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# PENNSYLVANIA BULLETIN

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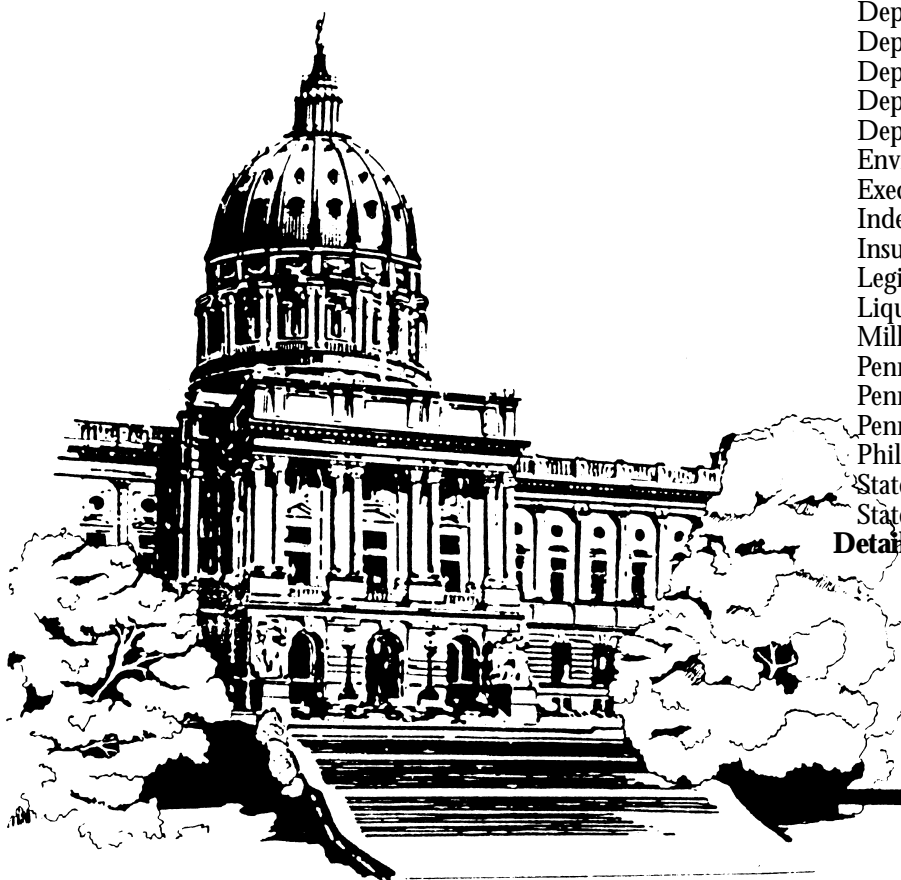
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Final Temporary Regulations

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Pennsylvania Gaming Control Board  
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Philadelphia Regional Port Authority  
State Athletic Commission  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



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**No. 372, November 2005**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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Unclassified . . . . . 1881, 2273

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

Unclassified . . . 12, 246, 247, 350, 501, 505, 647, 654, 736, 1190, 1196, 1334, 1417, 1419, 1561, 1566, 1759, 1882, 1883, 1978, 1979, 2097, 2099, 2390, 2618, 2722, 2727, 2870, 2871, 2874, 2875, 2995, 3004, 3014, 3018, 3290, 3291, 3660, 3921, 3922, 4088, 4594, 4595, 4709, 4920, 5003, 5094, 5095, 5245, 5378, 5518, 5772, 5773, 5954, 5982, 5983, 5984, 6091, 6092, 6321, 6322, 6323

# GENERAL ASSEMBLY

## Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2005 GENERAL ACTS ENACTED—ACT 061 through 063</b>					
061	Nov 1	HB0619	PN2656	60 days	Agricultural Area Security Law—creation of agricultural areas and purchase of agricultural conservation easements.
062	Nov 1	HB1069	PN2762	Immediately	Military and Veterans Code (51 Pa.C.S.)—leaves of absence for certain government employees
063	Nov 1	HB1435	PN2109	60 days	Crimes Code (18 Pa.C.S.)—computer-assisted remote harvesting of animals
<b>2005 APPROPRIATION ACTS ENACTED—ACT 039A</b>					
039A	Nov 3	HB0816	PN2854	Immediately	Pennsylvania Public Utility Commission—additional funding

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT ZECH,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 05-2114. Filed for public inspection November 18, 2005, 9:00 a.m.]

