-J-60

##### Order

Now, this 29th day of October, 2004, *It Is Ordered* that Rule 430 of the Lehigh County Rules of Civil Procedure, in and for the 31st Judicial District of Pennsylvania composed of Lehigh County, be, and the same is, amended to read as set forth as follows, said amendment to become effective on the 30th day following publication in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

#### Rule 430 Service by Publication

(1) Every motion for a special order directing the method of service pursuant to Pa.R.C.P. 430 shall be accompanied by a cover sheet in the form set forth as Appendix 1 of these rules.

(2) The Lehigh Law Journal shall be the legal periodical for the publication of all notices.

#### Appendix 1

#### REQUIREMENTS FOR SPECIAL SERVICE

##### CHECKLIST

)  
)  
) File Number:  
)  
)

Counsel for the moving party has attempted the following efforts marked with an "X":

#### Prerequisites:

- \_\_\_\_\_ Attempted Sheriff service to all known addresses  
\_\_\_\_\_ Examination of motor vehicle records  
\_\_\_\_\_ Penn Dot's Forms DL-503 and 503B (need both forms) (may obtain forms from Penn Dot's website)  
\_\_\_\_\_ Inquiry of postal authority  
\_\_\_\_\_ Examination of local phone directories

#### Discretionary Efforts:

- \_\_\_\_\_ Examination of local tax records  
\_\_\_\_\_ Examination of voter registration records  
\_\_\_\_\_ Inquiry of relatives, neighbors, friends and employers of defendant(s)  
\_\_\_\_\_ Other:

The court will not consider a motion for special service pursuant to Pa.R.C.P. 430 (a) until an affidavit is submitted to Chambers indicating that all prerequisites have been attempted, and at least on discretionary effort.

[Pa.B. Doc. No. 04-2062. Filed for public inspection November 19, 2004. 9:00 a.m.]

### WASHINGTON COUNTY Local Civil Rules; No. 2004-1

#### Order

*And Now*, this 26th day of October, 2004, *It Is Hereby Ordered* that the following Washington County Local Civil Rules be adopted.

These changes shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

MARK E. MASCARA,  
*Judge*

#### Rule L-1915.3 Commencement of Action, Complaint, Order

(a) All actions raising custody, partial custody, visitation or modification of existing orders for minor children shall be commenced by the filing of a verified complaint or petition and a separate scheduling order as set forth in L-1915.15. The scheduling order located in Appendix E must also be filed and processed in accordance with this rule when any Divorce Complaint with a Custody Count is filed or when any Custody Count is filed separately.

(b) The petitioner shall proceed to the Divorce and Custody Office located in the Washington County Family Court Center with an original and two (2) copies of the complaint or petition and the separate scheduling order for an assignment of a date and time for the Pre-Custody Conciliation Conference Meeting. The Pre-Custody Conciliation Conference Meeting shall be scheduled for a date and time not later than forty-five (45) days after filing of the complaint or count. The Divorce and Custody Office will present the complaint to the Family Court Judge for signature and return the signed complaint to the petitioner. The Divorce and Custody Office will attach parenting program information as well as the Parent Plan. The moving party shall attach copies of each to the filed, time-stamped copies of the complaint and serve the defendant.

(c) The moving party shall file proof of service of the complaint or petition with the Washington County Pro-

thonotary and provide a copy of the proof of service to the Divorce and Custody Office prior to the Pre-Custody Conciliation Conference Meeting.

(d) If necessary, the presentation of the pleadings referred to in subdivision (a) shall be the responsibility of the moving party and may be ex parte. The moving party shall be responsible for filing and serving the pleadings in accordance with Pa.R.C.P. 1915.3 and 1915.4. The moving party shall insure that a minimum of seven (7) days notice of the conference or any other appropriate proceeding is afforded to any interested parties. In the event seven (7) days' notice cannot be afforded to any interested parties, the moving party shall notify the Divorce and Custody Office forthwith.

(e) All appropriate costs and fees shall be paid at the time of filing.

#### **Rule L-1915.4 Parenting Program**

All parties to the action shall be ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Conference Meeting. See Administrative Regulation 2002-1.

#### **Rule L-1915.5 Motions**

(a) Objections to jurisdiction or venue, motions concerning discovery, joinder of parties, psychological or psychiatric examinations and appointment of counsel for minors, shall be presented to the Family Court Judge.

(b) If the issue of paternity is raised, the parties shall immediately apply to the Family Court Judge for appropriate relief, with all Custody proceedings to be stayed pending resolution of the paternity issue.

#### **Rule L-1915.6-L-1915.11 Reserved**

#### **Rule L-1915.12 Contempt**

All petitions for contempt for failure to comply with a custody Order shall be presented to the Family Court Judge. The Family Court Judge may refer the Petition, at his/her discretion, to the Child Custody Conference Officer for conference and review. If a resolution of the matter cannot be made promptly, the Child Custody Conference Officer will refer the contempt proceeding to the Family Court Judge and a date for a hearing will be set by the Court. The petition for contempt shall begin with a notice and order conforming with Pa.R.C.P. 1915.12.

#### **Rule L-1915.13 Special Relief**

Motions for special relief should be of an emergency nature and shall be presented to the Family Court Judge. A Complaint for Custody must be prepared if one has not already been filed, a Child Custody Conference Officer appointed and a Pre-Custody Conciliation Conference Meeting date set, which then is presented to the Judge with the motion for special relief. Other matters of a non-emergency nature, as set forth in Local Rule 1915.32 shall be disposed of in accordance with that Rule. Special Relief may be denied without a hearing.

#### **Rule L-1915.14-L-1915.25 Reserved**

#### **Rule L-1915.26 Child Custody Conference Officer**

The position of Child Custody Conference Officer is hereby established. The Child Custody Conference Officer shall be appointed by the Court and shall be a member in good standing of the Pennsylvania Bar.

#### **Rule L-1915.27 Process**

Where a claim for custody, partial custody or visitation is joined with an action of divorce, having been raised by

complaint, counterclaim or a subsequent petition, this claim will not be heard by the Court unless the matter is placed at issue by either of the parties filing a Complaint for Custody in accordance with Local Rule 1915.3.

#### **Rule L-1915.28 Continuances**

(a) Requests for continuances of proceedings before the Child Custody Conference Officer which are not contested shall be presented in writing to the Director of the Divorce and Custody Office prior to the scheduled proceeding.

(b) The practice relating to continuances shall conform to Local Rule 1920.51, except that references to "The Master" shall mean the Child Custody Conference Officer.

(c) A \$25.00 fee will be charged for continuances requested ten (10) days or more prior to the scheduled proceeding. A fee of \$50.00 will be charged for all continuances requested less than ten (10) days prior to the scheduled proceeding. In cases involving true emergencies, the Family Law Judge may consider waiving the \$50.00 fee. No proceeding will be rescheduled until the Divorce and Custody Office has received payment of the appropriate fee.

(d) The fee shall be paid in the form of a check or money order made payable to the Washington County Divorce Office upon presentation of the request for a continuance.

(e) Request for continuances shall be set forth in writing containing the following information:

1. A clear, concise and certain reason for the request.
2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance.
3. A statement of the number of prior continuances, if any.
4. If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.
5. A certification that a copy of the request has been sent to opposing counsel or the opposing party, if unrepresented.

(f) Requests before a Child Custody Conference Officer for continuances of proceedings that are contested shall be presented in writing to the Family Court Judge after proper written notice, in accordance with the Local Rules, of the intention to do so, given to opposing counsel or the opposing party, if unrepresented.

#### **Rule L-1915.29 Pre-Custody Conciliation Conference Meeting Procedure**

(a) The parties shall make a good faith effort to resolve the custody and/or visitation issues prior to the meeting. If resolution occurs prior to or at the time of the meeting, a proposed order shall be drafted in accordance with Pa.R.C.P. No. 1915.7 and submitted to the Court for approval through the Child Custody Conference Officer.

(b) The Divorce and Custody Office will give counsel of record at least seven (7) days notice before any proceeding is conducted.

(c) The Divorce and Custody Office will give a party who is not represented by counsel at least seven (7) days notice before any proceeding is conducted.

#### **Rule L-1915.30 Pre-Custody Conciliation Conference Meeting**

(a) Each parent shall file a Washington County Parent Plan no later than thirty (30) days from the filing of the

Custody Complaint or Modification with the Custody Office. Parent Plan may be found at Appendix F.

(b) The parties may also at any time present a Consent Custody Order to the Family Court Judge.

(c) If no Consent Custody Order pursuant to subsection (b) is presented to the Family Court Judge, the Custody Conference shall proceed as originally scheduled.

(1) All parties, and any child, for whom custody or visitation is sought, shall be present at the Pre-Custody Conciliation Conference Meeting, unless otherwise ordered by the Court.

(2) The Child Custody Conference Officer will attempt to mediate the differences between the parties using mediation skills to come to an amicable settlement of those differences.

(3) The Child Custody Conference Officer will insure that the parties have submitted the Parent Plan. The Child Custody Conference Officer shall also insure that *the* parenting program has been completed by the parties and certification presented.

#### **Rule L-1915.31 Custody Conciliation Conference**

(a) All parties, and any child, for whom custody or visitation is sought, shall be present at the Custody Conciliation Conference, unless otherwise ordered by the Court. Failure of a party to appear at the Custody Conciliation Conference may result in the entry of a custody or visitation order by the Court on the recommendation of the Child Custody Officer in the absence of that party. The absent party may also be subject to contempt proceedings, if appropriate.

(b) The Child Custody Conference Officer will conduct informal proceedings and allow the parties and their witnesses to participate. The Child Custody Conference Officer shall control the presentation of evidence and will determine the amount of time allotted to each party for presentation of their case. Counsel, or the party themselves if unrepresented, may summarize their case to the Child Custody Conference Officer. The Child Custody Conference Officer may take testimony from the parties and any witnesses by swearing in said parties and offering testimony under oath. The proceeding will not be transcribed. At the discretion of the Child Custody Conference Officer, a witness(es) may be permitted to participate via telephone pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony, and subject to subsection (d) below. The conference will last no longer than one-half (1/2) day unless the Child Custody Conference Officer deems one or more issues complex in which event additional proceedings may be scheduled. If an agreement is reached the agreement shall be prepared and signed in the form of a "Custody Consent Order." If no agreement can be reached the Child Custody Conference Officer will prepare a summary report and recommended order and forward same to the Court for the Court's consideration.

(1) The report and recommendation will be prepared and presented to the court within 10 days of the date of the proceeding. The report will include the following:

- a. The recommendation will include mental and physical evaluations and home studies.
- b. Findings of fact on jurisdiction on venue issues.
- c. Recommendations for custody/visitation.

(c) The order will become a final order unless a Request for Custody Trial De Novo and Pretrial Conference is filed within ten (10) days of the date of the service of

the order. A copy of the order shall be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Divorce and Custody Office.

(d) A party requesting to participate by telephone shall submit to the Director written consent from the opposing party (parties). If represented by counsel, counsel shall provide written consent to the Divorce/Custody Office at least ten (10) days prior to the conference. If no consent is given by the opposing party to the requesting party (parties), relief must be obtained from the Family Court Judge by way of a motion pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony.

#### **Rule L-1915.32 Interim Orders**

(a) Where issues regarding the temporary rights of the parties to custody or visitation of a non-emergency nature, as well as the arrangements for psychiatric or psychological examinations and home evaluations, are presented to the Child Custody Conference Officer, the Officer may submit to the Family Court Judge a proposed interim order which will be reviewed by the Court and signed, if the Court deems the order appropriate. A copy of this signed order will be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236.

(b) Any person not satisfied with the interim order may pursue an application for special relief in accordance with Local Rule 1915.13.

#### **Rule L-1915.33 Request for Custody Trial De Novo and Pretrial Conference**

(a) A party may file a Request for Custody Trial De Novo and Pretrial Conference in the Washington County Prothonotary's Office within ten (10) days of the mailing of the Child Custody Conference Officer's Recommended Order issued as a result of the Custody Conference. The request must be presented to the Family Court Judge for the scheduling of the Pretrial Conference. Form of Order may be found at Appendix G.

(b) A copy of the filed request with the scheduled Pretrial Conference date and time must be served on the other counsel, or, if the party is a pro se litigant, then the request must be served on the party. A copy must be delivered to the Director of the Divorce and Custody Office.

(c) A Trial De Novo will be scheduled, barring extenuating circumstances, within ninety (90) days of the request. The Pretrial Conference shall be held during the period between the request for Custody Trial De Novo and the scheduled hearing. Any psychological reports ordered should be obtained during the same period and presented to the Family Law Judge, along with the parties' Pretrial Statements, at least forty-eight (48) hours in advance of the Pretrial Conference.

#### **Rule L-1915.34 Pretrial Child Custody Conference**

(a) All parties and any child for whom custody or visitation is sought shall be present at the judicial pretrial custody conference unless said required attendance is waived by way of Court Order. Failure of a party to appear at the judicial pretrial custody conference may result in the entry of a custody/visitation order by the court.

(b) The court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of court. Upon request, the Family Law Judge will meet privately

with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

**Rule L-1915.35 Uncontested Motions Verification Form**

Any party may utilize, in an effort to comply with the local rules, the Family Court Judge's Uncontested Motions Verification Form, which shall be in the format contained in Appendix H.

**Appendix E**

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA CIVIL DIVISION

\_\_\_\_\_, )  
Plaintiff, )  
VS. ) No. \_\_\_\_\_  
\_\_\_\_\_, )  
Defendant. )

NOTICE AND ORDER TO APPEAR

You, \_\_\_\_\_ have been sued in Court to obtain custody of \_\_\_\_\_.

You are ORDERED to appear in person at the Family Court Center, 29 West Cherry Avenue, Washington, Pennsylvania 15301, on day \_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .m., for a Pre-Custody Conciliation Conference Meeting before \_\_\_\_\_, Esquire, Child Custody Conference Officer.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE  
523 WASHINGTON TRUST BUILDING  
WASHINGTON PA 15301  
(724) 225-6710

DATE: \_\_\_\_\_ J

**Appendix F**

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA CIVIL DIVISION

\_\_\_\_\_, )  
Plaintiff, )  
vs. ) No. \_\_\_\_\_  
\_\_\_\_\_, )  
Defendant. )

WASHINGTON COUNTY PARENT PLAN

THE FOLLOWING INFORMATION SHALL BE COMPLETED AND RETURNED TO THE DIVORCE/ CUSTODY OFFICE AT THE FAMILY COURT CENTER,

SUITE 209, 29 WEST CHERRY AVENUE, WASHINGTON PA 15301, NO LATER THAN ONE WEEK PRIOR TO THE SCHEDULED CONFERENCE.

1) YOUR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE (HOME): \_\_\_\_\_ (WORK) \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

MARITAL STATUS: \_\_\_\_\_

EDUCATION: \_\_\_\_\_

2) CURRENT OCCUPATION: \_\_\_\_\_

PLACE OF EMPLOYMENT: \_\_\_\_\_

WORK SCHEDULE: \_\_\_\_\_

3) IF SEPARATED DATE OF SEPARATION: \_\_\_\_\_

4) NAME OF CURRENT PARTNER; IF APPLICABLE: \_\_\_\_\_

5) MEMBERS OF PRESENT HOUSEHOLD; AND RELATIONSHIP TO CHILD(REN): \_\_\_\_\_

6) FULL NAMES AND DATES OF BIRTH OF CHILDREN INVOLVED IN THIS PROCEEDING:

1) NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

2) NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

3) NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

4) NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

5) NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

7) CHILDREN'S SCHEDULES: (School, Extra Curricular Activities, Clubs)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8) CURRENT CUSTODY SCHEDULE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9) YOUR RECOMMENDATION FOR CUSTODY/  
VISITATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10) ISSUES/PROBLEMS/CONCERNS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11) CHILD SUPPORT ORDER DATE, AMOUNT AND  
ARREARAGES, IF ANY:

\_\_\_\_\_  
\_\_\_\_\_

12) ANY ADDITIONAL INFORMATION YOU WISH  
TO LIST:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Appendix G**  
IN THE COURT OF COMMON PLEAS OF  
WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

\_\_\_\_\_  
Plaintiff, )  
 )  
vs. ) No. \_\_\_\_\_  
 )  
\_\_\_\_\_  
Defendant. )

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2004, upon the request of \_\_\_\_\_ for trial De Novo, a Pretrial Conference in the above-referenced matter is scheduled for \_\_\_\_\_, 2004, at \_\_\_\_\_ .m. All parties are to be present and Pretrial Statements are due at least forty-eight (48) hours before the conference date.

The Court further directs all parties to immediately contact Dan Gittins, Southwestern Pennsylvania Human Services at the C.A.R.E. Center, Inc., 62 East Wheeling Street, Washington, PA 15301, phone number (724) 228-2200. The parties are to enroll in and successfully complete the programs on Parenting, Improved Communication Skills and Conflict Resolution, as well as Individual and Family Counseling. Each party must contact the C.A.R.E. Center and schedule an appointment with that organization before trial De Novo. In the event that any of the parties fail to schedule an appointment and/or actively participate in the counseling sessions directed by the Court, the offending party may be subject to sanctions upon proper Motion.

BY THE COURT:

\_\_\_\_\_  
Family Court Judge

**Appendix H**  
IN THE COURT OF COMMON PLEAS OF  
WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

\_\_\_\_\_  
 )  
\_\_\_\_\_  
Plaintiff, )  
 )  
vs. ) No. \_\_\_\_\_  
 )  
\_\_\_\_\_  
 )  
\_\_\_\_\_  
Defendant. )

UNCONTESTED MOTIONS VERIFICATION FORM

I, \_\_\_\_\_, Esquire, hereby represent to the Court, as indicated by the signature of opposing counsel or litigant(s) below (facsimile accepted), as the case may be, that the attached motion has been served on opposing counsel/litigant(s) and has been consented to by opposing counsel/litigant(s). I further acknowledge and agree to be responsible for retrieving the instant motion after it is signed by the Judge, filing of said motion and order, and service of a copy of the order on all opposing counsel/litigant(s), all in a timely fashion.\* I understand that failure of myself or my client to appear for scheduled hearings may result in imposition of penalties and/or sanctions in the form of fines or attorney's fees upon myself, my firm, and/or my client.

\_\_\_\_\_  
Opposing Counsel/Litigant(s) Presenting Attorney  
\_\_\_\_\_  
Date Date



---

Phone Number

---

Phone Number

\*In cases where a hearing date is to be scheduled, please advise the Judge's secretary of any special scheduling requests, such as vacations, conflict dates, etc.; otherwise a date will be assigned.

[Pa.B. Doc. No. 04-2063. Filed for public inspection November 19, 2004, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

[61 PA. CODE CHS. 31, 46 AND 60]

### Sales and Use Tax; Prebuilt Housing

The Department of Revenue (Department), under section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), proposes to delete §§ 31.30, 46.8 and 61.18 (relating to house trailers and mobile homes; industrialized housing; and sale and installation of prefabricated housing) and proposes to add § 31.33 (relating to prebuilt housing) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

The proposed rulemaking codifies legislative changes relating to prebuilt housing in sections 201(g)(8) and (vv)—(zz), 202(f) and 204(60) of the TRC (72 P. S. §§ 7201(g)(8) and (vv)—(zz), 7202(f) and 7204(60)).