## COMMISSION ON SENTENCING

### Meeting Scheduled

The Commission on Sentencing announces the following public meeting to be held at The Union League of Philadelphia, 140 South Broad Street, Philadelphia, PA 19102:

Wednesday, December 14, 2005      9 a.m.      McMichael Room      Quarterly Commission Meeting

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 05-2115. Filed for public inspection November 18, 2005, 9:00 a.m.]

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 51]

Order Amending Rule 13 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 221 Magisterial Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 1st day of November, 2005, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 13 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be, and hereby is, amended in the following form.

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

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

#### PENNSYLVANIA RULES FOR MAGISTERIAL DISTRICT JUDGES

#### Rule 13. Incompatible Practices.

Magisterial district judges[, **constables**] and all [**employes**] **employees** assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the [**expeditions**] **expeditious**, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law; (2) in the collection business; or (3) in the acceptance of any premium or fee for any judicial bond. A magisterial district judge shall not exploit his **or her** judicial position for financial gain or for any business or professional advantage. A magisterial district judge shall not receive any fee or emolument for performing the duties of an arbitrator.

\* \* \* \* \*

[Pa.B. Doc. No. 05-2116. Filed for public inspection November 18, 2005, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 200 AND 1000]

Technical Amendment of Rule 239.8, the Notes to Rules 205.2, 206.1, 206.4, 208.2, 208.3, 210, 1028, 1034, and 1035.2, and the Explanatory Comment—2003 to Rule 239; No. 444 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

*And Now*, this 2nd day of November, 2005, Pennsylvania Rule of Civil Procedure 239.8, the notes to Rules 205.2, 206.1, 206.4, 208.2, 208.3, 210, 1028, 1034, and 1035.2, and the Explanatory Comment—2003 to Rule 239 are amended to read as follows.

Whereas prior distribution and publication of these amendments would otherwise be required, it has been determined that the amendments are of a perfunctory nature and that immediate promulgation is required in the interests of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 205.2. Filing Legal Papers with the Prothonotary.

\* \* \* \* \*

#### *Official Note:*

\* \* \* \* \*

Any local rule which has been promulgated must be published on the [**web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)**] **Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us)**.

#### Rule 206.1. Petition. Definition. Content. Form.

(a) As used in this chapter, "petition" means

\* \* \* \* \*

(2) any other application which is designated by local rule, numbered Local Rule 206.1(a), to be governed by Rule 206.1 et seq.

#### *Official Note:*

\* \* \* \* \*

Rule 206.1(a)(2) authorizes each court of common pleas to designate applications which are to proceed in the manner of a petition under Rule 206.1 et seq. Rule 239.2(a) requires each court which has made that designation to promulgate a local rule, numbered Local Rule 206.1(a), listing the applications to be determined pursuant to Rule 206.1 et seq. Any local rule which has been promulgated must be published on the [ **web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).**

\* \* \* \* \*

**Rule 206.4. Rule to Show Cause. Alternative Procedures.**

\* \* \* \* \*

**Official Note:** Subdivisions (b) through (e) of Rule 239.2 require every court to promulgate Local Rule 206.4(c) describing the court's procedures for the issuance of a rule to show cause. Local Rule 206.4(c) shall be published on the [ **web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).**

**Rule 208.2. Motion. Form. Content.**

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Any local rule which has been promulgated must be published on the [ **web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).**

**Rule 208.3. Alternative Procedures.**

(a) Except as otherwise provided by subdivision (b), the court shall initially consider a motion without written responses or briefs. For a motion governed by this subdivision, the court may not enter an order that grants relief to the moving party unless the motion is presented as uncontested or the other parties to the proceeding are given an opportunity for an argument.

**Official Note:**

\* \* \* \* \*

Rule 239.3(d) requires every court to promulgate Local Rule 208.3(a) describing the local court procedure governing motions under this rule. Local Rule 208.3(a) shall be published on the [ **web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).**

(b) A court, by local rule, numbered Local Rule 208.3(b), may impose requirements with respect to motions listed in the rule for the filing of a response, a brief or both. Where a response is required, any party opposing a motion governed by Local Rule 208.3(b) shall file the response within twenty days after service of the motion, unless the time for filing the response is modified by court order or enlarged by local rule.

**Official Note:**

\* \* \* \* \*

Any local rule promulgated must be published on the [ **web site of the Administrative Office of Pennsyl-**

**vania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).**

**Rule 210. Form of Briefs.**

\* \* \* \* \*

**Official Note:** Rule 239.4 authorizes each court of common pleas to impose additional requirements governing the form and content of a brief. Rule 239.4 requires each court which has imposed such requirements to promulgate a local rule, numbered Local Rule 210, listing the requirements. Any local rule which has been promulgated must be published on the [ **web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).**

**Rule 239. Local Rules.**

\* \* \* \* \*

**Explanatory Comment—2003**

*I. Statewide Practice of Law*

The primary obstacle to the statewide practice of law has been the inability of lawyers to learn how each court of common pleas actually operates, particularly with respect to pre-trial applications. New Rules 239.1 through 239.8 [ **and the amendment to Rule 239 adding new subdivision (c)(7)** ] will eliminate this obstacle through three requirements: (1) the promulgation of local rules which describe the steps that litigants must take to have pre-trial matters decided, (2) the use of a standardized numbering system for the local rules, and (3) the publication of the local rules on the [ **web site of the Administrative Office of Pennsylvania Courts (AOPC) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).**

The new rules enable a litigant to obtain the details of a local practice from the [ **AOPC web site** ] **Web Application Portal** by referring to the particular county and the number of the local rule for a specific procedure. For example, new Rule 239.3(c) provides that a court may require any motion relating to discovery to include a certification that counsel has conferred with all interested parties in order to resolve the matter without court action. A common pleas court, which requires such certification, must promulgate a local rule, numbered Local Rule 208.2(e), describing its requirement. Consequently, a litigant can learn from the [ **AOPC web site** ] **Web Application Portal** whether a particular court has promulgated Local Rule 208.2(e) and, if so, the requirements of that rule.

**Rule 239.8. Local Rules. Promulgation. Publication. Effective Date.**

(a) Local rules required by Rules 239.2, 239.3, 239.5, 239.6 and 239.7 shall be promulgated not later than nine months following the date of the Order of the Supreme Court promulgating this rule.

**Official Note:**

\* \* \* \* \*

Local requirements under Rules 239.1 through 239.7 are not effective and enforceable unless local rules are published on the [ **web site of the Administrative Office of Pennsylvania Courts** ] **Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).** See subdivision (c) of this rule.

(b) The court promulgating a local rule or an amendment to a local rule pursuant to Rules 239.1 through 239.7 shall transmit a copy to the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the [ AOPC web site ] Pennsylvania Judiciary's Web Application Portal.

Official Note:

\* \* \* \* \*

The Committee may, of necessity arising from judicial automation, direct the court promulgating a local rule or amendment to transmit it to the AOPC or take other action to effect publication on the [ AOPC web site ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).

(c) To be effective and enforceable, a local rule or an amendment to a local rule promulgated pursuant to Rules 239.1 through 239.7 shall be

\* \* \* \* \*

(2) published on the [ web site of the Administrative Office of Pennsylvania Courts ] Pennsylvania Judiciary's Web Application Portal, and

Official Note: The [ Administrative Office of Pennsylvania Courts (AOPC) ] Pennsylvania Judiciary maintains a web page at http://ujportal.pacourts.us/ containing the texts of local rules promulgated pursuant to Rules 239.1 through 239.7.

\* \* \* \* \*

(d) A local rule or amendment promulgated pursuant to Rules 239.1 through 239.7 shall become effective upon publication on the [ web site of the Administrative Office Pennsylvania Courts ] Pennsylvania Judiciary's Web Application Portal.

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

PLEADINGS

Rule 1028. Preliminary Objections.

\* \* \* \* \*

(c)(1) A party may file an amended pleading as of course within twenty days after service of a copy of preliminary objections. If a party has filed an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot.

(2) The court shall determine promptly all preliminary objections. If an issue of fact is raised, the court shall consider evidence by depositions or otherwise.

Official Note:

\* \* \* \* \*

Rule 239.5 requires every court to promulgate Local Rule 1028(c) describing the local court procedure governing preliminary objections. Local Rule 1028(c) shall be published on the [ web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).

\* \* \* \* \*

Rule 1034. Motion for Judgment on the Pleadings.

(a) After the relevant pleadings are closed, but within such time as not to unreasonably delay the trial, any party may move for judgment on the pleadings.

Official Note:

\* \* \* \* \*

Rule 239.6 requires every court to promulgate Local Rule 1034(a) describing the local court procedure governing motions for judgment on the pleadings. Local Rule 1034(a) shall be published on the [ web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).