#### *Explanation of Regulatory Requirements*

Proposed § 31.33 sets forth the new rules relating to prebuilt housing. Definitions for use in the section are set forth in subsection (a). Imposition rules for a builder for sales and trade-ins are set forth in subsection (b).

Consistent with section 202(f) of the TRC which provides that a manufacturer may elect to precollect the tax from the builder at the time of sale to the builder, subsection (c) describes the rules which govern the precollection. Subsection (d) explains that no exemptions apply to the sale of prebuilt housing.

Subsection (e) explains that the provisions of this regulation do not apply to the sale and installation of prefabricated buildings, components and accessories which do not qualify as prebuilt housing and are governed by § 31.11 (relating to definitions). Similarly, subsection (f) explains that the section does not apply to the repair and maintenance of prebuilt housing and once again § 31.11 applies.

Upon adoption of § 31.33, provisions inconsistent with this section (§§ 31.30, 46.8 and 60.18) will be deleted from the *Pennsylvania Code*.

#### *Affected Parties*

Manufacturers, builders and purchasers of prebuilt housing may be affected by this proposed rulemaking.

#### *Fiscal Impact*

The Department has determined that this proposed rulemaking will have minimal fiscal impact on the Commonwealth.

#### *Paperwork*

This proposed rulemaking will not create additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

This proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final-form publication. No sunset date has been assigned.

#### *Contact Person*

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the pro-

posed amendment to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 4, 2004, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department.

The Committees may, at any time prior to the submittal of the final-form rulemaking, convey to the Department and IRRC, their comments, recommendations and objections to the proposed rulemaking. IRRC may, within 30 days of the close of the public comment period, submit to the Department and Committees any comments, recommendations and objections to the proposed rulemaking. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the amendments, by the Department, the General Assembly and the Governor.

GREGORY C. FAJT,  
*Secretary*

**Fiscal Note:** 15-426. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 61. REVENUE**

#### **PART I. DEPARTMENT OF REVENUE**

#### **Subpart B. GENERAL FUND REVENUES**

#### **ARTICLE II. SALES AND USE TAX**

#### **CHAPTER 31. IMPOSITION**

#### **§ 31.30. (Reserved).**

*(Editor's Note:* As part of this proposed rulemaking, the Department is proposing to delete the text of § 31.30 which appears at 61 Pa. Code pages 31-38 to 31-54, serial pages (265204) to (265210). Section 31.33 is proposed to be adopted and is printed in regular text to enhance readability.)

#### **§ 31.33. Prebuilt housing.**

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

*Prebuilt housing*— Prebuilt housing which qualifies either as:

(i) Manufactured housing, including mobile homes, which bears the label required by and referred to in the Manufactured Housing Construction and Safety Standards Authorization Act (35 P. S. §§ 1656.1—1656.9).

(ii) Industrialized housing as defined in the Industrialized Housing Act (35 P. S. §§ 1651.1—1651.12).

(iii) The term includes all components or accessories transferred at the time of the sale of the prebuilt housing.

*Prebuilt housing builder*— A person, including a prebuilt housing manufacturer, who makes a prebuilt housing sale to a prebuilt housing purchaser.

*Prebuilt housing manufacturer*— A manufacturer of prebuilt housing.

*Prebuilt housing manufacturer's selling price*—

(i) The total value of anything paid or delivered or promised to be paid or delivered, whether it be money or otherwise, by a prebuilt housing builder to a prebuilt housing manufacturer, for prebuilt housing, add-ons, insurance, seals, deposits, dues, optional equipment and similar charges whether or not the charges are separately stated on one or more purchase agreements.

(ii) The term does not include amounts representing delivery charges, erection charges or set-up fees.

*Prebuilt housing purchaser*— A person who purchases prebuilt housing in a transaction and who intends to occupy the unit for residential purposes in this Commonwealth. Temporary installation by a prebuilt housing builder for display purposes of a unit held for resale will not be considered occupancy for residential purposes.

*Prebuilt housing sale*— A sale of prebuilt housing to a prebuilt housing purchaser, including a sale to a landlord, without regard to whether the person making the sale is responsible for installing the prebuilt housing or whether the prebuilt housing becomes real estate upon installation.

*Purchase price*— The purchase price of prebuilt housing shall be 60% of the prebuilt housing manufacturer's selling price. A prebuilt housing manufacturer of prebuilt housing who elects to precollect tax from the prebuilt housing builder shall have the option to collect tax on 60% of the prebuilt housing manufacturer's selling price or on 100% of the prebuilt housing manufacturer's cost of the materials and equipment incorporated into the prebuilt housing.

*Used prebuilt housing*— Prebuilt housing that was previously subject to a prebuilt housing sale to a prebuilt housing purchaser.

(b) *Imposition of tax.*

(1) *Prebuilt housing builder sales.* A prebuilt housing builder is required to pay tax upon the purchase price of prebuilt housing sold to a prebuilt housing purchaser within this Commonwealth, if the prebuilt housing builder has not paid the applicable tax to the prebuilt housing manufacturer. The prebuilt housing builder is required to pay tax without regard to whether the prebuilt housing is sold as tangible personal property or as real estate. The prebuilt housing builder's written contract with the prebuilt housing purchaser should clearly indicate that the prebuilt housing builder paid applicable tax.

(2) *Trade-in.* The value of a trade-in by a prebuilt housing purchaser to a prebuilt housing builder in connection with the purchase of housing may not be used to reduce the purchase price upon which the prebuilt housing builder is required to pay tax.

(3) *Used prebuilt housing.* Sales tax is not imposed upon the purchase price of used prebuilt housing.

(c) *Prebuilt housing manufacturer's election to collect tax.*

(1) Although the law requires the prebuilt housing builder to pay tax directly to the Department, the law also provides that the prebuilt housing manufacturer has the option to collect tax from the prebuilt housing builder at the time of the purchase of the prebuilt housing by the prebuilt housing builder from the prebuilt housing manufacturer. If the prebuilt housing manufacturer elects to collect tax, the prebuilt housing manufacturer is required to use either of the following to establish the purchase price:

(A) Sixty percent of the prebuilt housing manufacturer's selling price.

(B) One hundred percent of the prebuilt housing manufacturer's cost of materials and equipment incorporated into or as a component of the housing.

(2) If a prebuilt housing manufacturer is also acting as a prebuilt housing builder, the purchase price of the prebuilt housing shall be 60% of the prebuilt housing manufacturer's selling price.

(3) A prebuilt housing manufacturer is not permitted to alternate between these two methods of calculation without prior authorization from the Department.

(d) *Exemptions.* No exemptions apply to the sale of prebuilt housing. Prebuilt housing manufacturers are therefore not required to obtain exemption certificates from prebuilt housing builders. Unless the prebuilt housing manufacturer elects to precollect the tax, the prebuilt housing builder is obligated to remit tax to the Commonwealth on its sale of prebuilt housing to a prebuilt housing purchaser.

(e) *Prefabricated buildings and components which do not qualify as prebuilt housing.* The changes in the law as outlined in this section relate only to prebuilt housing as that term is defined. Therefore, the sale and installation of prefabricated buildings, components and accessories which do not qualify as prebuilt housing are governed by § 31.11 (relating to definitions). Sales of prefabricated buildings, components and accessories, which do not include installation, qualify as sales of tangible personal property. Examples include construction site trailers, travel trailers and modular space units.

(f) *Repair and maintenance of prebuilt housing.* This section relates only to prebuilt housing sales and does not apply to the repair and maintenance of prebuilt housing. The application of tax upon charges made for the repair and maintenance of prebuilt housing is governed by § 31.11.

## CHAPTER 46. CONSTRUCTION CONTRACTORS

### § 46.8. (Reserved).

*(Editor's Note:* As part of this proposed rulemaking, the Department is proposing to delete the text of § 46.8, which appears at 61 Pa. Code pages 46-5, serial page (265809).)

## CHAPTER 60. SALES AND USE TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

### § 60.18. (Reserved).

*(Editor's Note:* As part of this proposed rulemaking, the Department is proposing to delete the text of § 60.18 which appears at 61 Pa. Code pages 60-71 to 60-73, serial pages (200741) to (200742) and (262351).)

[Pa.B. Doc. No. 04-2064. Filed for public inspection November 19, 2004, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and 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 9, 2004.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-8-04	First Financial Bank Downingtown Chester County  Purchase of assets/assumption of liabilities of one branch of PNC Bank, N.A., Pittsburgh, Located at: Pennsylvania Avenue and First Street Avondale Chester County	Downingtown	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-13-04	NOVA Savings Bank Philadelphia Philadelphia County	1235 West Chester Pike Havertown Delaware County	Opened
10-27-04	1st Summit Bank Johnstown Cambria County	WalMart 150 Town Centre Drive Johnstown Richland Township Cambria County	Opened
10-27-04	NOVA Savings Bank Philadelphia Philadelphia County	1235 Westlake Drive Berwyn Chester County	Opened
11-1-04	Landmark Community Bank Pittston Luzerne County	3016 Pittston Avenue Scranton Lackawanna County	Opened
11-5-04	PeoplesBank, a Cordorus Valley Company York York County	1477 Carlisle Road York West Manchester Township York County	Filed
11-8-04	Orrstown Bank Shippensburg Cumberland County	1725 Lincoln Way East Chambersburg Guilford Township Franklin County	Filed

#### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-5-04	Farmers First Bank Lititz Lancaster County	Amendment to Article I of the Articles of Incorporation provides for a change in corporate title to "Susquehanna Bank PA."	Approved and Effective

### SAVINGS INSTITUTIONS

No activity.

## NOTICES

## CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-2065. Filed for public inspection November 19, 2004, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Early Intervention Program

The Department of Community and Economic Development (Department), through the Governor's Center for Local Government Services, gives notice of the establishment of the Early Intervention Program (Program) to assist local governments in this Commonwealth in addressing financial management and fiscal difficulties in a timely and planned manner to avert an adverse impact on health, safety and welfare of their residents. The purpose of the Program is to establish short-term and long-term financial and managerial objectives that strengthen the fiscal capacity of county and municipal governments of this Commonwealth with the integration of long-term community and economic development strategies that strengthen the local government's tax base. The program does include grants of up to \$100,000 to finance up to 50% of the total project costs.

Program guidelines can be found on the Development's website at [www.inventpa.com](http://www.inventpa.com). Grant applications should be submitted online at [www.esa.dced@state.pa.us](mailto:www.esa.dced@state.pa.us).

Program inquiries and requests for hardcopy applications should be directed to The Governor's Center for Local Government Services, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 787-8169 or (888) 223-6837, fax: (717) 783-1402 or [dfernslr@state.pa.us](mailto:dfernslr@state.pa.us).

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 04-2066. Filed for public inspection November 19, 2004, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0038385 (SEW)	Defense Logistics Agency—Defense Distribution Depot Susquehanna Pennsylvania 2001 Mission Drive, Suite 1 New Cumberland, PA 17070-5002	York County Fairview Township	Susquehanna River/7-E	Y
PA0081655 (IW)	Philadelphia Mixers 1221 East Main Street Palmyra, PA 17078	Lebanon County Palmyra Borough	Killinger Creek/7-D	Y
PA0080195 (IW)	Anvil International, Inc. 1411 Lancaster Avenue Columbia, PA 17512	Lancaster County Columbia Borough	Unt Shawnee Run/7-G	Y

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

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

**Application No. PA 0247537**, Industrial Waste, SIC Code 4222, **Cherry Place Properties** (Four Seasons Produce, Inc.), 155 White Oak Lane, Denver, PA 17517.

This facility is located in East Cocalico Township, **Lancaster County**.

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

The receiving stream, Cocalico Creek, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Ephrata Area Joint Authority located on the Cocalico Creek, approximately 3.1 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00245 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6—9	
Temperature		Monitor	

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

The EPA waiver is in effect.

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

**PA0028657-A1**, Sewage, **Nanty Glo Sanitary Sewer Authority**, 879 Wood Street, Nanty Glo, PA 15943.

This application is for amendment of an NPDES permit to discharge treated sewage from the Nanty Glo Sewage Treatment Plant located in Nanty Glo, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Branch Blacklick Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Municipal Authority of Westmoreland County.

*Outfall 001*: existing discharge, new design flow of 0.975 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD-5 Day	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0098957**, Sewage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from the Village of Outcrop STP in Springhill Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Georges Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Dunkard Valley Joint Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.0263 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD-5 Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5/1 to 10/31)	15			30
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 4604202**, Industrial, **Sunoco, Inc. R & M**, 20 10 Penn Center, 1801 Market Street, Philadelphia, PA 19103.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a groundwater remediation system.

**WQM Permit No. 4601410, Amendment** Sewerage, **Toll PA VI L. P.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006.

This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Rerate to existing stp 86,025 gpd to 111,800 gpd..

**WQM Permit No. 4601411, Amendment**, Sewerage, **Toll PA VI L. P.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006.

This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Rerate to existing pump station No. 4 flow from 85,675 gpd to 118,525 gpd. **WQM Permit No. 4604418**, Sewerage, **Toll PA VI, L. P.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006.

This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a pump station to serve 78 units in the Phase II Subdivision.

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

**WQM Permit No. 0604411**, Sewerage, **Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550.

This proposed facility is located in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of a wastewater treatment plant, pump station, gravity sewers and force main to serve the Village of Rehrersburg.

**WQM Permit No. 0604412**, Sewerage, **Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550.

This proposed facility is located in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of a wastewater treatment plant, pump station, gravity sewers and force main to serve the Village of Mt. Aetna.

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

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

*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>Department Protocol (Y/N)</i>
PAG136360	Brownstown Borough 350 Habicht Street Johnstown PA 15906	Cambria	Brownstown Borough		Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0904020	Richard Haney Haney Subdivision	Bucks	Springfield Township	Cooks Creek (EV)
PAI01 0904021	Wenhold Builders, Inc. Wenhold Minor Subdivision	Bucks	Milford Township	Unami Creek (HQ-TSF)
PAI01 1504077	Benjamin F. Freigh, Jr. Freigh Jr. Subdivision 1730 South Keim Street Pottstown, PA 19465	Chester	East Coventry Township	Pigeon Creek (HQ-TSF)

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

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304005	PennDOT District 5 Attn: Heather Heeter 1713 Lehigh St. Allentown, PA 18103	Carbon	Lower Towamensing Township	Buckwha Creek (Hunter Creek to mouth), HQ-CWF, MF - and - Aquashicola Creek (Buckwha Creek to mouth), TSF, MF

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



## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI024804038	Joseph Panuccio Redrock Land Corp. 149 Treeline Drive Pen Argyl, PA 18072	Northampton	Forks Township	Bushkill Creek, HQ-CWF

*Schuylkill County Conservation District: 1206 Ag Center Drive, RR5, Box 5810, Pottsville, PA 17901, (570) 622-3742.*

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI025404003	Paul Goettner 239 East Main St. Suite 203 East Greenville, PA 18401	Schuylkill	Rush Township	Little Schuylkill River, Nesquehoning Creek, CWF, HQ-CWF

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

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI024504029	B & B Real Estate SR 0611 P. O. Box 295 Scotrun, PA 18355 - and - Jeffrey A. Snyder P. O. Box 608 Bartonsville, PA 18321	Monroe	Pocono Township	Scot Run, HQ-CWF

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


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

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI036704005	Scott W. and Janette G. Morris 23 McCurdy Drive New Freedom, PA 17349	York	Springfield Township	Seaks Run/E Branch Codorus Creek/HQ-CWF
PAI033604011	PennDOT Dist. 8-0 2140 Herr St. Harrisburg, PA 17103-1699	Lancaster	Drumore and East Drumore Townships.	Fishing Creek/HQ-CWF

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

*Clinton Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751 (570) 726-3798.*

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI041804005	Pa. Dept. of Transportation 1924 Daisy St. Ext. Clearfield, PA 16830	Clinton	Renovo Borough and Chapman Township	Paddy Run EV

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI090404003	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Beaver	Big Beaver Borough	Jordan Run tributary to North Fork of Little Beaver Creek, HQ-CWF

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


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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.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136360	Brownstown Borough 350 Habicht Street Johnstown PA 15906	Cambria	Brownstown 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. 2104506**, Public Water Supply.

Applicant	<b>Pennsylvania-American Water</b>
Municipality	Silver Spring Township
County	<b>Cumberland</b>
Responsible Official	William C Kelvington, V. P. Operations 800 W. Hershey Park Drive Hershey, PA 17033
Type of Facility	Public Water Supply

Consulting Engineer	James C Elliot, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	10/22/2004
Description of Action	This PWS Permit Application is for the addition of an aqua ammonia feed system and two chemical unloading containment stations at the Silver Spring Water Treatment Plant.
<b>Permit No. 6704515</b> , Public Water Supply.	
Applicant	<b>The York Water Company</b>
Municipality	East Manchester Township
County	<b>York</b>
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	10/28/2004
Description of Action	This PWS application is for the Starview Booster Pump Station.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302-305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of

Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Cassell and Katsarkas Property/Heating Oil Delivery Truck Traffic Incident**, New Britain Township, **Bucks County**. John Woodruff, Groundwater Svc., Intl., Inc., 1123 Tannerie Run Rd., Ambler, PA 19002 on behalf of Mr. and Mrs. Cassell, 795 N. Limekiln Pike, Chalfont, PA 18914 and Mr. and Mrs. Katsarkas, 779 N. Limekiln Pike, Chalfont, PA 18914 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by no. 2 fuel oil. The property will remain as residential.

**Commerce Bank**, Ridley Township, **Delaware County**. Michelle Harrison, React Env. Svc., Inc., 6901 Kinsessing Ave., Philadelphia, PA 19142 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted by chlorinated solvents, leaded/unleaded gasoline and used motor oil.

**1553 Chester Pike Prop.**, Ridley Township, **Delaware County**. Samuel Kucia, Environmental Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401 on behalf of Christina Perrone, Chester Pike, LLP, 204 Wyndom Ln., Radnor, Pa 19087 has submitted a

Notice of Intent to Remediate. Soil at the site was impacted with lead, no. 2 fuel oil and leaded/unleaded gasoline.

**Wachovia Center**, City of Philadelphia, **Philadelphia County**. Lawrence Billy, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Paul Deegan, Philadelphia Authority for Industrial Development, 1500 Market St., 2600 Centre Sq. West, Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with PAH's. The future use of the site is to facilitate a building addition on the northeast corner of the existing Wachovia Center.

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

**Brookwood Street Property**, City of Harrisburg, **Dauphin County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Brookwood Building Corporation, 112 Nagle Street, Harrisburg, PA 17104, submitted a Notice of Intent to Remediate site soils contaminated with petroleum compounds. The applicant proposes to remediate the site as a Special Industrial Area.

**Millardsville Crop Center**, Jackson Township, **Lebanon County**. Environmental Resources Management Inc., 350 Eagleview Blvd., Suite 200, Exton, PA 19341, on behalf of Growmark FS, Inc., 1701 Towanda Avenue, P. O. Box 2500, Bloomington, IL 61702, submitted a Notice of Intent to Remediate site groundwater contaminated with nitrates. The applicant proposes to remediate the site a Site-Specific standard.

**Novelty Manufacturing**, Manheim Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Novelty Manufacturing, 1330 Loop Road, Lancaster, PA 17601, submitted a Notice of Intent to Remediate of site soils and groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to the Statewide Health standard.

**Defense Distribution Depot Susquehanna PA SWMU 6**, Fairview Township, **York County**. Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070, submitted a Notice of Intent to Remediate site groundwater contaminated with volatile organic compounds. The applicant proposes to remediate the site to meet the Site-Specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News* and *York Daily Record/Dispatch* on November 19, 1999.

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

**The News Item**, City of Shamokin, **Northumberland County**. Golder Associates, Inc, 24 Commerce Street, Newark, NJ, 07102 has submitted a Notice of Intent to Remediate soil contaminated with MTBE. This site is being remediated to meet the Background Standard.

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

**Shire Oaks Rail Yard**, Union Township, **Washington County**. Sheri Cahill, ENSR Corporation, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222 (on behalf of Wade Bishop, Pennsylvania Lines, LLC, Three Commercial Place, Norfolk, VA 23510-9241) has submitted a Notice of Intent to Remediate soil and groundwater

contaminated with diesel fuel, benzene, toluene, ethylbenzene, total xylenes, cumene, naphthalene, fluorine and phenanthrene. The applicant proposes to remediate the site to meet the Statewide Health Standard..

**Blackbird Artists Lofts, 36th Street and Butler Streets, City of Pittsburgh, Allegheny County.** Jim Nairn, Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 has submitted a Notice of Intent to Remediate soils contaminated with heavy metals, and semi-volatile organic compounds. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**210 Oliphant Road (David Kennedy Residence), Georges Township, Fayette County.** David Socks, Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Pittsburgh Business Park (formerly known as Papercraft), O'Hara Township, Allegheny County.** David Oliveri, SESTECH Environmental, 650 North Sam Houston Parkway East, Suite 410, Houston, Texas 77060 (on behalf of Peter Yanson, Quadrelle Realty Services, 2501 165th Street, Hammond, Indiana 46320) has submitted a Notice of Intent to Remediate soil contaminated with toluene. The applicant proposes to remediate the site to meet the Statewide Health Standard

**McMinn Property, Dormont Borough, Allegheny County.** Robert McHale, Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Daniel McMinn, McMinn Oldsmobile, Inc., d/b/a/ McMinn Nissan, 226 Portman Lane, Bridgeville, PA 15222) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Statewide Health, and Site-Specific Standards

**COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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

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

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

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

*Coal Applications Received*

*Effluent Limits*

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0mg/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

<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.*

**11833026 and NPDES Permit No. PA0608653.** Greenley Energy Holdings of PA, Inc., 505 Point Drive, Greensburg, PA 15601-5628, surface mining permit renewal for reclamation only in Richland Township, **Cambria County**, affecting 39.5 acres. Receiving stream(s): Little Paint Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 13, 2004.

**32980112 and NPDES Permit No. PA0234893.** **Alverda Enterprises, Inc.**, P. O. Box 245, Alverda, PA 15710, surface mining permit renewal for reclamation only in Pine and Green Townships, **Indiana County**, affecting 54.7 acres. Receiving stream(s): unnamed tributaries to Yellow Creek classified for the following use(s): CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority Yellow Creek surface water intake. Application received October 13, 2004.

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

**63020102 and NPDES Permit No. PA0250309.** **Mulligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Revision to an existing bituminous surface mine for additional acres, located in Smith Township, **Washington County**, affecting 117.1 acres. Receiving streams: unnamed tributaries to Raccoon Creek and Little Raccoon Run., classified for the following use: WWF. There is no potable water supply intake within 10 miles from the point of discharge. Revision application received: October 8, 2004.

**03040102 and NPDES Permit No. PA0250601.** **State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Application for commencement, operation and reclamation of a bituminous surface mine, located in Boggs Township, **Armstrong County**, affecting 87.5 acres. Receiving streams: unnamed tributaries to North Fork Pine Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles from the point of discharge. Application received: November 3, 2004.

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

**10890115 and NPDES Permit No. PA0207683.** **Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242-0044). Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Brady and Worth Townships, **Butler County** affecting 114.0 acres. Receiving streams: Unnamed tributary to Hogue Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: November 1, 2004.

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

**17960101 and NPDES Permit No. PA 0220256.** **Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Revision to an existing bituminous surface mine permit to allow the beneficial use of sewage sludge. The operation will be conducted under General Permit Nos.

PAG089901 and PAG089908, and will employ the use of a portable lime stabilization unit on site. The permit is located in Morris Township, **Clearfield County** and affects 184.8 acres. Receiving stream(s): Hawk Run. Application received: September 28, 2004.

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

**54841304T. Rausch Creek Land, LP**, (928 Gap Street, Valley View, PA 17983), transfer of an existing anthracite underground mine operation from International Anthracite Corp. in Hegins Township, **Schuylkill County** affecting 56.2 acres, receiving stream: West Branch Rausch Creek. Application received October 29, 2004.

#### *Noncoal Permit Applications Received*

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

**16990301. Glen Gery Corporation** (P. O. Box 7001, 1166 Spring Street, Wyomissing, PA 19610). Renewal of NPDES Permit No. PA 0241521, Monroe Township, **Clarion County**. Receiving streams: Reid's Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: November 1, 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 (LPVRSa).

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 (PFO).

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 LPVRSa 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).

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

**E39-444. Opus East, LLC**, 620 Germantown Pike, Suite 150, Plymouth Meeting, PA 19462, in Upper Macungie Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an outfall structure consisting of twin 60-inch diameter reinforce concrete pipes, concrete endwall and riprap apron in the floodway of Iron Run and to construct and maintain two 6-inch diameter

steel encased DIP sanitary sewer line crossings of Iron Run (Topton, PA Quadrangle N: 13.3 inches; W: 3.8 inches).

**E40-642. Mericle Development Corporation**, 100 Baltimore Drive, Wilkes-Barre, PA 18702-7939, in West Hazleton Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain an enclosed bottle conveyor bridge, having an underclearance of approximately 38 feet, across Black Creek (CWF), to provide a connection between Graham Packaging Company, Inc. and Dial Corporation, located approximately 600 feet apart. The welded steel tube superstructure will be supported by reinforced concrete columns, one of which is to be situated within 50 feet of the channel. The project is located at 75 Jaycee Drive in the Valmont Industrial Park (Conyngham, PA Quadrangle N: 18.0 inches; W: 2.7 inches).

**E40-641. Thomas and Kathleen Moses**, 251 Bunker Hill Road, Wyoming, PA 18644, in Kingston Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To excavate and to place fill, impacting approximately 0.20 acre of PEM wetlands adjacent to the left bank of a tributary to Toby Creek, for the purpose of constructing a private pond for recreation, fire protection, and aesthetics. The project is located on the west side of T-631 (Bunker Hill Road), approximately 0.4 mile northeast of the intersection of T-631 and SR 1029 (Kingston, PA Quadrangle N: 10.6 inches; W: 4.3 inches).

**E35-379. Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519-9068, in Dickson City Borough, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing outfall structure and to construct and maintain a combined sewer outfall consisting of 36-inch diameter ductile iron pipe, concrete endwall and backflow preventer in the floodway of the Lackawanna River (Olyphant, PA Quadrangle N: 15.75 inches; W: 15.90 inches).

**E39-443. Randy and Amy Tacker**, 418 West Washington Street, Slatington, PA 18080, in Lynn Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 18-foot wide driveway through 0.13 acre of PEM wetlands within the Ontelaunee Creek Watershed (HQ-CWF). The project is located on the north side of Lentz Road, approximately 0.9 mile west of Mosserville Road (New Tripoli, PA Quadrangle N: 14.7 inches; W: 4.3 inches).

**E64-251. John and Maryann Sorrentino**, 85-76 Eighty-Seventh Street, Wood Haven, NY 11421, in Lake Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain fill that was placed in 0.11 acre of PFO wetlands for the purpose of constructing a residential driveway, garage and walkway. The project is located on the west side of Beyea Pond, along Chivers Road (T-372) (Lake Ariel, PA Quadrangle N: 12.4 inches; W: 5.2 inches).

**E40-640. Luzerne County Flood Protection Authority**, 200 North River Street, Wilkes-Barre, PA 18711-1001, in Edwardsville, Exeter, Forty Fort, Kingston, Luzerne, Plymouth, Pringle and Wyoming Boroughs, Han-

over Township, and Wilkes-Barre City, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To operate and maintain the Wyoming Valley Levee System, within the floodplain along the Susquehanna River and its tributaries. The flood control protection system includes approximately 16 miles of levee/floodwall, 14 stormwater pumping stations, and several gravity storm sewer gates. Maintenance will include channel cleaning/sediment removal to maintain design capacity along tributaries upstream and downstream of pump stations, at gravity outfall stations and within the Toby Creek Impoundment Basin. The project is located along the Susquehanna River (Wilkes-Barre West, PA Quadrangle N: 22.5 inches; W: 1.3 inches).

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

**E31-200. PennDot Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Clay Township, **Huntingdon County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a 14-foot by 6.67-foot box culvert at the channel of an unnamed tributary to Three Springs Creek (CWF) and associated improvements on SR 2004 Segment 0020, Offset 0000 in order to improve the traffic safety condition located about 0.7 mile southeast of Three Springs Borough (Orbisonia, PA Quadrangle N: 11.15 inches; W: 14.17 inches) in Clay Township, Huntingdon County.

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

**E18-381. Department of Conservation and Natural Resources**, 15187 Renovo Road, Renovo, PA 17764. Honey Run Trail Bridge, in Leidy Township, **Clinton County**, ACOE Baltimore District (Keating, PA Quadrangle N: 17.56 inches; W: 6.00 inches).

To construct and maintain a 13.5 foot clear span wooden bridge on existing abutments and an underclearance of 4.5 feet for a public hiking trail, called Alice's Trail, to cross Honey Run located 1.1 mile up Alice's Trail from the parking lot at the Bush Dam. The project will indirectly impact 3 feet of Honey Run that is a HQ-CWF without temporary or permanent wetland impacts.

**E60-167. Ervin N. Hoover**, 742 Dice Road, Mifflinburg, PA 17844. Hoover Drive, in Limestone Township, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 1.75 inches; W: 3.98 inches).

To: 1) remove an existing twin culvert crossing; 2) construct and maintain a flatbed trailer bridge with a 25 foot clear span and a maximum underclearance of 5 feet over Sweitzers Run; 3) place riprap on the banks of the Run at the inlet and outlet of the bridge, located 0.8 mile up Dice Road from SR 304. The project will indirectly impact 24 feet of Sweitzers Run that is a Warm Water Fishery with no temporary or permanent wetland impacts.

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

**E02-1483. Gregory J. Bittner**, 1409 Mt. Royal Boulevard, Glenshaw, PA 15116. Construct an office building in Hampton Township, **Allegheny County**, Pittsburgh

ACOE District. (Glenshaw, PA Quadrangle N: 10.0 inches; W: 13.5 inches and Latitude: 40° 33' 01"—Longitude: 79° 58' 30"). The applicant proposes to remove an existing building and to construct and maintain a medical office building and underground storage system on the right bank of an unnamed tributary to Pine Creek (TSF). The project is located on the south side of Ferguson Road, just west from the intersection of Ferguson Road and Mt. Royal Boulevard.

**E03-428. Jack Claypoole**, R. D 2, Box 153, Dayton, PA 16222. Construct three culverts in Cowanshannock Township, **Armstrong County**, Pittsburgh ACOE District. (Rural Valley, PA Quadrangle N: 13.0 inches; W: 4.2 inches and Latitude: 40° 15' 79"—Longitude 79° 16' 50"). The applicant proposes to remove the existing structures and to construct and maintain three 48-inch culverts having lengths of 120 feet, 65 feet and 50 feet in South Branch Pine Creek (HQ-CWF) for the purpose of constructing a horse track. The project is located off of Bucktail Road.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA67-009: Raymond Melato**, York College: West Campus Project, 439 Country Club Road, York, PA 17405-7199, Spring Garden Township, **York County**, ACOE Baltimore District.

To replace an existing, underground, "piped" stream, with a new stream channel in order to connect two existing reaches of stream. As part of the creation of the proposed stream channel, a minor road crossing, in the form of the installation of a box culvert, is anticipated. Presently, a reach of approximately 180-feet on an unnamed tributary to the Codorus Creek (WWF) is piped via an old, undersized terra-cotta pipe. The pipe will be removed, channel restored and an appropriately sized box culvert will be installed all located in Spring Garden Township, York County.

#### STORAGE TANKS

##### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

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**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101-1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

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<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04018	WMPI PTY., LLC P. O. Box R Frackville, PA 17931 Attn: John W. Rich, Jr.	Schuylkill	Mahanoy Township	15 ASTs storing Hazardous Substance and Petroleum	1,965,779 gallons total capacity

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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.

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**I. NPDES Renewal Permit Actions**


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


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

**NPDES Permit No. PA-0064343**, Industrial Waste, **Pennsylvania American Water Company**, 4 Wellington Road, Wyomissing, PA 19610. This proposed facility is located in Wind Gap Borough, **Northampton County**.

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

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



**NPDES Permit No. PA0024708**, Sewage, **Municipal Authority of the Township of Union**, Union Township POTW, P. O. Box 5625, Belleville, PA 17004-9701. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Kishacoquillas Creek in Watershed 12-A.

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

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

**WQM Permit No. 1504414**, Sewerage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sewer pumping station.

**WQM Permit No. WQG018303**, Sewerage, **Girl Scouts of Beaver and Lawrence Counties**, Camp Elliott, 443 Third Street, Beaver, PA 15009. This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve a seasonal Girl Scout Camp.

**WQM Permit No. 1500421-B2**, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: The increase of the disposal area and capacity in the Eagle Hunt Spray Field from 24,415 gpd to 29,940 gpd.

**WQM Permit No. 0904410**, Sewerage, **Marie Tomlinson**, 1244 Asbury Avenue, Ocean City, NJ 08226. This proposed facility is located in Haycock Township, **Bucks County**.

Description of Proposed Action/ Activity: Construction and operation of a small flow treatment facility with stream discharge to serve a new single family detached building.

**WQM Permit No. 1504411**, Sewerage, **London Grove Township Municipal Authority**, 372 Rosehill Road, Suite 300, West Grove, PA 19390. This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewer line and pumping station.

**WQM Permit No. 1598425**, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of on lot disposal and spray irrigation system.

**WQM Permit No. 4604417**, Sewerage, **Elizabeth Zimmer**, 1080 Old Sumneytown Pike, Harleysville, PA 19438. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a small flow sewage treatment facility.

**WQM Permit No. 1592408**, Sewerage, **John Stoltzfus**, 920 Pleasant View Road, Honey Brook, PA 19344. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility.

**WQM Permit No. 0903418**, Sewerage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Action/Activity: Expansion of existing treatment facilities and additional spray fields.

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

**WQM Permit No. 1304401**, Sewerage, **Nesquehoning Borough**, 114 West Catawissa Street, Nesquehoning, PA 18240. This proposed facility is located in Nesquehoning Borough, **Carbon County**.

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

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

**WQM Permit No. 0500407 Amendment 04-1**, Sewerage, **South Woodbury Township**, 125 North Road, New Enterprise, PA 16664. This proposed facility is located in South Woodbury Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction and operation of sewerage facilities consisting of a 0.250 mgd extended aeration wastewater treatment plant.

**WQM Permit No. 2170410 Amendment 04-1**, Sewerage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070. This proposed facility is located in Lower Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the modification of sewerage facilities consisting of conversion from chlorine to UV disinfection, installation of a sodium hypochlorite feed system for backup disinfection and control of filamentous bacteria, and installation of current density baffles and launder covers in final clarifiers.

**WQM Permit No. 6704409**, Sewerage, **Northeastern York County Sewer Authority**, P. O. Box 516, Mt. Wolf, PA 17347. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities involved with the Chestnut Valley Pump Station.

**WQM Permit No. 3604203**, CAFO, **Kreider Farms**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction of manure storage facilities.

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

**WQM Permit No. 0204411**, Sewerage, **Ken Gratkie**, 163 West Drive, Oakdale, PA 15071. This proposed facility is located in North Fayette Township, **Allegheny County**.

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

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

**WQM Permit No. WQG018321**, Sewerage, **Angela D. and Mark D. Diver, Jr.**, 3319 Bolivar Street, Erie, PA 16510. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. WQG018323**, Sewerage, **Martha C. Long**, 2107 Meadville Road, Titusville, PA 16354. This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U187	Strausser Enterprises, Inc. 604 Village at Stones Crossing Easton, PA 18045-5080	Northampton	Palmer Township	Tributary to Bushkill Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044104004	Ray W. Eck 2862 Gap Road Allenwood, PA 17810	Lycoming	Washington Township	White Deer Hole Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10K022R	Whispering Woods Estates and Stonebridge Golf Course	Erie	Millcreek Township	Thomas Run (HQ-CWF; MF)

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

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

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

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

PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type-PAG-02*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Upper Hanover Township Montgomery County	PAG2004604108	MacIntosh Builders, Inc. The Mai Property 602 East Broad Street, P. O. Box 432 Souderton, PA 18964	Macoby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004603132	Eastern Equities, Inc. Meadow Glen at Skippack 1240 New Rodgers Road Bristol, PA 19007	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604194	Upper Providence Township Arcola Road Reconstruction 1286 Black Rock Road P. O. Box 406 Oaks, PA 19456	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004604061	Penn Gwyn, LP Enclave at Evansburg 404 Sumneytown Pike, Suite 200 North Wales, PA 19454	Unnamed Tributary Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004604199	John Kelimen Jones Brothers Warehouse/Office 4092 Skippack Pk, P. O. Box 880 Skippack, PA 19474	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004604130	Asher's Chocolates 80 Wambold Road Souderton, PA 18964	Unnamed Tributary Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004604179	Evansburg State Park Skippack Golf Course Renovations P. O. Box 8451 Harrisburg, PA 17105	Skippack Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004604151	Sisters of Mercy Gwynedd Mercy College Dormitory Sumneytown Pike Gwynedd Valley, PA 19437	Trewellyn Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham and Springfield Townships Montgomery County	PAR10T918	Department of Transportation SR 309 Section 102 7000 Geerdes Boulevard King of Prussia, PA 19406	Sandy Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004604180	D and P Associates 481 Crossfield Road King of Prussia, PA 19406'	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Telford Borough Montgomery County	PAG2004604126	Investment Development LLC Erie Avenue Tract 38 Lodges Lane Bala Cynwyd, PA 19004	Indian Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Conshohocken Borough Montgomery County	PAG2004604059	Sturbridge Associates, LLC Sturbridge Associates Development 4092 Skippack Pike Skippack, PA 19474	Plymouth Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsburg Borough Montgomery County	PAG2004604072	Summit Realty Advisors, LLC CVS Pharmacy 621 Delaware Street New Castle, DE 19720	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Stroudsburg Borough Monroe County	PAG2004504004	Notre Dame Jr./Sr. High School c/o Father Thomas McLaughlin 60 Spangenburg Ave. East Stroudsburg, PA 18301	Brodhead Creek, TSF, MF	Monroe Co. Cons. Dist. (570) 629-3060
St. Clair Borough Schuylkill County	PAG2005404024	Hunter Ridge Development Co. 650 Sentry Parkway Blue Bell, PA 19422	Mill Creek, CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Wright Township Luzerne County	PAG2004004013	W-Cat, Inc. 10 Fox Run Road Drums, PA 18222	Watering Run, CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Lower Paxton and South Hanover Townships Dauphin County	PAG2-0022-04-052	PA DOT District 8-0 2140 Herr Street Harrisburg, PA 17103	Beaver Creek/WWF	Dauphin County Conservation District (717) 921-8100
Derry Township Dauphin County	PAG2-0022-04-044	Penn State University Milton S. Hershey Medical Center Physical Building—Plant Building University Park, PA 16802-1118	Swatara Creek-Spring Creek East/WWF	Dauphin County Conservation District (717) 921-8100
Derry Township Dauphin County	PAG2-0022-04-055	Derry Township Commercial Development Authority 235 Hockersville Road Hershey, PA 17033	Spring Creek East/WWF	Dauphin County Conservation District (717) 921-8100
Southampton Township Cumberland County	PAG2-0021-03-029 (1)	Prologis Development Services, Inc. One Capital Drive, Suite 103 Cranbury, NJ 08512	Thompson Run /CWF	Cumberland County Conservation District (717) 240-7812
Centre County Walker Township	PAG2001404006	Glen Acres Subdiv. Dave Force 2643 Gen. Pottery Hwy. Spring Mills, PA 16875	Unt. Nittany Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Patton Township	PAR10F146-R1	The Village at Penn State Pinnacle Development 501 Rolling Ridge Dr. Suite 200 State College, PA 16801	Unt. Big Hollow CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Sandy Township	PAG2001704013	Sandy Township Municipal Auth. 12th and Chestnut Ave. P. O. Box 267 DuBois, PA 15801	Pentz Run-CWF Sandy Lick Creek-CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Crawford County Vernon Township	PAG2-0020-04-008	Major Kevin Schoch Salvation Army (The Salvation Army—Thrift Store/Warehouse SR0322 Meadville)	Watson Run (WWF)	Crawford Conservation District (814) 724-1793
Mercer County City of Hermitage	PAG2-0043-04-017	255 Elm Street P. O. Box 398 Oil City, PA 16301 (SR 3014-A00 Highland Road)	Pine Hollow Run And Pine Run (WWF)	Mercer Conservation District 724-662-2242
Mercer County City of Hermitage	PAG2-0043-04-018	255 Elm Street P. O. Box 398 Oil City, PA 16301 SR 0518 Lamor Rd	Pine Hollow Run (WWF)	Mercer Conservation District 724-662-2242
Butler County West Liberty Borough	PAG2091004006	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Hogue Run, CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