\* \* \* \* \*

Rule 1035.2. Motion.

\* \* \* \* \*

Official Note:

\* \* \* \* \*

Rule 239.7 requires every court to promulgate Local Rule 1035.2(a) describing the local court procedure governing motions for summary judgment. Local Rule 1035.2(a) shall be published on the [ web site of the Administrative Office of Pennsylvania Courts (www.aopc.org) ] Pennsylvania Judiciary's Web Application Portal (http://ujportal.pacourts.us).

[Pa.B. Doc. No. 05-2117. Filed for public inspection November 18, 2005, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Amendment of Rule 3135 Governing Sheriff's Deed to Real Property and Correction of Deed; No. 443 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 2nd day of November, 2005, Rule of Civil Procedure 3135 is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2006.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3135. Sheriff's deed to real property. Correction of deed.

(a) When real property is sold in execution and no petition to set aside the sale has been filed, the sheriff, at the expiration of [ ten ] twenty days after either the filing of the schedule of distribution or the execution sale if no schedule of distribution need be filed, shall execute and acknowledge before the prothonotary a deed to the property sold. The sheriff shall forthwith deliver the deed to the appropriate officers for recording

and for registry if required. Confirmation of the sale by the court shall not be required.

**Official Note: See Rule 3136(a) governing the filing of the schedule of distribution.**

(b) If the sheriff has made a defective return of the execution proceeding or has executed a defective deed, including the erroneous description of the real estate, the court upon petition of the purchaser or the purchaser's successors in title may correct the return or deed or order that a new return or deed be executed.

#### Explanatory Comment

Prior to the present amendment, Rule 3135(a) governing execution sales provided in part that "the sheriff, at the expiration of ten days after the filing of the schedule of distribution, shall execute and acknowledge before the prothonotary a deed to the property sold." There was a gap in the rule because Rule 3136(a) provides that a schedule of distribution need not be filed where the real property is sold to the plaintiff for costs only. The amended rule eliminates this gap. Where a schedule of distribution is not required, the sheriff must execute and acknowledge the deed within twenty days of the date of the sale.

The rule has also been amended by increasing from ten to twenty days the time in which the sheriff must execute and acknowledge a deed in a sale as to which a schedule of distribution is required to be filed. The uniform twenty-day period is therefore applicable in all cases and eliminates potential confusion.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 05-2118. Filed for public inspection November 18, 2005, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

**Local Rule 86: Deposit and Disposition of Percentage Cash Bail: Consent Thereto and Form; Criminal Division No. 2 AD 2005**

#### Order

*And Now*, this 1st day of November, 2005, pursuant to Pennsylvania Rule of Criminal Procedure 105, it is hereby ordered that Fayette County Rule of Criminal Procedure 86 is rescinded upon the effective date of Fayette County Rule of Criminal Procedure 535.

The Clerk of Courts is directed as follows:

(1) Seven certified copies of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of this order shall be sent to the State Criminal Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

[Pa.B. Doc. No. 05-2119. Filed for public inspection November 18, 2005, 9:00 a.m.]

### FAYETTE COUNTY

**Local Rule 535 Return of Cash Deposits; Criminal Division No. 3 AD 2005**

#### Order

*And Now*, this 1st day of November, 2005, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that Local Rule 535 is adopted as follows.

The Clerk of Courts is directed as follows:

(1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Criminal Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Clerk of Courts. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

**Rule 535 Return of Cash Deposits**

Upon full and final disposition of the case, the issuing authority or the Clerk of Courts shall retain thirty percent (30%) of the amount deposited, but in no event less than Ten (\$10.00) Dollars, as administrative costs, which includes the Clerk's poundage fee for the percentage cash bail program. The balance shall be returned to the depositor, unless the depositor at the time the balance is to be returned otherwise agrees in writing. The thirty per cent (30%) to be retained shall be considered as earned at the time the bail undertaking is executed and the defendant or the third party surety deposits the cash. Any money not claimed within one hundred eighty (180) days from the time of full and final disposition of the case shall be deemed as fees and shall be forfeited to the use of the county of Fayette.

[Pa.B. Doc. No. 05-2120. Filed for public inspection November 18, 2005, 9:00 a.m.]