*General Permit Type— PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Cumberland County Lower Allen Township	PAR203519	ASF—Keystone 3420 Simpson Ferry Road Camp Hill, PA 17011	Cedar Run to Yellow Breeches / CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR123517	Hubbard Feeds Inc. 3349 Hempland Road Lancaster, PA 17601	West Branch Little Conestoga / TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Washington County Chartiers Township	PAR236121	Crouse-Hinds Division P. O. Box 579 Meadow Lands PA 15347	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type— PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Allegheny County North Fayette Township	PAG046292	Ken Gratkie 163 West Drive Oakdale PA 15071	UNT to Pinkerton Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Washington Township, Erie County	PAG048344	Richard A. Benedict 10491 Fry Road Edinboro, PA 16412	Unnamed Tributary to Lamson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Summerhill Township, Crawford County	PAG048319	Gary A. Willison, 17701 South Norrisville Road Conneautville, PA 16406	Unnamed Tributary of Rundelltown Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lackawannock Township, Mercer County	PAG048657	Anita L. Kammerdiener 196 Horvath Farm Road Hermitage, PA 16148	Unnamed Tributary of Magargee Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenfield Township, Erie County	PAG049013	Angela D. and Mark D. Diver, Jr. 3319 Bolivar Street Erie, PA 16510	Unnamed Tributary to Sixmile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cherrytree Township, Venango County	PAG049016	Martha C. Long, 2107 Meadville Road, Titusville, PA 16354	Unnamed Tributary to Prather Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*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>
Upper St. Clair Township Allegheny County	PAG056147	Sunoco Inc 5733 Butler Street Pittsburgh PA 15201	McLaughlin Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
McCandless Township Allegheny County	PAG056172	Sunoco Inc (R&M) 5733 Butler Street Pittsburgh PA 15201	UNT of Little Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type— PAG-10*

<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>
Statewide: Discharge points to be provided prior to discharge.	PAG109601	Dominion Energy, Inc. 625 Liberty Avenue Pittsburgh, PA 15222 (412) 690-1024	Statewide Use- Water/use information to be provided to DEP before the discharge	DEP Central Office 400 Market Street, Harrisburg, PA 17105 (717) 787-8184

**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.*

**Permit No. 0104501**, Public Water Supply.

Applicant **R D Partnership**  
Municipality **Cumberland Township**  
County **Adams**  
Type of Facility **Construction of Well No. 5 at Lincoln Estates MHP**  
Consulting Engineer **Janet R McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325**  
Permit to Construct Issued: **August 11, 2004**

**Permit No. 0104503 MA, Minor Amendment**, Public Water Supply.

Applicant **Lake Meade Municipal Authority**  
Municipality **Latimore Township**  
County **Adams**  
Type of Facility **Construction of a new 438,000-gallon water storage tank.**  
Consulting Engineer **Janet R McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325**  
Permit to Construct Issued: **November 4, 2004**

**Permit No. 0604516 MA, Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania-American Water Company**  
Municipality **Exeter Township**  
County **Berks**

Type of Facility **Repainting of existing Douglassville finished water storage tank.**  
Consulting Engineer **Scott M Thomas, P. E. Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033**  
Permit to Construct Issued: **October 29, 2004**

**Permit No. 2104505 MA, Minor Amendment**, Public Water Supply.

Applicant **HQ Carlisle Barracks**  
Municipality **Federal-US Army Carlisle Barracks**  
County **Cumberland**  
Type of Facility **This PWS Permit is for the repair and repainting of two finished water storage tanks.**

Consulting Engineer **Gary Sweppenhiser, P. E. HQ Carlisle Barracks 309 Engineer Avenue Attn: ATZE-DPW Carlisle, PA 17013**

Permit to Construct Issued: **October 29, 2004**

**Permit No. 3804502 MA, Minor Amendment**, Public Water Supply.

Applicant **Mount Gretna Camp Meeting Association**  
Municipality **West Cornwall Township**  
County **Lebanon**  
Type of Facility **This Minor Amendment Permit is for the repainting of the Association's existing 66,000 gallon water storage tank.**

Consulting Engineer **Scott M. Rights, P. E. Steckbeck Engineering Associates 43 N Cornwall Rd Lebanon, PA 17042**

Permit to Construct Issued: **September 14, 2004**

**Operations Permit** issued to: **Pennsylvania American Water Company**, 7210029, Hampden Township, **Cumberland County** on 2/3/2004 for the operation of facilities approved under Construction Permit No. 2102506.

**Operations Permit** issued to: **Williamstown Borough Authority**, 7220037, Williamstown Borough, **Dauphin County** on 7/21/2004 for the operation of facilities approved under Construction Permit No. 2202501.

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

**Permit No. Minor Amendment-Operation** Public Water Supply.

Applicant **Ralston Area Joint Authority**  
Township or Borough **McIntyre Township**

County **Lycoming**  
 Responsible Official John Orr, Chairman  
 Ralston Area Joint Authority  
 P. O. Box 93  
 Ralston, PA 17763  
 Type of Facility Public Water Supply-Operation  
 Consulting Engineer N/A  
 Permit Issued Date November 4, 2004  
 Description of Action Operation of the new finished water storage tank and relocation of the chlorination facility.

**Permit No. 4904501-Construction** Public Water Supply.

Applicant **Sunbury Municipal Authority**  
 Township or Borough City of Sunbury  
 County **Northumberland**  
 Responsible Official Dan W. Ramer, General Manager  
 Sunbury Municipal Authority  
 462 South Fourth Street  
 Sunbury, PA 17801

Type of Facility Public Water  
 Supply-Construction  
 Consulting Engineer John P. Mazich, P. E.  
 Uni-Tec Consulting Engineers,  
 Inc.  
 2007 Cato Avenue  
 State College, PA 16801

Permit Issued Date November 4, 2004  
 Description of Action Installation of the following chemical feed systems: polyaluminum chloride, potassium permanganate, sodium carbonate and blended phosphate.

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

**Operations Permit** issued to: **Meadows Manor Boarding Home**, 600 Freeport Road, Butler, PA 16001, PWSID# 5100424, Jefferson Township, **Butler County**, on November 5, 2004, for the operation of the water treatment system including Well No. 3 as the only source, as approved under Construction Permit No. 1003502.

**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>
Juniata Township	901 Poplar Run Road Duncansville, PA 16635	Blair County

Plan Description: Approval of a revision on November 2, 2004, to the Official Plan of Juniata Township, Blair County by Samuel Price. Project involves construction of a small flow treatment facility to serve a proposed

single-family dwelling located on Dry Run Road 1 mile south of intersection with Mill Run Road. Treated effluent is to be discharged into a tributary of Dry Run. 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 owner as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	800 39th Street Altoona, PA 16602	Blair County

Plan Description: Approval of a revision on November 2, 2004, to the Official Plan of Logan Township, Blair County by Thomas Delozier. Project involves construction of a small flow treatment facility to serve a proposed single-family dwelling located on Kittanning Point Road; west towards Altoona Lake. Treated effluent is to be discharged into Burgoon Run. 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 owner as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manheim Township	1840 Municipal Dr., Lancaster, PA 17601	Lancaster County

Plan Description: The approved plan provides for extension of sewer service to 266 residential units, 18,000 sq ft of office space and 33,802 sq. ft. of commercial space for a total sewage flow of 96,410 gpd tributary to the Lancaster Area Sewer Authority sewage system. The development is located at the intersection of Fruitville Pike and Petersburg Rd. The DEP code number is A3-36937-265-3 and the APS number is 535110. The name of the development is Whetherburn Commons. 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, documenta-



tion 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.*

**Norma R. Lewis Prop.**, City of Philadelphia, **Philadelphia County**. Andrew C. Thomas, P.G., MACTEC engineering and Consulting, Inc., 5205 Militia Hill Rd., Plymouth Meeting, PA 19462 on behalf of Norma R. Lewis, 1609 Chattin Rd., Glenside, PA 19038 has submitted a Final Report concerning remediation of site soil contaminated with inorganic compound lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**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 Associates, 1027 Conshohocken Road, Conshohocken, PA 19428, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health standard.

**Buonarroti Trust Property**, Susquehanna Township, **Dauphin County**. Mavickar Environmental Consultants, Inc., 1240 North Mountain Road, Harrisburg, PA 17112, on behalf of Buonarroti Trust Property, 1001 Elmerton Avenue, Harrisburg, PA 17110, submitted a Final Report concerning remediation of site groundwater contaminated with iron and manganese. The report is intended to document remediation of the site to the Site-Specific standard.

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

**McMinn Property**, Dormont Borough, **Allegheny County**. Robert McHale, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on

behalf of Daniel McMinn, McMinn Oldsmobile, Inc., d/b/a/ McMinn Nissan, 226 Portman Lane, Bridgeville, PA 15222) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

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

**Lawrence County Sportsmen's Assoc Site/Millennium Park**, New Castle, **Lawrence County**. Scott Whipkey of RAR Engineering Group, 1135 Butler Ave., New Castle PA 16101 on behalf of Linda Nitch of Lawrence County Economic Development Corp., 229 S Jefferson St., New Castle PA 16101 has submitted a Baseline Remedial Investigation Report concerning the remediation of a former shooting sports facility contaminated with Lead and other Heavy Metals. The report is intended to document remediation of the site to meet the special industrial area requirements.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 3

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

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

approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Williams Quik Mart**, Tioga Borough, **Tioga County**, Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Tioga petroleum Company, Inc., 125 Brooklyn Street, Mansfield, PA 16933, has submitted a Final Report concerning soils and groundwater contaminated with lead. This Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department on November 4, 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.**

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

**35-310-039GP3: NEV, Inc.** (RR No. 3, Box 3662, Honesdale, PA 18431) on November 3, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at Covington Industrial Park, Route 435, Covington Township, **Lackawanna County**.

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

**GP1-49-01: Runnerless Knits** (301 North Fifth Street, Sunbury, PA 17801) on October 8, 2004, to authorize the construction and operation of a 21,000,000 Btu per hour natural gas/no. 2 fuel oil fired boiler pursuant to the General Plan Approval and General Operating Permit for Small Gas and no. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in the City of Sunbury, **Northumberland 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.**

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

**15-0078D: Centocor, Inc.** (90 Great Valley Parkway, Malvern, PA 19355) on November 4, 2004, to operate an electric generator in East Whiteland Township, **Chester County**.

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

**48-304-032: Victaulic Co. of America** (4901 Kesslerville Road, Easton, PA 18042) on November 1, 2004, to construct a cold core box machine and associated air cleaning devices at their facility in Forks Township, **Northampton County**.

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

**17-305-020A: Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866) on October 5, 2004, to reactivate their coal processing plant in Decatur Township, **Clearfield County**.

**17-00037A: King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866) on October 5, 2004, to construct their coal processing plant in Morris Township, **Clearfield County**.

**59-301-021: Carleton Funeral Home, Inc.** (11470 Route 6, Wellsboro, PA 16901) on October 19, 2004, to construct a crematory incinerator in Charleston Township, **Tioga County**.

**8-313-027E: OSRAM SYLVANIA, Inc.** (Hawes Street, Towanda, PA 18848) on October 19, 2004, to construct a tungsten carbide jet mill and associated air cleaning devices (a fabric collector and an absolute filter) in North Towanda Township, **Bradford County**.

**41-00013B: Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) on October 19, 2004, to construct a coil coating line and associated air cleaning device (a regenerative thermal oxidizer) in the City of Williamsport, **Lycoming County**.

**18-315-001: First Quality Tissue, LLC** (599 South Highland Street, Lock Haven, PA 17745) on October 20, 2004, to construct a paper towel and tissue manufacturing facility incorporating two paper machines and ancillary equipment in Castanea Township, **Clinton County**.

**49-302-057A: International Paper** (1008 Locust Gap Highway, Mount Carmel, PA 17851) on October 26, 2004, to modify two natural gas-fired boilers by allowing the use of no. 2 fuel oil in addition to natural gas in Mount Carmel Township, **Northumberland County**.

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

**AMS 04108: Naval Surface Warfare Center** (5001 South Broad Street, Code 357, Philadelphia, PA 19112) on October 18, 2004, RACT plan approval was amended to include five 125 mmbtu/hr boilers in Philadelphia, **Philadelphia County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0155: Milton Roy Co.** (201 Ivyland Road, Ivyland, PA 18974) on November 5, 2004, to operate two paint booths in Ivyland Borough, **Bucks County**.

**15-0104B: Tasty Baking Oxford, Inc.** (700 Lincoln Avenue, Oxford, PA 19363) on November 4, 2004, to operate a line No. 2 in Oxford Borough, **Chester County**.

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

**28-03039A: Warrior Roofing Manufacturers of Pennsylvania, LLC** (3050 Warrior Road, P. O. Box 40185, Tuscaloosa, AL 35404-0185) on October 1, 2004, to install a second asphalt roofing felt production line at their existing plant in Greene and Letterkenny Townships, **Franklin County**. This plan approval was extended.

**67-02004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on November 1, 2004, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York 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.*

**32-00368B: TJS Mining, Inc.** (RD No. 1, Box 260D, Shelocta, PA 15774) on November 2, 2004, to operate their coal screening plant at Rossmoyne No. 1 Mine in South Mahoning Township, **Indiana County**. This Plan Approval was extended.

**04-00033B: Nova Chemicals, Inc.** (400 Frankfort Road, Monaca PA 15061) on November 3, 2004, to install a D2 PES/ARCELunit at their Beaver Valley Facility in Potter Township, **Beaver County**. This Plan approval was extended.

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

**46-00062: Jefferson Smurfit Corp.—US** (500 Church Road, North Wales, PA 19454) on November 3, 2004, to amend the operation of a Facility Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**.

**46-00005: Merck and Co.** (770 Sumneytown Pike, West Point, PA 19486-0004) on November 3, 2004, to incorporate four plan approves in Upper Gwynedd Township, **Montgomery County**. This amendment incorporated four plan approvals (PA-46-0005Q for a 750 kW emergency generator and a 1500 kW diesel/no. 2 fuel oil fired emergency generator each with a limit of 400 hours per 12 month period, PA-46-0005T for two 1300 kW natural gas fired generators (peaking and emergency) each with a limit of 500 hours per 12 month period, PA-46-0005W for a 770 bhp natural gas fired generator (peaking and emergency) with a non-selective catalytic reduction system and a limit of 500 hours per 12 month period), and PA-46-000X for a 375 kW emergency generator with a two-way catalytic reduction system and a limit of 100 hours per 12 month period). The amendment also incorporates two RFDs (46-A01-1803, and 46-A01-2180), changes the responsible official, and clarifies permit conditions for the alternative operating scenarios. Additionally, the permit includes changes to the following:

Sources 039 (Turbine), 005 (Rotary Kiln Incinerator), and Site Level Research and Development, which were addressed in a Minor Operating Permit Modification. Administrative Amendment and modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.450 and 127.462.

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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.*

**46-00151: PPL Interstate Energy Company** (214 Shoemaker Road, Pottstown, PA 19464) on November 2, 2004, to operate a Natural Minor Operating Permit in Salford Township, **Montgomery County**.

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

**07-05015: Altoona Regional Health System** (620 Howard Avenue, Altoona, PA 16601) on November 1, 2004, to operate four natural gas/no. 2 oil fired boilers and four diesel operated emergency generators in Altoona City, **Blair County**.

**07-05037: Cove Shoe Co.** (107 Highland Street, Martinsburg, PA 16662) on November 3, 2004, for a Synthetic Minor Operating Permit at the company's Martinsburg men's footwear production facility in Martinsburg Borough, **Blair County**.

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

**63-00646: Ritchey Metals Co., Inc.** (30 Georgetown Road, Hendersonville PA 15339 on November 3, 2004, to operate manufacturing aluminum and zinc based alloys at the Hendersonville Plant in Cecil Township, **Washington 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.*

**36-05082: Clark Filter** (3740 Hempland Road, Lancaster, PA 17601) on November 4, 2004, to operate paper coating and curing lines at their Hempfield Division Plant in West Hempfield Township, **Lancaster County**. This Title V Operating Permit was administratively amended to include the requirements of Plan Approval No. 36-05082B. This is Revision No. 2.

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### **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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 Bitumi-**

nous 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

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

**11031702. NPDES Permit No. PA0235512, Pristine Resources, Inc.**, (3250 Interstate Drive, Richfield, OH 44286), to operate the Mine 77 AMD Plant in East Taylor Township, **Cambria County** for post-mining water treatment. Surface Acres Proposed 22.84. Receiving Streams: Unnamed tributary to Little Conemaugh River, classified for the following uses: WWF. Permit issued November 1, 2004.

**11860701. NPDES Permit No. PA0214981, Fuel Recovery, Inc.**, (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143), to revise the permit for Sonman Refuse in Portage Township, **Cambria County** to change post-mining land use from forestland to wildlife habitat and to place circulating fluidized bed ash on the permitted site. No additional discharges. Permit issued November 2, 2004.

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

**32040101 and NPDES Permit No. PA0249548, Twin Brook Coal, Inc.**, P. O. Box 225, Clymer, PA 15728, commencement, operation and restoration of a bituminous surface and auger mine, in Green Township, **Indiana County**, affecting 41.0 acres. Receiving stream: unnamed tributary to Dixon Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 30, 2004. Permit issued: November 2, 2004.

**32020103 and NPDES Permit No. PA0249211. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, SMP transfer in Cherryhill Township, **Indiana County**, affecting 67.5 acres. Receiving streams: unnamed tributaries to Two Lick Creek and Two Lick Reservoir classified for the following uses: CWF and TSF. The first downstream potable water supply intake from the point of discharge is PA American Water Company Two Lick Creek Surface Water Intake. Application received May 5, 2004. Permit issued November 3, 2004.

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

**03980107 and NPDES Permit No. PA0202495. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Washington Township, **Armstrong County**, affecting 355.6 acres. Receiving streams: unnamed tributary to Allegheny River to Allegheny River. Application received: July 29, 2004. Renewal issued: November 4, 2004.

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

**24980105 and NPDES Permit No. PA0227871. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Horton Township, **Elk County** affecting 139.0 acres. Receiving streams: Karnes Run, Johnson Run and unnamed tributary to Brandy Camp Creek. Application received: March 22, 2004. Permit Issued: October 28, 2004.

**24980102 and NPDES Permit No. PA0227781. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 196.0 acres. Receiving streams: Limestone Run and Little Toby Creek. Application received: March 22, 2004. Permit Issued: October 28, 2004.

**33010102 and NPDES Permit No. PA0241890. McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Revision to an existing bituminous strip and auger operation to add tippie refuse disposal in Perry Township, **Jefferson County** affecting 56.4 acres. Receiving streams: Two unnamed tributaries to Foundry Run and Foundry Run. Application received: August 27, 2004. Permit issued November 3, 2004.

**33990111 and NPDES No. PA0241571. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Young and McCalmont Townships, **Jefferson County** affecting 171.5 acres. Receiving streams: Unnamed tributary to Little Elk Run and an unnamed tributary to Elk Run. Application received: September 10, 2004. Permit issued November 2, 2004.

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

**17930125 and NPDES Permit No. PA 0219665. EnerCorp, Inc.** (1686 Allport Cutoff, Morrisdale, PA 16858). Renewal of, and revision to, an existing bituminous surface mine permit for a change in land use from forestland to pastureland. The permit is located in Morris Township, **Clearfield County**, and affects 130 acres. Receiving stream: unnamed tributary to Moshannon Creek. Application received: July 27, 2004. Permit issued: October 29, 2004.

#### Noncoal Permits Actions

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

**43040301. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137) Commencement, operation and restoration of a sand and gravel operation in East Lackawannock Township, **Mercer County** affecting 10.6 acres. Receiving stream: Neshannock Creek. Application received May 7, 2004. Permit issued November 3, 2004.

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

**08040809. Robert C. Seeley** (R. R. 2, Box 1685, Mansfield, PA 16933). Commencement, operation and restoration of a small industrial minerals (flagstone) permit in Columbia Township, **Bradford County** affecting 5 acres. Receiving stream: unnamed tributary, tributary to North Branch Sugar Creek. Application received: July 2, 2004. Permit issued: October 27, 2004.

**08040808. Robert H. Fields** (R. R. 1, Box 93, Stevensville, PA 18845). Commencement, operation and restoration of a small industrial minerals (flagstone/shale) permit in Herrick Township, **Bradford County** affecting

5 acres. Receiving stream: unnamed tributary, tributary to Cold Creek. Application received: June 24, 2004. Permit issued: October 27, 2004.

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

**58030823. Chester E. Kilmer, Jr.**, (R. R. 1 Box 1079, Hop Bottom, PA 18834), commencement, operation and restoration of a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 25, 2003. Permit issued November 1, 2004.

**6478NC4C2 and NPDES Permit No. PA0121606. David H. Martin Excavating, Inc.**, (4961 Cumberland Highway, Chambersburg, PA 17201-9655), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Antrim Township, **Franklin County**, receiving stream: unnamed tributary to Muddy Run. Application received September 16, 2004. Renewal issued November 2, 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*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**67044106. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Hess Service Center in Carroll Township, **York County** with an expiration date of December 31, 2005. Permit issued November 1, 2004.

**67044107. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Holly Hill Development in Carroll Township, **York County** with an expiration date of October 15, 2005. Permit issued November 1, 2004.

**36044116. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Donegal Springs Phase II in Mt. Joy Township, **Lancaster County** with an expiration date of December 30, 2005. Permit issued November 1, 2004.

**38044104. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Stone Knoll Development Phases IV & V in South Londonderry Township, **Lebanon County** with an expiration date of November 30, 2005. Permit issued November 1, 2004.

**46044101. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Perkiomen Township, **Montgomery County** with an expiration date of December 31, 2005. Permit issued November 2, 2004.

**46044036. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting for Hidden Pond Housing Project in Horsham Township, **Montgomery County** with an expiration date of November 25, 2005. Permit issued November 2, 2004.

**23044010. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Middletown

Township, **Delaware County** with an expiration date of November 25, 2005. Permit issued November 2, 2004.

**45044036. West End Drilling & Blasting, Inc.** (P. O. Box 1646, Brodheadsville, PA 18322), construction blasting at East Stroudsburg University in Smithfield Township, **Monroe County** with an expiration date of November 26, 2005. Permit issued November 2, 2004.

**67044053. KE Shank, Inc.** (700 Weldon Drive, York, PA 17404), and DC Guelich Explosives Co. (P. O. Box 245, Thomasville, PA 17364), construction blasting for Orion West Housing Development in West Manchester Township, **York County** with an expiration date of October 31, 2005. Permit issued November 2, 2004.

**09044037. West End Drilling & Blasting, Inc.** (P. O. Box 1646, Brodheadsville, PA 18322), construction blasting for Fox Field Estates in Milford Township, **Bucks County** with an expiration date of November 26, 2005. Permit issued November 2, 2004.

**09044101. Brubacher Excavating, Inc.**, (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Cliffside Manor in Bedminster Township, **Bucks County** with an expiration date of December 31, 2005. Permit issued November 3, 2004.

**45044107. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for a pool in Smithfield Township, **Monroe County** with an expiration date of January 31, 2005. Permit issued November 3, 2004.

**45044108. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Meadow Lake Park in Chestnuthill Township, **Monroe County** with an expiration date of November 1, 2005. Permit issued November 3, 2004.

**38044105. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in North Lebanon Township, **Lebanon County** with an expiration date of December 30, 2004. Permit issued November 4, 2004.

**45044109. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Smithfield Township, **Monroe County** with an expiration date of March 31, 2005. Permit issued November 4, 2004.

**09044038. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Smith School Work in Bedminster Township, **Bucks County** with an expiration date of December 2, 2005. Permit issued November 4, 2004.

**15044045. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Trestle Bridge Business Center in Downingtown Borough, **Chester County** with an expiration date of November 25, 2005. Permit issued November 4, 2004.

**36044089. Abel Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Rose Hill Farms, Phase I in Adamstown Borough, **Lancaster County** with an expiration date of September 26, 2005. Permit issued November 4, 2004.

**67044054. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for Beckenham Subdivision in Manchester Township, **York County** with an expiration date of October 31, 2005. Permit issued November 4, 2004.

**28044044. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Maple Run Development Phase 7 in

Chambersburg Borough, **Franklin County** with an expiration date of November 30, 2005. Permit issued November 5, 2004.

**06044043. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Green Valley Estates Phase 12 in Lower Heidelberg Township, **Berks County** with an expiration date of November 25, 2005. Permit issued November 5, 2004.

**09044039. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Cooks Run Interceptor in New Britain & Doylestown Townships, **Bucks County** with an expiration date of May 4, 2005. Permit issued November 5, 2004.

**46044037. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Lederach Golf Development in Lower Salford Township, **Montgomery County** with an expiration date of November 25, 2005. Permit issued November 5, 2004.

**21044106. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting in Stonehedge Development in Upper Allen Township, **Cumberland County** with an expiration date of March 1, 2005. Permit issued November 5, 2004.

**67044108. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Hunter Creek in Conewago Township, **York County** with an expiration date of December 30, 2005. Permit issued November 5, 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.

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E14-467. Haubert Homes Inc.** 15 Central Boulevard, Camp Hill, PA 17011, Patton Township, **Centre County**, Baltimore ACOE District (Julian, PA Quadrangle N: 11.51 inches; W: 2.04 inches).

To place fill in 0.09 acre of two palustrine emergent (PEM) wetlands identified on the plans as Wetland A measuring 0.0616 acre and Wetland D measuring 0.0312 acre. The fill is for the construction of two storm water detention basins for the Coventry Place housing development. The project is located Southeast of the Clearview Avenue and North Allen Street intersection with a second access at the end of Alder Street (Julian PA, Quadrangle N: 11.51 inches; W: 2.04 inches) in Patton Township, Centre County.

**E47-078. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754. Bridge Replacement in Anthony Township, **Montour County**, ACOE Baltimore District (Washingtonville, PA Quadrangle N: 15.4 inches; W: 9.0 inches).

To: 1) remove the existing single span timber deck steel I-beam bridge which is on a 90° skew, with a span length of 44 feet, a normal opening of 39 feet, a hydraulic opening of 281 square feet, an underclearance of 7.22 feet, a curb-to-curb width of 14.1 feet and an out-to-out width of 15.2 feet; 2) construct and maintain a single span prestressed concrete box beam bridge on a 70° skew with concrete wingwalls, a clear span of 62.8 feet, a normal opening of 59 feet, a hydraulic opening of 373 square feet, an underclearance of 6.32 feet, a curb-to-curb width of 34.8 feet and an out-to-out width of 38.2 feet; and 3) construct and maintain 229 cubic yards R-8 riprap scour protection extending 5 linear feet beyond the concrete wingwalls. The project will involve about 0.5 acre of earth disturbance.

The project is located on SR 1004, Section 013, segment 0010, offset 1553 over Chillisquaue Creek approximately 0.4 mile northeast of the intersection of SR 1004 with SR 54.

The project will have a de minimus impact on 0.006 acre of wetlands while impacting about 105 feet of waterway. Chillisquaue Creek is a Warm Water Fisheries stream.

**E55-199. Barry and Michelle Heim**, R. R. 1, P. O. Box 163, Port Treverton, PA 17864. Water Obstruction and Encroachment Permit Application, in Union Town-

ship, **Snyder County**, ACOE Susquehanna River Basin District (Dalmatia, PA Quadrangle N: 14.3 inches; W: 0.1 inches).

To construct and maintain a steel I-beam bridge measuring 30 feet wide with an underclearance of 5 feet containing reinforced concrete abutments measuring 8 feet wide by 6 feet high by 1 foot thick in Silver Creek located along Silver Creek Road, 1 mile northeast of the intersection with SR 0015 S. This project proposes to have a minimal impact on Silver Creek, which is listed as a "WWF." The project does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.139e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E56-329. Hidden Valley Resort, LP**, One Craighead Drive, Hidden Valley, PA 15502. Construct timber bridges in Jefferson Township, **Somerset County**, Pittsburgh ACOE District. (Bakersville, PA Quadrangle N: 11.8 inches; W: 16.93 inches and Latitude: 40° 03' 54"—Longitude: 79° 14' 46"). To seasonally, between November 15 and March 15 of each year, construct and maintain timber bridges, across Kooser Run (HQ-CWF) and an adjoining, abandoned fish hatchery, to create a snow tubing trail over these watercourses. Two 70-foot × 20-foot bridges, separated by 40 feet will be seasonally constructed over Kooser Run, while one 180-foot × 15-foot bridge will be seasonally constructed over the abandoned fish hatchery. These structures will temporarily affect approximately 0.07 acre of adjacent wetlands. The timber bridges will be replaced by timber deck structures, as the logs for the timber bridges deteriorate and need to be replaced. In addition, the applicant will construct approximately 0.13 acre of wetland, by partially removing fill from a former pond that was affected by a previously, unauthorized activity. The site is located in Hidden Valley's Outback Park area, which is located along SR 0031, approximately 0.25 miles past the main entrance to the Hidden Valley Resort.

## SPECIAL NOTICES

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

### Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for the Elk Creek Watershed

The Department of Environmental Protection (Department) is holding a public meeting on December 15, 2004, beginning at 6 p.m. at the Elk County Court House Annex in Ridgway, PA, to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. Five stream segments in the Elk Creek Watershed have been identified as impaired on the 1996-303(d) list due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

Stream Code	Stream Name	Miles Degraded
50459	Elk Creek	16.3
50459	Elk Creek (North Branch)	0.8
50518	Elk Creek (South Branch)	3.6
50473	Daguscahonda Run	6.0
50513	Iron Run	1.0

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:

Parameter	Criterion value (mg/l)	Total Recoverable/ Dissolved
Aluminum	0.1 of the 96 hour LC 50 0.75	Total Recoverable
Iron	1.5 0.3	Total Recoverable Dissolved
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 heavily mined for coal and clay in the late 19th and to the mid 20th centuries. The effects of this are still present. Mining continues today in the watershed. All of the allocations made in the TMDL are load allocations (LA), 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 percent 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 the establishment of this TMDL is field data collected over the past three years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Elias Heferle, Water Pollution Biologist, Knox District Mining Office, P. O. Box 669, Knox, PA 16232, (814) 797-1191. E-mail will be received at [ehferle@state.pa.us](mailto:ehferle@state.pa.us). Directions to the Elk County Court House Annex can also be obtained through this contact. The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previously listed address and must be postmarked by January 19, 2005. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Friday, December 10, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

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

### Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for the Loyalsock Creek Watershed in Sullivan and Lycoming Counties

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Loyalsock Creek Watershed in Sullivan and Lycoming Counties. The meeting will be held on December 7, 2004, beginning at 6:30 p.m. at the Worlds End State Park Office located in Forksville, PA. Individuals who plan to make a presenta-



tion at the public meeting should contact John Mital, Moshannon District Mining Office, at (814) 342-8200 no later than 4 p.m. on Thursday, December 2, 2004. The Department will consider all comments in developing the final TMDL for the Loyalsock Creek Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Loyalsock Creek Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Loyalsock Creek 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>
19804 (7097)	Loyalsock Creek	13.4

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 Loyalsock Creek 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 Loyalsock Creek 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 Loyalsock Creek Watershed. Written comments must be postmarked by January 19, 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](mailto:jmital@state.pa.us).

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to Worlds End State Park, contact John Mital at the phone number or e-mail address listed previously.

The proposed TMDL for the Loyalsock Creek Watershed can be accessed through the Department's website at [www.dep.state.pa.us](http://www.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.

#### **Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the North Camp Run Watershed in Clearfield County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the North Camp Run Watershed in Clearfield County. The meeting will be held on Tuesday, December 28, 2004, beginning at 6:30 p.m. at the Clearfield County Multiservice Center on Daisy Street, Clearfield, 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 Wednesday, December 22, 2004. The Department will consider all comments in developing the final TMDL for the North Camp Run Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the North Camp Run Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the North Camp 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>
26830 (7198)	North Camp Run	1.4

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 North Camp 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 North Camp 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 North Camp Run Watershed.



Written comments must be postmarked by January 19, 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](mailto:jmital@state.pa.us).

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Clearfield County Multiservice Center, contact John Mital at the phone number or e-mail address listed previously.

The proposed TMDL for the North Camp Run Watershed can be accessed through the Department's website at [www.dep.state.pa.us](http://www.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.

**Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the Sterling Run Watershed in Centre County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Sterling Run Watershed in Centre County. The meeting will be held on Tuesday, December 28, 2004, beginning at 6:30 p.m. at the Clearfield County Multiservice Center on Daisy Street in Clearfield, 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 Wednesday, December 22, 2004. The Department will consider all comments in developing the final TMDL for the Sterling Run Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Sterling Run Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Sterling 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>
25573 (7151)	Sterling Run	9.7

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 Sterling 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 Sterling 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 Sterling Run Watershed. All written comments must be postmarked by January 19, 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](mailto:jmital@state.pa.us).

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Clearfield County Multiservice Center, contact John Mital at the phone number or e-mail address listed previously.

The proposed TMDL for the Sterling Run Watershed can be accessed through the Department's website at [www.dep.state.pa.us](http://www.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.

[Pa.B. Doc. No. 04-2067. Filed for public inspection November 19, 2004, 9:00 a.m.]

**Coal and Clay Mine Subsidence Insurance Board; Meeting Change**

The annual meeting of the Coal and Clay Mine Subsidence Insurance Board has been rescheduled and moved to an alternate location. The meeting will now take place on December 15, 2004, at 10 a.m. in the 12th Floor Conference Room, 400 Market Street, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting can be directed to Lawrence Ruane at (717) 783-9590 or [lruane@state.pa.us](mailto:lruane@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us> (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lawrence Ruane at the telephone number or e-mail address listed in this notice 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. 04-2068. Filed for public inspection November 19, 2004, 9:00 a.m.]

**Proposed Revision to the State Implementation Plan for Architectural and Industrial Maintenance Coatings; Sherwin-Williams Company Variance Application for Clear Wood Coatings—Varnishes; Public Hearings**

The Sherwin-Williams Company (Sherwin-Williams) has submitted an application, dated September 29, 2004, to the Department of Environmental Protection (Department) for a variance from the volatile organic compound (VOC) content limits in 25 Pa. Code § 130.603 (relating to standards) for “clear wood finishes—varnishes.” The Sherwin-Williams variance application was submitted in accordance with 25 Pa. Code § 130.606 (relating to application for variance), which provides that a person who cannot comply with the VOC content limits in 25 Pa. Code § 130.603(a) may apply in writing to the Department for a variance. In accordance with 25 Pa. Code § 130.606, the application for variance must address the specific grounds upon which the variance is sought, the proposed date by which compliance with 25 Pa. Code § 130.603(a) will be achieved and a compliance report detailing the methods by which compliance will be achieved. The Department will submit each Variance Order to the United States Environmental Protection Agency for approval as a State Implementation Plan (SIP) revision.

In accordance with 25 Pa. Code § 130.606, the Department will not grant a variance unless the applicant demonstrates in writing to the Department’s satisfaction that:

- (1) It is technologically infeasible for the applicant to comply with 25 Pa. Code § 130.603(a).
- (2) The public interest in issuing the variance would outweigh the public interest in avoiding increased emissions of air contaminants that would result from issuing the variance.
- (3) The compliance program proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

Sherwin-Williams claims in the September 29, 2004, application for variance that it is technologically infeasible for Sherwin-Williams to formulate certain “clear wood coatings—varnishes” to comply with the VOC content limit for “clear wood coatings—varnishes” specified in 25 Pa. Code § 130.603(a) “. . . without creating unacceptable safety hazards, application, handling and performance problems for nonprofessional users; or substantially decreasing the solids content and thus increasing the number of coats required to achieve desired film thickness.” In the application for variance, Sherwin-Williams describes a research and development compliance plan by which compliance with the regulations will be achieved, and Sherwin-Williams indicates that the company’s research and development efforts are directed toward a targeted compliance goal of January 1, 2010.

In accordance with 25 Pa. Code § 130.610 (relating to public hearings), the Department will hold public hearings on the Sherwin-Williams variance application to seek public comment on the following:

- (1) Whether a variance from 25 Pa. Code § 130.603(a) is necessary.
- (2) Under what conditions a variance from 25 Pa. Code § 130.603(a) is necessary.

- (3) To what extent a variance from 25 Pa. Code § 130.603(a) is necessary.

In addition to the previous, the Department will also seek comments on a Department-proposed Variance Order for issuance to Sherwin-Williams, as well as proposed revisions to the SIP. The Department-proposed Variance Order for issuance to Sherwin-Williams includes a requirement that compliance with 25 Pa. Code § 130.603 will be achieved by January 1, 2010, and that incremental progress reports will be sent to the Department to assure timely compliance. A variance issued by the Department shall cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

Based on data provided by Sherwin-Williams regarding sales in this Commonwealth of the materials for which the variance is requested, the Department estimates that, if the variance is granted, Statewide VOC emissions will be approximately 0.3 ton per day higher than if Sherwin-Williams were to market coatings at the compliance level. For the five-county Southeast Pennsylvania ozone nonattainment area, the granting of the variance will result in VOC emissions approximately 0.08 ton per day higher than if the affected materials were formulated at compliance levels.

*Public Hearings*

The Department will hold two public hearings to receive comments on the variance application submitted by Sherwin-Williams, as well as the proposed SIP revisions and the Department-proposed Variance Order. The public hearings will be held as follows:

December 21, 2004, 10 a.m., Southeast Regional Office, Stoney Creek Conference Room, 2 East Main Street, Norristown, PA 19401

December 22, 2004, 1 p.m., Southcentral Regional Office, Juniata River Room, 909 Elmerton Avenue, Harrisburg, PA 17110

Individuals who wish to present testimony at the hearings should reserve a time by contacting Susan Ferree, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or sferree@state.pa.us. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. 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 Wick Havens at (717) 787-9495. TDD users should contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

*Written Comments*

Written comments on the variance application submitted by Sherwin-Williams, as well as the proposed SIP revisions, and the Department-proposed Variance Order, should be sent by 12 p.m. on January 20, 2005, to Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468.

*Availability of Documents*

Sherwin-Williams’ application for a variance and the Department’s proposed Variance Order are available from Terry Black at the previous address or tblack@state.pa.us. These documents are also available on the Department’s

website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (Subjects/Air Quality/Regs Plans/Clean Air Plans).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-2069. Filed for public inspection November 19, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Crozer Chester Medical Center Upland for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Crozer Chester Medical Center Upland has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2A1 (relating to patient rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodate to do so should contact the Division at the previous address or phone number for speech and/or hearing impaired persons, V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-2070. Filed for public inspection November 19, 2004, 9:00 a.m.]

### Application of Elk Regional Health Center for Exceptions

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested exceptions to the requirements of 28 Pa. Code §§ 51.6 and 153.1 (relating to identification of personnel; and minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically re-

quests exemption from the following standard contained in this publication: 7.10H1 (relating to catheterization lab).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous address or phone number for speech and/or hearing impaired persons, V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-2071. Filed for public inspection November 19, 2004, 9:00 a.m.]

### Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous address or phone number for speech and/or hearing impaired persons, V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-2072. Filed for public inspection November 19, 2004, 9:00 a.m.]

### 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 public meeting on Friday, December 3, 2004, from 10 a.m. to 3 p.m. in Room 907, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact 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. 04-2073. Filed for public inspection November 19, 2004, 9:00 a.m.]

### Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Homewood at Plum Creek  
425 Westminster Avenue  
Hanover, PA 17331

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

ManorCare Health Services—Bethel Park  
60 Highland Park  
Bethel Park, PA 15102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-2074. Filed for public inspection November 19, 2004, 9:00 a.m.]

### Required Ground and Air Ambulance Equipment and Supplies

Under 28 Pa. Code §§ 1005.10(c) and 1007.7(c) (relating to licensure and general operating standards; and licensure and general operating requirements), the following equipment and supplies shall be carried and readily available in working order for use on basic and advanced life support (ALS) ambulances, which also includes air (rotorcraft) ambulances.

#### A. Ground Ambulance Requirements

*Ground Ambulances: Basic Life Support/ALS Mobile Care Unit /ALS Squad Unit*

The ambulance must:

1. Meet the requirements of current Federal Specifications KKK 1822 in effect at the time of its manufacture regarding design type, floor plan, general configuration and exterior markings. (Does not apply to an ALS squad unit.)

2. Meet the Pennsylvania Vehicle Code requirements, especially 67 Pa. Code Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles), which includes:

a. Having red flashing or revolving exterior emergency lighting visible 360° around the vehicle.

b. Having a flashing headlamp system.

c. Have no more than one flashing or revolving white or clear light or a light bar assembly that may contain no more than two flashing or revolving white or clear lights.

d. Have no more than two amber lights other than the turn signal indicators.

3. Have the following emblems and markings affixed to the vehicle exterior:

a. The word "AMBULANCE," mirror imaged, shall be block, blue, die cut style letters, not less than 4 inches high, centered above the grill. The placement of the word "AMBULANCE" on the curved surface of the hood or on a flat plastic type bug screen is permitted.

b. The word "AMBULANCE" shall be in block, blue, die cut style letters of not less than 6 inches in height centered, with a white border, alongside or under the "Star of Life" on each side and rear of the vehicle.

c. A "Star of Life" not less than 3 inches, blue, die cut style, with a white border located both to the right and left of the word "AMBULANCE."

d. A "Star of Life" not less than 16 inches, blue, die cut style, with a white border on the right and left side panels.

e. A "Star of Life" not less than 12 inches, blue, die cut style, with a white border on each rear door.

f. A "Star of Life" not less than 32 inches, blue, die cut style (may be without the white Staff of Aesculapius) on the ambulance rooftop.

*Note:* An ALS squad unit is required to have only 3 inches size "Stars of Life" and no other markings or emblems, but it must have the required number, that is six. These are two on the front, one on each side and two on the rear.

4. The name of the ambulance service or its registered fictitious name in letters at least 3" in size on both the right and left exterior sides of the vehicle. Service name must be the dominant lettering.

5. Be equipped with an electronically operated audible warning device with a 110-watt speaker.

6. Have overhead interior lighting that illuminates the entire top surface of the patient litter, stairwell lighting and courtesy lights that must illuminate the ambulance's controls (Does not apply to an ALS squad unit.)

7. Have a dual battery system. (Does not apply to an ALS squad unit.)

8. Have one fully charged fire extinguisher rated at least 2 A: 10 B: C easily accessible by personnel, and mounted securely in an exterior compartment or mounted and easily accessible in the cab of the vehicle. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12 calendar months, and have the appropriate and completed inspection tag attached.

9. Have a power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. All exterior and interior lighting and on-board equipment should be able to run at least five minutes without placing a demand on the engine.

10. Have a floor that is flat, reasonably unencumbered, free of equipment in the walk through areas, nonskid and well maintained. (Does not apply to an ALS squad unit.)

11. Have minimum interior dimensions of 60" from floor to ceiling. (Does not apply to an ALS squad unit.)

12. Have an installed patient partition to separate the patient area from the driver area. (Does not apply to an ALS squad unit.)

13. Have storage cabinets with sliding doors or with latches or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to an ALS squad unit.) Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on an ALS squad unit must be in cabinets or secured at all times.

14. Have two IV hangers mounted flush with the ceiling. (Does not apply to an ALS squad unit.)

15. Have a litter for transporting a patient and at least three patient restraint straps in good operating condition secured to the litter. (Does not apply to an ALS squad unit.)

16. Have doors that function properly with door seals that are in good condition; that is, not cracked, broken or missing pieces.

17. Have a "No Smoking" sign in both the driver and the patient compartment. On an ALS squad unit only one sign in the driver's compartment is required.

18. Have operational heating, cooling and ventilation equipment.

19. Have a current vehicle inspection validation issued by the state where the vehicle is registered.

20. Have operational radio equipment for communication with a public safety answering point (PSAP) (where 911 calls are answered) and hospitals in the ambulance services emergency service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

21. Have an installed, on-board oxygen system with the following: (Does not apply to an ALS squad unit).

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The securing brackets must be mounted to the vehicle frame. Services may use a liquid oxygen system that provides the same volume.

b. The cylinder must have more than 500 psi (500 liters of oxygen) of pressure at all times and be secured with at least three metal or nylon brackets while in the compartment.

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0-25 lpm delivery.

e. The unit must be equipped with a non-breakable humidifier.

22. Have an installed, on-board suctioning system with the following components and/or capabilities: (Does not apply to an ALS squad unit).

a. It is fitted with a large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

e. The tubing must be able to reach airways of patients regardless of the patient's position in the ambulance and must be able to reach the head and foot of the litter.

23. Must show proof of current motor vehicle insurance.

#### **B. AIR (Rotorcraft) Ambulance Requirements**

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on its exterior.

2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.

3. An "Air Worthiness Certificate" from the Federal Aviation Administration (FAA).

4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.

5. Have an FAA Form 337 with items No. 1 (which identifies the aircraft), No. 2 (which identifies the aircraft owner), and No. 7 (which shows that the aircraft is approved to "Return to Service") completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 65-85° during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A pilot partition to prevent patient interference with flight controls.

9. A barrier or an FAA approved mechanism for securing a patient's chest, pelvis, legs, wrist and ankles.

10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least three headsets to allow for voice communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B: C, securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12-calendar months and have the appropriate inspection tag attached.

14. Installed, on-board suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. Have an on-board oxygen system with the following:

a. A cylinder with a capacity of 1,200 liters and at least 1,650 psi.

b. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity and that at least a 1-hour oxygen delivery capacity at 25 lpm per patient is available.

c. A flow meter with a range of 0-25 lpm delivery.

**C. Required Equipment and Supplies**

Approved equipment and supplies shall be carried and readily available in working order for use on both ground and air ambulances. Some patients and crewmembers of an ambulance service may have allergies to latex. Latex free supplies are recommended, where possible. The following equipment and supplies must be carried on each ground and air ambulance, as indicated:

EQUIPMENT/SUPPLIES	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
1. Rechargeable Portable Electric Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec.	X	X	X	X
2. Suction catheters, pharyngeal: Rigid (2) Flexible: 6 and 8 (1 ea) 10 or 12 (2) 14 or 16 (2) Total of 6 (Must be sterile) <b>Size is FR for each</b>	X	X	X	X
3. Airways: Nasopharyngeal (5 different sizes) Oropharyngeal (6 different sizes)	X	X	X	X
4. Sphygmomanometer: Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X
5. Stethoscope (1)	X	X	X	X
6. Stethoscope Doppler (1)				X
7. Penlight (1)	X	X	X	X
8. Portable Oxygen Unit (1): Cylinder capacity of at least 300 liters/D Size/500 psi Yoke  Cylinder with a minimum total pressure of 500 psi.  Nonsparking wrench/tank opening device  Gauge/flow meter not gravity dependent and can deliver 0-25 liter per minute  Full spare cylinder with a 300 liter capacity  <b>Cylinders must be secured in the vehicle</b>	X	X	X	X

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
9. Oxygen Delivery Devices: Nasal Cannulae—adult/pediatric 1 each High concentration mask capable of providing 80% or greater concentration Adult, pediatric, infant—1 each. Pocket mask with one way valve and oxygen port (1) Humidifier bottle	X	X	X	X
10. Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic.	X	X	X	X
11. Dressings: Multi Trauma (10" × 30") (4) Occlusive (3" × 4") (4) Sterile Gauze Pads (3" × 3") (25) Soft self-adhering (6 rolls)	X	X	X	X
12. Bandage Shears (1)	X	X	X	X
13. Immobilization Devices: Lateral cervical spine device (1) Long spine board (1) Short spine board (1) Rigid/Semi rigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M, L (3)	X	X	X	X (Short board not required)
14. Bag-Valve-Mask Devices: Hand operated adult (1) Hand operated pediatric (450-700cc) (1) Must be capable of high concentration oxygen delivery Adult and pediatric masks	X	X	X	X
15. Pediatric Equipment Sizing Tape/Chart	X	X	X	X
16. Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)	X	X	X	X
17. Folding Litter/Collapsible Device (1)	X	X		
18. Splinting Devices: Lower extremity mechanical traction splint adult and pediatric (1 each or combination) Padded board splints: 4.5', 3', 15" (2 each)	X	X		
19. Sterile Water/Normal Saline (2 liters)	X	X	X	X
20. Sterile Burn Sheet (4' × 4') (2)	X	X	X	
21. Cold Packs, Chemical (4)	X	X	X	X
22. Heat Packs, Chemical (4)	X	X	X	X
23. Triangular Bandages (8)	X	X	X	
24. Sterile OB Kits (2)	X	X	X	X (Only 1 required)
25. Separate Bulb Syringe (1) Sterile	X	X	X	X
26. Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns.	X	X	X	X

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
27. Blankets (2)—cloth	X	X	X	X
28. Sheets (4)	X	X		X
29. Pillowcases (2)	X	X		
30. Pillow (1)	X	X		
31. Towels (4)	X	X		
32. Disposable Tissues (1 box)	X	X		
33. Emesis Container (1)	X	X		
34. Urinal (1)	X	X		
35. Bed Pan (1)	X	X		
36. Disposable Paper Drinking Cups (3oz) (4)	X	X		
37. State Approved Triage Tags (25)	X	X	X	
38. Hand-lights (6 volts) (2)	X	X	X	X
39. Hazard Warning Device (3)	X	X	X	
40. Emergency Jump Kit (1)	X	X	X	X
41. Survival Bag (1)				X
42. Emergency Response Guidebook (1) (current edition)	X	X	X	
43. Thermometer—electronic, digital, nontympanic	X	X	X	X
44. Sharps Receptacle—Secured	X	X	X	X
45. Instant Glucose (40% dextrose-d-glucose gel) 45 grams	X	X	X	
46. Activated Charcoal-50 grams	X	X	X	
47. Access Equipment: Large Screwdriver, Phillips and slotted (1 each) Pliers (1 each) (slip joint, lineman's needle nose, arc joint and locking) Hand-held Sledgehammer (3 lbs) (1) Impact metal Cutting Tool (1) Short pry-bar (1)-12" Cold Chisel (7"× 3/4") (1) Hacksaw w/2 extra blades (1) Adjustable Wrench-10" (1) Center Punch (1) Gloves (leather) (2 pairs) Hard-Hat/Goggles (2)	X	X	X	
48. Flight Helmet (1 per crewmember)				X



<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
49. Personal Protection Equipment: Eye protection, clear, disposable (1 per crew member) Face Mask, disposable (1 per crew member) Gown/coat (1 per crew member) Surgical Caps/Foot Coverings disposable (1 set per crewmember) Double Barrier gloves (1 set per crew member) Container (1 per vehicle) or disposable red bags (3 per vehicle)	X	X	X	X
50. Sponges, Alcohol, Prep (10)		X	X	X
51. Endotracheal Tubes Sizes/Quantities: 2.5 mm or 3.0 mm (2 uncuffed) 3.5 mm or 4.0 mm (2 uncuffed) 4.5 mm or 5.0 mm (2) 5.5 mm or 6.0 mm (2) 6.5 mm or 7.0 mm (2) 7.5 mm or 8.0mm (2) 8.5 mm or 9.0 mm (2)  Must be sterile and individually wrapped		X	X	X
52. Endotracheal Tube Placement Validation Device (1) to verify correct placement—per regional protocol		X	X	X
53. Laryngoscope handle with batteries and spare batteries and bulbs and the following blades:  Straight                  Curved #1 (S)                      #3 #2 (M)                      #4 #3 (L) (1 each of the blades)		X	X	X
54. Meconium Aspirator (1)		X	X	X
55. Lubrication (2cc or larger tubes) sterile (2) Water soluble	X	X	X	X
56. Forceps, Magill (adult/ pediatric 1 each.)		X	X	X
57. IV Fluid Therapy Supplies:  Catheters (over the needle-IV): 14, 16, 18, 20, 22, (4 each) and 24 gauge (2), Total of 22 individually wrapped and sterile.  Micro drops (50-60 drops/ml) (2) Macro drops (10-20 drops/ml) (2)  IV Fluids—total 2250 milliliters: such as. -5% dextrose, 0.9% Sodium Chloride, Lactated Ringers (per regional protocols)  Tourniquets for IV Use (2) Intraosseus needles 14-18 gauge (2)		X	X	X

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
58. Medication and Supplies:  Emergency Drugs—(per regional protocols and within state rules and regulations and within expiration date)  Hypodermic needles: 16-18 gauge (4) 20-22 gauge (4) 23-25 gauge (4)  Total of 12 and each must be individually wrapped and sterile.  Syringes—per regional protocol		X	X	X
59. Defibrillator/Monitor: (FDA approved) (battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout), ECG cables with 3 lead capability and pediatric and adult paddles with pacing capabilities or separate stand-alone pacer		X	X	X
60. Defibrillator/Monitor Supplies: Paddle pads (4) or electric gel (2 tubes), electrodes, ECG, adult and pediatric sizes (6 each)		X	X	X
61. Automated External Defibrillator (for authorized BLS services)	X			
62. Stylette, Malleable-pediatric (2)/adult (1) Must be sterile.		X	X	X
63. Cricothyrotomy set (surgical or needle) Must be sterile.				X
64. Phlebotomy Equipment (per regional protocols.		X	X	
65. Flutter valve (1) Must be sterile.				X
66. Epinephrine Auto-Injector (for authorized BLS services)  0.3mg/0.3ml of 1:1000 solution for adult use (2)  0.15mg/0.3ml of 1:2000 solution for pediatric use (2) (Not required for licensure)	X			
67. Pulse Oximetry (for services with a medical director) (Not required for licensure)	X	X	X	X

All equipment must be clean and functional and no supply item may be carried beyond any expiration date assigned to it.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotope, Braille) should contact Robert H. Gaumer, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717)

787-8740. Persons with a speech or hearing impairment should telephone V/TT: (717) 783-6154 or use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-2075. Filed for public inspection November 19, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Money Farm/High Steaks/Chicken Scratch/Makin' Bacon/Lucky Ewe 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 Money Farm/High Steaks/Chicken Scratch/Makin' Bacon/Lucky Ewe. The name appearing on the tickets will be one of the following on a consecutive basis: High Steaks, Chicken Scratch, Makin' Bacon or Lucky Ewe. There is no difference in game play method. For readability, this notice will use a generic title, Money Farm, to represent the four different game names.

2. *Price:* The price of a Pennsylvania Money Farm instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Money Farm instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), and Barn Symbol (BARN).

4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$500 and \$1,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Money Farm instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,000 (ONE THO) in the play area on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with two matching play symbols of \$500 (FIV HUN) and a Barn Symbol (BARN) in the play area on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with two matching play symbols of \$50\$ (FIFTY) and a Barn Symbol (BARN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with two matching play symbols of \$10<sup>00</sup> (TEN DOL) and a Barn Symbol (BARN) in the play area on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with two matching play symbols of \$5<sup>00</sup> (FIV DOL) and a Barn Symbol (BARN) in the play area on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three matching play symbols of \$4<sup>00</sup> (FOR DOL) in the play area on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with two matching play symbols of \$2<sup>00</sup> (TWO DOL) and a Barn Symbol (BARN) in the play area on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with two matching play symbols of \$1<sup>00</sup> (ONE DOL) and a Barn Symbol (BARN) in the play area on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area on a single ticket, shall be entitled to a prize of one Pennsylvania Money Farm instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

<i>Get</i>	<i>Win</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3-FREE	TICKET	15	400,000
3-\$1's	\$1	14.29	420,000
3-\$2's	\$2	30	200,000
2-\$1's w/Barn	\$2	21.43	280,000
3-\$4's	\$4	100	60,000
2-\$2's w/Barn	\$4	54.55	110,000
3-\$5's	\$5	100	60,000
3-\$10's	\$10	300	20,000
2-\$5's w/Barn	\$10	300	20,000

<i>Get</i>	<i>Win</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3-\$20's	\$20	600	10,000
2-\$10's w/Barn	\$20	600	10,000
3-\$50's	\$50	12,000	500
3-\$100's	\$100	24,000	250
2-\$50's w/Barn	\$100	24,000	250
3-\$500's	\$500	1,200,000	5
3-\$1,000's	\$1,000	1,200,000	5
2-\$500's w/Barn	\$1,000	1,200,000	5

Barn = Win Double the Prize

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

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Farm, prize money from winning Pennsylvania Money Farm 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 Money Farm 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.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *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 Money Farm or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-2076. Filed for public inspection November 19, 2004, 9:00 a.m.]

stricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as that indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of a grant, the covenant shall be deemed extended for 1 additional year. A violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department will receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in calendar year ending December 31, 2004, is the close of business on February 1, 2005. Applications shall be filed with the Department of Transportation, Bureau of Aviation, P. O. Box 3457, Harrisburg, PA 17101-3457.

Interested persons may direct their request for applications, inquiries or comments regarding the local real estate tax reimbursement program to Edward Buczeskie at (717) 705-1223.

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

[Pa.B. Doc. No. 04-2077. Filed for public inspection November 19, 2004, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2004

The Department of Transportation (Department), Bureau of Aviation, is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2004.

Each year, under 74 Pa.C.S. §§ 6121—6124 (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Re-

### Finding

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) plan to reconstruct SR 2001 (Milford Road) from its intersection with SR 0739 in Delaware Township south to its intersection with U.S. Route 209 at Bushkill, PA for an approximate project length of 21.7 kilometers (13.5 miles). Included in the reconstruction are correction of substandard horizontal and vertical roadway curvature and replacement of the existing bridge and culvert crossings of Randalls Creek, Bear Road Run, Toms Creek, Briscoe Creek (Alicia's Creek), Hornbecks Creek and Dingman's Creek. Also included in the project are resurfacing, shoulder improve-

ments, signing, guiderail adjustments and a curve straightening on SR 0739 between the SR 2001 and U.S. Route 209 intersections.

The subject project will use approximately 15.3 hectares (37.8 acres) of the National Park Service (NPS) property within the designated boundaries of the Delaware Water Gap National Recreation Area.

The environmental, economic, social and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects. To minimize the harm to the Section 2002 protected property impacted by the project, the Department will minimize travel lane widths and use a 1.5 to 1 horizontal to vertical slope ratio in the area of the Delaware Water Gap National Recreation Area. Based on a meeting with the NPS, the replacement of parkland will involve a mutually agreeable combination of acreage and land value. In addition, the NPS will receive fair market value payment for all viable timber within those areas of the Delaware Water Gap National Recreation Area that is to be acquired for right-of-way purposes. The Department has committed to pursue the use of the Delaware River floodplain site offered by the NPS to conduct the proposed project's wetland mitigation efforts.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social, and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 04-2078. Filed for public inspection November 19, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Hatfield Township Municipal Authority v. DEP; EHB Doc. No. 2003-165-K—Notice of Settlement and Time Period for Public Comment

The Department of Environmental Protection (Department) and Hatfield Township Municipal Authority (Hatfield) have agreed to a settlement of the previously captioned matter. The case involved Hatfield's appeal of the Department's issuance to it on June 23, 2003, of a Modification to Solid Waste and/or Processing Permit which, among other things, addressed the Department's Radiation Protection Action Plan requirements of 25 Pa. Code § 271.114 (relating to transition period). The terms of the parties' settlement is embodied in a Stipulation of Settlement, the major terms of which include, but are not limited to the following:

1. Hatfield has agreed to withdraw its appeal, without prejudice, given that the Department will reconsider all issues raised in the appeal as part of its review of Hatfield's application for a Minor Permit Modification/

Radiation Protection Action Plan dated December 29, 2003, and supplemented on April 30, 2004 and July 15, 2004 (collectively revised application);

2. The Department has agreed that:

a. Hatfield's withdrawal of the appeal is without prejudice to Hatfield's right to challenge or appeal the Department's future action on its revised application; and

b. Hatfield will not assert the doctrine of administrative finality in any appeal of the Department's action related to Hatfield's June 23, 2003, Modification of Solid Waste and/or Processing Permit or the revised application.

The parties wish to have the Stipulation of Settlement entered by the Environmental Hearing Board (Board) as an Order of the Board. Before the Board would do that, however, it is providing public notice of the intended settlement and of the parties' request that the Board enter their Stipulation of Settlement as an Order of the Board. Copies of the full Stipulation of Settlement can be obtained by contacting Gina M. Thomas, Esq., Department of Environmental Resources, Southeast Regional Counsel, 2 East Main Street, Norristown, PA 17401, (484) 250-5861 or Steven A. Hann, Esquire, Hamburg, Ruben, Mullin, Maxwell & Lupin, 375 Morris Road, Lansdale, PA 19446, (215) 661-0400. Copies of the Stipulation of Settlement are also available at the office of the Board and may be reviewed by interested parties on request during normal business hours. Interested members of the public may comment to the Board on the Stipulation of Settlement for a period of 30 days from the date of this notice.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-2079. Filed for public inspection November 19, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Change to List of Class A Wild Trout Waters; Young Womans Creek, Clinton County

The Fish and Boat Commission (Commission) has removed a section of Young Womans Creek from the list of Class A Wild Trout Streams as published at 34 Pa.B. 4655 (August 21, 2004). Specifically, the Commission removed Young Womans Creek, Section 02, Clinton County, from Beechwood Trail downstream to 1.2 kilometers upstream of the confluence with the Left Branch of Young Womans Creek, a distance of 5.7 miles. The Commission removed this section of stream, which was listed as a Class A wild brown trout water, because the Commission documented the total brown trout biomass to be below the set criterion of at least 40 kg/hg for two consecutive stream examinations. By removing this water from the Class A wild trout streams list, the Commission will increase its flexibility in how it manages the stream section without jeopardizing water quality protection.

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

[Pa.B. Doc. No. 04-2080. Filed for public inspection November 19, 2004, 9:00 a.m.]

### 2005 Designations and Redesignations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) has designated or redesignated the following streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations) effective January 1, 2005:  
*58 Pa. Code § 65.1. Selective Harvest Program*

The Commission has removed the following stream sections from the list of waters regulated and managed under the Selective Harvest Program under 58 Pa. Code § 65.1:

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Clinton	Young Womans Creek	From Beechwood Trail downstream to the Sproul State Forest Property line, a distance of 5.5 miles
Lycoming	Grays Run	From Grays Run Hunting Club property line downstream to concrete bridge on Grays Run Road (T-842) at old CCC Camp, a distance of 2.2 miles
Northampton	Saucon Creek	From the upstream boundary of the City of Bethlehem property downstream to the SR 0412 bridge, a distance of 2.1 miles
Potter	Lyman Run	Lyman Run Lake upstream to Splash Dam Hollow, a distance of 4.0 miles
York	Codorus Creek	From the confluence with West Branch of Codorus Creek downstream to cable 0.5 mile downstream of T-374 (Hayrick Road), a distance of 3.1 miles

*58 Pa. Code § 65.4b. All-Tackle Selective Harvest Program*

The Commission has removed the following stream sections from the list of waters regulated and managed under the All-Tackle Selective Harvest Program under 58 Pa. Code § 65.4b:

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Cameron	Hunts Run	From the confluence with McNuff Branch downstream to the mouth, a distance of 4.7 miles
Clinton	Rauchtown Creek	From the confluence of Rockey Run and Krape Run downstream to the SR 0880 crossing upstream of the Ravensburg State Park picnic area, a distance of 1.2 miles
Potter	Sinnemahoning Creek, East Fork	From the confluence with Wild Boy Run downstream to the confluence with Camp Run, a distance of 2.9 miles
Union	Cherry Run	From the mouth upstream for a distance of 2.7 miles
Westmoreland	Camp Run	From the headwaters downstream to the mouth, a distance of 4.1 miles

*58 Pa. Code § 65.5. Catch-and-Release Areas.*

The Commission has designated the following stream sections as Catch-and-Release Areas regulated and managed under 58 Pa. Code § 65.5:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Cameron	Hunts Run	From the confluence with McNuff Branch downstream to the mouth, a distance of 4.7 miles
Clinton	Rauchtown Creek	From the confluence of Rockey Run and Krape Run downstream to the SR 0880 crossing upstream of the Ravensburg State Park picnic area, a distance of 1.2 miles
Clinton	Young Womans Creek, Right Branch	From Beechwood Trail downstream to a point 0.7 mile upstream of the confluence of Young Womans Creek, Left Branch, a distance of 5.7 miles
Lycoming	Grays Run	From Grays Run Hunting Club property line downstream to concrete bridge on Grays Run Road (T-842) at old CCC Camp, a distance of 2.2 miles
Potter	Sinnemahoning Creek, East Fork	From the confluence with Wild Boy Run downstream to the confluence with Camp Run, a distance of 2.9 miles
Union	Cherry Run	From the mouth upstream for a distance of 2.7 miles

*58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only (DHALO) Areas.*

The Commission has designated the following waters as DHALO Areas regulated and managed under 58 Pa. Code § 65.6:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Dauphin	Powell Creek	From the upper bridge crossing on T-551 downstream to the confluence of the unnamed tributary along T-358, a distance of 2.1 miles
Fayette	Meadow Run	From the mouth of Meadow Run at the Youghiogheny River upstream to the State Route 2011 Bridge on Dinner Bell Road adjacent to the Ohiopyle State Park office, a distance of 2.2 miles (Note: This is an extension of the 1.7 mile section of Meadow Run—from the confluence with Laurel Run downstream to the SR 0381 Bridge—that the Commission currently manages as a DHALO area)
Mifflin	Honey Creek	From the upper Bald Eagle State Forest boundary downstream for a distance of 1.75 miles
Monroe	McMichaels Creek	From 130 yards downstream of the bridge on Turkey Hill Road (T-416) downstream to the upstream boundary of the Glen Brook Golf Course, a distance of 1.74 miles

*58 Pa. Code § 65.7. Trophy Trout Program.*

The Commission has added the following stream sections to the list of waters regulated and managed under the Trophy Trout Program under 58 Pa. Code § 65.7:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Northampton	Saucon Creek	From the upstream boundary of the City of Bethlehem property downstream to the SR 0412 bridge, a distance of 2.1 miles
York	Codorus Creek	From the confluence with the West Branch of Codorus Creek downstream to a point that is 0.4 mile downstream from SR 3082 (Porters Road), a distance of 2.0 miles

*58 Pa. Code § 65.8. Warmwater/Coolwater Species Special Conservation Waters.*

The Commission has removed the following lakes from the list of waters regulated and managed as Warmwater/Coolwater Species Special Conservation Waters under 58 Pa. Code § 65.8:

<i>County</i>	<i>Water</i>
Centre	Colyer Lake
Crawford	Sugar Lake
Westmoreland	Northmoreland Lake

*58 Pa. Code § 65.9. Big Bass Special Regulations.*

The Commission has designated the following lakes regulated and managed under the Big Bass Special Regulations under 58 Pa. Code § 65.9:

<i>County</i>	<i>Water</i>
Centre	Colyer Lake
Crawford	Sugar Lake
Westmoreland	Northmoreland Lake

*58 Pa. Code § 65.10. Early Season Trout Stocked Waters Program (formerly, the Select Trout Stocked Lake Program.*

The Commission has added the following waters to the list of waters regulated and managed under the Early Season Trout Stocked Waters Program under 58 Pa. Code § 65.10:

<i>County</i>	<i>Water</i>
Erie	East Basin Pond
Erie	West Basin Pond
Luzerne	Lily Lake
Westmoreland	Upper Twin Lake

*58 Pa. Code § 65.11. Panfish Enhancement Special Regulation.*

The Commission has added the following lakes to the list of waters regulated and managed under the Panfish Enhancement Special Regulation under 58 Pa. Code § 65.11:

<i>County</i>	<i>Water</i>	<i>Species</i>
Centre	Colyer Lake	Sunfish, crappie and yellow perch
Westmoreland	Northmoreland Lake	Sunfish and crappie

*58 Pa. Code § 65.13. Wild Brook Trout Enhancement Regulations.*

The Commission has added the following waters to the list of waters regulated and managed under the wild Brook Trout Enhancement Regulations under 58 Pa. Code § 65.13:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Carbon	Jeans Run	From border of State Game Lands No. 141 upstream on Jeans Run to its headwaters, a distance of 2.5 miles, and all tributaries entering this portion of Jeans Run
Forest and Warren	Minister Creek Watershed	Entire watershed, which includes 5.0 miles of Minister Creek and its tributaries
Monroe	Kistler Run Watershed	Entire watershed, which includes 3.1 miles of Kistler Run and its tributaries
Monroe	Wolf Swamp Run Watershed	Entire watershed, which includes 2.1 miles of Wolf Swamp Run and its tributaries
Perry	Shaeffer Run	Tuscarora State Forest upstream on Shaeffer Run to its headwaters, a distance of 6.7 miles, and all tributaries entering this portion of Shaeffer Run
Potter	Birch Run Watershed	Entire watershed, which includes 5.3 miles of Birch Run and its tributaries
Potter	Lyman Run	Lyman Lake upstream on Lyman Run to its headwaters, a distance of 5.3 miles, and all tributaries entering this portion of Lyman Run

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Westmoreland	Camp Run Watershed	Entire watershed, which includes 4.1 miles of Camp Run and its intermittent flow tributaries

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

[Pa.B. Doc. No. 04-2081. Filed for public inspection November 19, 2004, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on December 14, 2004, at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Individuals with questions or comments should contact the Bureau for Historic Preservation, (717) 783-8946.

#### Allegheny Plateau

1. *Swedish Lutheran Parsonage*, 230 Kane Street, Wilcox, Jones Township, Elk County.

2. *Tunkhannock Historic District*, roughly bounded by Tioga Street, Pine Street, Harrison Street and Wyoming Avenue, Tunkhannock, Wyoming County.

#### Great Valley and Piedmont Region

3. *St. Anthony Hall House*, 3637 Locust Walk, University of Pennsylvania Campus, Philadelphia.

4. *Plaza Apartments*, 1719-1725 N. 33rd Street, 3226-3228 Clifford Street, Philadelphia.

5. *West Chester Historic District (Boundary Increase)*, roughly bounded by the Borough of West Chester's northern boundary with West Goshen Township, Poplar Street, East Rosedale and South Bradford Streets, West Chester, Chester County.

6. *Furnace Hills Tenant House*, located on an unpaved road approximately 500 feet east of Project Drive, West Cocalico Township, Lancaster County.

7. *William and Mordecai Evans House*, 1206 Main Street, Linfield, Limerick Township, Montgomery County.

8. *Woodward Hill Cemetery*, bounded by Strawberry Street, South Queen Street and Chesapeake Street, City of Lancaster, Lancaster County.

9. *Skinner Tavern*, 13361 Upper Strasburg Road, Lettorkenny Township, Franklin County.

10. *John Eakin Farm*, 3298 Route 212, Main Street, Springtown, Springfield Township, Bucks County.

#### Anthracite Region and Poconos

11. *J. S. O'Connor American Rich Cut Glassware Factory*, 120 Falls Avenue, Hawley, Wayne County.

12. *Bethlehem Silk Mill*, 238 Goepf Street at Mauch Chunk Road, Bethlehem, Northampton County.

#### Southwestern Pennsylvania

13. *Summit Hotel*, 101 Skyline Drive, Farmington, North Union, South Union and Wharton Townships, Fayette County.

#### Ridge and Valley

14. *The Coffee Pot*, Business Route 30, Bedford Township, Bedford County.

[Pa.B. Doc. No. 04-2082. Filed for public inspection November 19, 2004, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Public Hearing Opinions

The Human Relations Commission (Commission), under section 7(o) of the Pennsylvania Human Relations Act (act) (43 P. S. § 957(o)), announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)) in the following cases:

*Edward McFadden v. Natalie Christy; PHRC Case No. 200027608; Doc. No. H-8313 (Pennsylvania Human Relations Commission, October 26, 2004)*

Case involving harassment and intimidation because of the race of a prospective tenant.

Ruling for Complainant, 10-0 decision  
13 pages

*Lucrecia L. Taylor; Lynn Poindexter; individually and on behalf of all others similarly situated v. McGlawn & McGlawn and Reginald McGlawn; Doc. Nos. 200027668 and 200201787 (Pennsylvania Human Relations Commission, October 26, 2004)*

Two cases involving unlawful predatory lending practices.

Ruling for Complainants, 8-0 decision  
61 pages

The final orders in the previously listed cases are subject to appeal to Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or part.

A copy of an opinion listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 15¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Pennsylvania Place, Harrisburg, PA 17101. The check or money order should be made payable to the "Common-



wealth of Pennsylvania." Copies are also available under the Legal section at [www.phrc.state.pa.us](http://www.phrc.state.pa.us).

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 04-2083. Filed for public inspection November 19, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 4, 2004, and announced the following:

*Regulation Deemed Approved under section 5(g) of the Regulatory Review Act— Effective November 3, 2004*

Department of General Services #8-4: Instructions to Bidders (repeals existing Chapter 61)

*Regulations Approved:*

Department of General Services #8-3: General Conditions of Contract (repeals 4 Pa. Code Chapter 63)

Pennsylvania State Police #17-65: Use of Unmarked Vehicles (amends 37 Pa. Code Chapter 42)

State Board of Veterinary Medicine #16A-5715: Implanting Electronic Identification; Veterinary Technician (amends 49 Pa. Code Chapter 31)

State Board of Osteopathic Medicine #16A-5312: Delegation of Medical Services (amends Section 25.1 and adds Section 25.217 to 49 Pa. Code)

State Board of Psychology #16A-6314: Notice Requirements (adds Sections 41.91 and 41.92 to 49 Pa. Code Chapter 41)

State Board of Nursing #16A-5117: Continuing Education (adds Sections 21.332—21.337 to Title 49 Pa. Code)

State Board of Vehicle Manufacturers, Dealers and Salespersons #16A-604: Established Place of Business for Dealers (amends 49 Pa. Code Section 19.18)

State Real Estate Commission #16A-561: Education (amends 49 Pa. Code Chapter 35)

Environmental Quality Board #7-378: Small Sources of NOx, Cement Kilns and Large Internal Combustion Engines (amends 25 Pa. Code Chapters 121, 129 and 145)

Environmental Quality Board #7-386: Triennial Review of Water Quality Standards (amends 25 Pa. Code Chapter 93)

### Approval Order

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of General Services— General Conditions of Contract; Regulation No. 8-3*

On October 9, 2002, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Department of General Services (Department). This rulemaking repeals 4 Pa. Code Chapter 63. The proposed regulation was published in the October 26, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The Board resubmitted the proposed regulation on February 13, 2003, pursuant to Section 5(e) of the Regulatory Review Act, which was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on September 24, 2004.

This regulation repeals Chapter 63 of the Department's regulation relating to contract terms for Commonwealth construction projects.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. §§ 186 and 631.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Pennsylvania State Police— Use of Unmarked Vehicles; Regulation No. 17-65*

On February 4, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania State Police (State Police). This rulemaking amends 37 Pa. Code Chapter 42. The proposed regulation was published in the February 14, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 4, 2004.

This regulation establishes rules for the use of unmarked police vehicles by police officers as mandated by Act 75 of 2001.

We have determined this regulation is consistent with the statutory authority of the State Police (75 Pa.C.S. § 3328(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Veterinary Medicine— Implanting Electronic Identification; Veterinary Technician; Regulation No. 16A-5715*

On February 24, 2004, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Board of Veterinary Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 31. The proposed regulation was published in the March 6, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2004.

This regulation permits certified veterinary technicians and noncertified veterinary employees to implant electronic identification into animals under certain levels of veterinary supervision. It also updates terminology to be consistent with amendments to the Veterinary Medicine Practice Act (63 P. S. § 485.1, et seq.).

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 485.3(10)(viii) and 485.5(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Osteopathic Medicine— Delegation of Medical Services; Regulation No. 16A-5312*

On December 16, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Osteopathic Medicine (Board). This rulemaking amends Section 25.1 and adds Section 25.217 to 49 Pa. Code. The proposed regulation was published in the January 3, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2004.

This rulemaking establishes the procedures and conditions under which osteopathic physicians may delegate the performance of medical services to other health care practitioners or technicians.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 271.3 and 271.16) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Psychology— Notice Requirements; Regulation No. 16A-6314*

On December 17, 2003, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Board of Psychology (Board). This rulemaking adds Sections 41.91 and 41.92 to 49 Pa. Code Chapter 41. The proposed regulation was published in the January 3, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2004.

This regulation establishes notice requirements and procedures to follow if a licensee: is convicted of a felony or misdemeanor; is the subject of disciplinary action by a licensing authority of another state, territory or country; has voluntarily surrendered their license; or has their license suspended or revoked by the Board.

We have determined this regulation is consistent with the statutory authority of the State Board of Psychology (63 P. S. § 1203.2(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Nursing— Continuing Education; Regulation No. 16A-5117*

On October 31, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking adds §§ 21.332—21.337 to Title 49 Pa. Code. The proposed regulation was published in the November 16, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The Board resubmitted the proposed regulation on January 29, 2003, pursuant to Section 5(e) of the Regulatory Review Act, which was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on January 6, 2004. The Board withdrew this final-form regulation on January 28, 2004, and resubmitted the revised final-form regulation to the Commission on October 1, 2004.

This regulation establishes the continuing education requirements for certified registered nurse practitioners and for course providers. It includes procedures for applying for approval of course providers and recordkeeping.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 212.1(k) and 218.1(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Vehicle Manufacturers, Dealers and Salespersons—Established Place of Business for Dealers; Regulation No. 16A-604*

On October 17, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board). This rulemaking amends 49 Pa. Code § 19.18. The proposed regulation was published in the November 2, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The Board resubmitted the proposed regulation on February 4, 2003, pursuant to Section 5(e) of the Regulatory Review Act, which was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on October 1, 2004.

This regulation establishes an exemption to the grading and surfacing requirements for vehicle display areas. This exemption allows vehicle dealers to have a non-conforming display area for up to five vehicles provided the public is not permitted in the display area.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 818.4(a)(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Real Estate Commission—Education; Regulation No. 16A-561*

On September 3, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Real Estate Commission (SREC). This rulemaking amends 49 Pa. Code Chapter 35. The proposed regulation was published in the September 13, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2004.

This final-form rulemaking amends and adds provisions concerning: the death or injury of a broker/broker of record; pre-licensure; and continuing education. These changes are a result of SREC's ongoing review of its regulations.

We have determined this regulation is consistent with the statutory authority of the State Real Estate Commission (63 P. S. § 455.404) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Environmental Quality Board—Small Sources of NOx, Cement Kilns and Large Internal Combustion Engines; Regulation No. 7-378*

On October 8, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121, 129 and 145. The proposed regulation was published in the October 19, 2002, *Pennsylvania Bulletin* with a 68-day public comment period. The Board resubmitted the proposed regulation on February 18, 2003, pursuant to Section 5(e) of the Regulatory Review Act, which was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on September 29, 2004.

This rulemaking amends three chapters of the Board's regulations. Chapters 121 and 129 establish ozone season emission limits for nitrogen oxides (NOx) for certain boilers, turbines and stationary internal combustion engines located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties. Chapter 145 applies State-wide and is being amended to include emission limits and controls for large stationary internal combustion engines and cement kilns.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 4005) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
November 4, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Environmental Quality Board—Triennial Review of Water Quality Standards; Regulation No. 7-386*

On October 7, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 93. The proposed regulation was published in the October 18, 2003, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2004.

This final-form regulation represents the triennial review of the Commonwealth water quality standards as required by the federal Clean Water Act. It updates, corrects and clarifies the dissolved oxygen criteria and stream segments in the drainage lists.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P. S. §§ 691.5 and 691.402) and the intention of

the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-2084. Filed for public inspection November 19, 2004, 9:00 a.m.]

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 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2086. Filed for public inspection November 19, 2004, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (IRRC) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which IRRC will consider these regulations, contact IRRC at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-475	Department of Public Welfare Personal Care Homes	11/4/04
16A-4810	State Board of Funeral Directors Limited License	11/5/04

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
54-60	Pennsylvania Liquor Control Board Responsible Alcohol Management Program	11/8/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-2085. Filed for public inspection November 19, 2004, 9:00 a.m.]

**Martin A. Blythe; Prehearing**

**Appeal of Martin A. Blythe; Consent Order; Doc. No. CW02-05-005**

A prehearing/settlement telephone conference initiated by the Administrative Hearings Office shall occur on December 2, 2004, at 2 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 15, 2004.

During the prehearing/settlement telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2087. Filed for public inspection November 19, 2004, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Allstate Insurance Company Homeowners Insurance Rate Revision; Rate Filing**

On November 3, 2004, the Insurance Department (Department) received from Allstate Insurance Company a filing for a proposed rate change for homeowners insurance.

The company requests an overall 6.7% increase amounting to \$13.333 million annually, to be effective February 7, 2005, for new business and March 24, 2005, for renewal business.

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 January 2, 2005, the subject filing may be deemed approved by operation of law.

**Pennsylvania 2003 Private Passenger Automobile Data Calls; Rate Filing**

Each year the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in this Commonwealth. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On November 15, 2004, the Department forwarded Data Calls to be completed by companies licensed to write private passenger automobile insurance in this Commonwealth. Companies will receive only a cover letter through the United States Postal Service. The 2003 Data Call letter, instructions and data formats are available on the Department's website at www.insurance.state.pa.us.

This year the Department is requesting the same type of information that was collected in prior Data Calls but is not collecting the Section II information that was collected with the 2002 Data Call.

Companies with Pennsylvania private passenger automobile direct written premium in 2003 are required to

complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than March 31, 2005.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2003 are required to submit only Part 2. This is to be submitted to the Department no later than March 31, 2005.

Consistent with previous Data Calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquires should be directed to Clinton Wright, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, (717) 783-0651, clwright@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2088. Filed for public inspection November 19, 2004, 9:00 a.m.]

and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2089. Filed for public inspection November 19, 2004, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Gary A. Meiser, Sr.; file no. 04-182-09725; Travelers Insurance Company; doc. no. P04-11-002; December 15, 2004, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Gwendolyn H. Williams; file no. 04-265-04013; USAA Casualty Insurance Company; doc. no. PH04-11-005; January 13, 2005, 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

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing 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 hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 04-182-10015; Elisse Franco; doc. no. P04-11-003; December 15, 2004, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order

resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2090. Filed for public inspection November 19, 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 Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Joseph and Lorraine Maguire; file no. 04-210-03709; Erie Insurance Exchange; doc. no. PH04-11-004; January 13, 2005, 11 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-2091. Filed for public inspection November 19, 2004, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Administrative Circular No. 04-23—Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation, Dated October 4, 2004.

Management Directive No. 240.11—Commonwealth Wireless Communication Policy, Amended October 8, 2004.

Management Directive No. 535.5—Use of Trainee Classes in the Classified Service, Amended October 8, 2004.

Management Directive No. 580.8—Classified Service Probationary Periods, Amended October 5, 2004.

Management Directive No. 580.38—Use of Intern Job Titles in Classified Service, Dated October 8, 2004.

Management Directive No. 625.1—Repairs, Alterations and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services, Amended October 4, 2004.

Management Directive No. 720.7—Bomb Threats and Suspicious Packages, Dated November 1, 2004.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 04-2092. Filed for public inspection November 19, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0911, 510 South Oxford Valley Road, Fairless Hills, PA 19030.

*Lease Expiration Date:* September 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 8,000 net useable square feet of new or existing retail commercial space in a 1/2 mile radius of the intersection of Oxford Valley Road and Levittown Parkway, Bristol Township.

*Proposals due:* December 10, 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

Delaware County, Wine & Spirits Shoppe #2329, Woodlyn Shopping Center, 1939 MacDade Boulevard, Woodlyn, PA 19094.

*Lease Expiration Date:* January 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in a 1 mile radius of MacDade Boulevard and Bullens Lane.

*Proposals due:* December 10, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-2093. Filed for public inspection November 19, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 13, 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-00121208. Turbo Taxi, LLC** (120 North Fifth Street, Indiana, Indiana County, PA 15701), a limited liability company of the Commonwealth of Pennsylvania—persons, upon call or demand, in the Borough of Indiana and points located within an airline distance of 15 statute miles of the limits of said borough. *Attorney:* Michael J. Supinka, 936 Philadelphia Street, Indiana, PA 15701.

**A-00121201. Gary William and Melissa Jane Winfrey, Tenants by Entirety** (20 North Railroad Street, Hanover, York County, PA 17331)—persons, in paratransit service, between points in the Counties of Adams and York and from points in said counties, to points in the Counties of Cumberland, Dauphin, Franklin and Lancaster and return.

**A-00121199. Rusry's Travel Agency, Inc., t/a Rusty's Travel Agency** (1973 71st Avenue, Philadelphia,

PA 19138), a corporation of the Commonwealth of Pennsylvania, to transport by motor vehicle, persons, in 11-15 group and party service, between points in the City and County of Philadelphia and from points in said city and county, to points in Pennsylvania and return. *Attorney:* Jack M. Bernard, 1930 Land Title Building, 100 South Broad Street, Philadelphia, PA 19110.

JAMES J. MCNUTLY,  
*Secretary*

[Pa.B. Doc. No. 04-2094. Filed for public inspection November 19, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-110.1, Roof Replacement at the Tioga Administration Building, until 2 p.m. on Thursday, December 9, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 23, 2004. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held December 2, 2004, at 10 a.m. at Delaware Avenue and Tioga Street, Philadelphia, PA 19134. Bidders must provide to the Procurement Department, in writing, with the names of individuals that will be attending the prebid meeting. The information must be faxed 24 hours prior to the meeting to (215) 426-6800, Attn: Procurement Department.

JAMES T. MCDERMOTT, JR.,  
*Executive Director*

[Pa.B. Doc. No. 04-2095. Filed for public inspection November 19, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 16, 2004      Thomas F. Doyle  
                                 William G. Gormley  
                                 Theodore Kirsch  
                                 Jacob B. Steinberg  
                                 (Final Average Salary)

1 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective

positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-2096. Filed for public inspection November 19, 2004, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

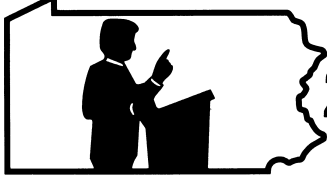
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

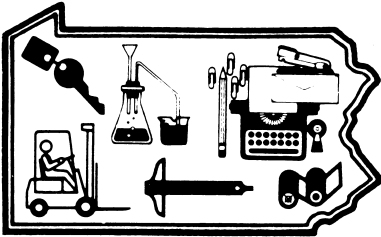
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET-PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*

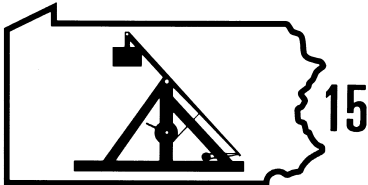


Commodities

**Supply drinking water bottle and water cooler units** Provide drinking water to the outlying butler county stockpiles, and also to the maintenance building locations, and provide hot and cold coolers units to the outlying Butler County stockpiles, as specific in the specifications. All contract must be register online at [www.vendor-registration.state.pa.us](http://www.vendor-registration.state.pa.us), with the Commonwealth of Pennsylvania, before bid package can be mailed out to contractors. Please fax or e-mail your company name and complete address, phone number, fax number with your S.S.# or Fed.I.D.#, information can fax at 724-283-3571 or e-mail to [askunda@state.pa.us](mailto:askunda@state.pa.us).

**Department:** Transportation  
**Location:** Outlying stockpiles in Butler County, and to 351 New Castle Road, Butler, PA.  
**Duration:** This contact will be a total of three (3) years.  
**Contact:** Andy Skunda, (724) 283-3571

## SERVICES



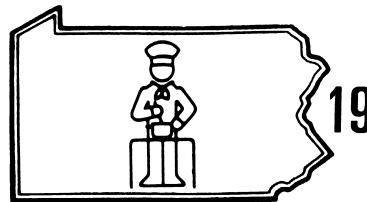
Environmental Maintenance Service

**DMF 013-138.1** Abandoned Mine Land Reclamation Project, Doverspike Brothers Coal Company, Mining Permit No. 33841303. The principal items of work and approximate quantities include 38,600 cubic yards of grading, 300 million gallons of dewatering mine pool, sealing three (3) deep mine entries and 1,930 linear feet of high density polyethylene pipe. This project issues on November 19, 2004 and bids will be opened on December 21, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A mandatory pre bid conference is being held for this project on December 2, 2004 at 11:00 AM at the Dora No. 6 site, Perry Township, Jefferson County. Failure to attend this pre-bid meeting will be cause for rejection of the bid. Directions to this site may be obtained by calling Dan Helfrich at 717-783-5642.

**Department:** Environmental Protection  
**Location:** Perry Township, Jefferson County  
**Duration:** 300 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 787-7820

**AMD 03(0743)102.1** Acid Mine Drainage Abatement Project, Numine (White Lake). The principal items of work and approximate quantities include floating baffle with curtain and 164 linear feet of single faced concrete barrier. This project issues on November 19, 2004 and bids will be opened on December 14, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977," and is subject to that Law, and to the Federal grant for this project.

**Department:** Environmental Protection  
**Location:** Cowanshannock Township, Armstrong County  
**Duration:** 30 calendar days after the official starting date  
**Contact:** Construction Contracts Section, (717) 787-7820



Food

**CN00011704** Fresh Pastries.

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011705** Frozen Fruits and Vegetables

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011707** Poultry and Poultry Products.

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN 00011664** Fresh/frozen/chilled meats and meat products; poultry and poultry products; fish; and, cheeses, to be delivered only at request of facility.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center (FOB Shipping Platform) 727 Goucher St., Johnstown PA 15905  
**Duration:** Jan., Feb., March 2005  
**Contact:** Christine A. Sloan, Pur. Agt., (814) 255-8228

**CN00011701** Miscellaneous frozen foods and entrees.

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011702** Fresh Fruits and Vegetables

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011711** Fish and Fish Products.

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011709** Meat and Meat Products.

**Department:** Public Welfare  
**Duration:** January, February, March, 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011703** Fresh Bread and Rolls.

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011710** Ice Cream and Ice Cream Products.

**Department:** Public Welfare  
**Duration:** January, February, March 2005  
**Contact:** Kathleen Zeigler, PA, (724) 656-7308

**CN00011715** Frozen Concentrated Coffee with Dispensers to be provided at SCI Greene from 1/01/05 through 6/30/07 (anticipated dates), estimated delivery of 50 gallons per month.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** 1/01/05 through 6/30/07 (Anticipated)  
**Contact:** Laura Mohr, Purchasing Agent, (724) 852-5534

**CN00011679** Assorted Concentrated Fruit Juice with Dispensers to be provided at SCI Greene from 1/1/05 through 6/30/04 (anticipated dates), estimated delivery of 1,250 gallons per month.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** 1/01/05 through 6/30/07 (Anticipated)  
**Contact:** Laura Mohr, Purchasing Agent, (724) 852-5534

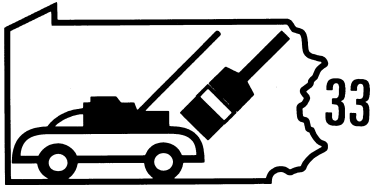
**93776** Lease Office Space to the Commonwealth of PA. Proposals are invited to provide the Office of Attorney General with 1,513 useable square feet of office space within the following boundaries: North: College Avenue; South: Foster Street; East: High Street; West: Atherton Avenue, State College, Centre County, Pennsylvania. Downtown locations will be considered. For more information on SFP #93776 which is due on December 27, 2004 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" or call (717) 787-0952.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952

**93765** Lease Office Space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 6,233 useable square feet of office space with a minimum parking requirement for two (2) ADA vehicles, within the City limits of New Castle, Lawrence County, PA. Downtown locations will be considered. For more information on SFP #93765 which is due on January 3, 2005 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-7412.

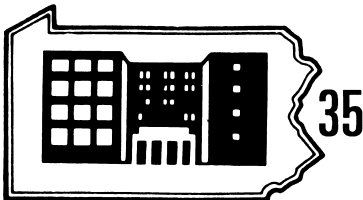
**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Jennings K. Ward, (717) 787-7412

[Pa.B. Doc. No. 04-2097. Filed for public inspection November 19, 2004, 9:00 a.m.]

**Property Maintenance**

**Mowing** PENNDOT, Butler County Dist.1020, is soliciting the service of individuals, firms and corporations to provide mowing service in the specific state routes of the specifications. All contractors must be registered online at [www.vendor-registration.state.pa.us](http://www.vendor-registration.state.pa.us) to do business with the Commonwealth of PA, before bid package can be mailed out. Please fax or e-mail your name and your company name and complete address, phone number, fax number with your S.S.# or Fed I.D.#. information. Can fax at 724-283-3571 or e-mail to [askunda@state.pa.us](mailto:askunda@state.pa.us).

**Department:** Transportation  
**Location:** Within Butler County, in according of specifications.  
**Duration:** Two (2) year contract, by mutual consent of both parties this contract is renewable for a one (1) period.  
**Contact:** Andy Skunda, (724) 284-8226

**Real Estate Services**

**93775** State-Owned Real Estate for Sale, Woodland Drive, City of New Kensington, Westmoreland County, Pennsylvania. The Department of General Services will accept bids for the purchase of a 0.18-acre parcel of land located at Woodland Drive, City of New Kensington, Westmoreland County. Bids are due January 10, 2005. Interested parties wishing to receive a copy of solicitation #93775 should view the Department of General Services' website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" or call Lisa Kettering at (717) 787-1321.

**Department:** General Services  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Ms. Lisa Kettering, (717) 787-1321

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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> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*