## LEHIGH COUNTY

Clerk of Courts; Civil Division—Fee Schedule;  
Case No. 2005-J-48

## Order

*And Now*, this 28th day of October, 2005, upon consideration of the within Petition for Increased Fee Schedule, presented by Lehigh County Clerk of Courts, Andrea E. Naugle, and in accordance with Act 164 of 1998, the Prothonotary Fee Law,

*It Is Ordered* that the Fee Schedule of the Lehigh County Clerk of Courts—Civil Division is amended effective January 1, 2006.

*It Is Further Ordered* that the Fee Schedule of the Lehigh County Clerk of Courts—Civil Division, which follows, is approved and adopted effective January 1, 2006.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

**ANDREA E. NAUGLE, CLERK OF COURTS  
LEHIGH COUNTY CLERK OF COURTS—  
CIVIL DIVISION**

**FEE SCHEDULE—EFFECTIVE JANUARY 1, 2006**

(42 Pa.C.S. § 21071)  
Act 98-164 Effective 1/21/99

Note: CTF=Children's Trust Fund Fee Mandated by  
State Legislation

JCP=Judicial Computer Project Fee Mandated by  
State Legislation (Act 122-2002 Rev. 11/02)

PAF=Prothonotary Automation Fee Authorized  
by Act 98-164

LCE=Lehigh County E-filing created by Leh  
R.C.P. 205.3 effective 1/1/04

<i>Document Type</i>	<i>Fee</i>
<b>Acknowledgment of Deeds</b>	\$ 8.50
<b>APPEALS</b>	
<b>Appeal of Appellate Court</b> Plus check made payable to "Prothonotary of Superior/Commonwealth Court" for \$60.00	\$ 55.00
<b>Appeal from District Justice</b>	\$121.00
<b>Appeal from Arbitration</b> *plus any add'l compensation authorized, but not to exceed 50% of the amount in controversy. Shall not be taxable as costs or be recoverable in any proceeding.	\$600.00*
<b>Assignments</b>	\$ 8.50
<b>Building Agreements / Stip</b>	\$ 17.00
<b>CERTIFICATION</b>	
Certification—(Except UCC)	\$ 5.00
Divorce Decree, Name Change Certification of Entire Record	\$ 17.00

<i>Document Type</i>	<i>Fee</i>
<b>COMMENCEMENT OF ACTION</b>	
Action at Law or Equity (plus .50 extra for indexing more than 5 pltfs. or defts.)	\$121.00
Miscellaneous Civil Filing	\$ 36.00
Custody Actions	\$147.50
Modification of Custody per petition	\$ 22.75
Divorce—(No Fault)	\$215.50
<i>Plus add'l counts</i>	
Alimony	\$ 36.50
Alimony pendente lite, counsel fees & costs	\$ 36.50
Custody & Visitation	\$ 43.00
Property Rights	\$ 36.50
Support	\$ 36.50
Other, each	\$ 36.50
Vital Statistics	\$ .50
Praecepto to Transmit	\$ 26.50
<i>Master Fees</i>	
Before 97-FC-818	\$305.00
After 97-FC-818	\$250.00
Name change final order	\$ 5.00
Any action or proceeding to open/strike a judgment	\$102.00
Proceedings on any lien other than revival—(Mechanic's Lien Complaint)	\$102.00
*Actions started by a political subdivision (Includes tax and surcharges)	\$ 39.50
<b>COPIES</b>	
Docket printout	\$ 1.50
Docket printout by mail	\$ 3.00
Photo copying by clerk	
1st page by mail	\$ 1.00
Each add'l page	\$ .50
Microfilm Copies	\$ 1.00
<b>JUDGMENTS</b>	
Confession (notes, bonds, etc.)	\$ 45.00
District Justice Transcript	\$ 45.00
Certification of Judgment	\$ 45.00
Domestic Relations	\$ 45.00
Exemplification/Foreign Judgment (Incoming Exemplified Records)	\$ 45.00
Exemplification of Judgment (Outgoing Exemplified Records)	\$ 17.00
Liens	\$ 45.00
Default, non-pros, demurrer	\$ 16.00
Verdict, Award, Court Order, Agreement & Final Decree	\$ 16.00
Release of Judgment	\$ 8.50
Reassess of Judgment	\$ 8.50
Subordination of Judgment	\$ 8.50
Withdraw of Judgment	\$ 8.50
<b>LETTER OF ATTORNEY</b>	
Recording—each name	\$ 8.50
Revoking—each name	\$ 8.50
<b>NOTARY PUBLIC</b>	
Notary Certificate	\$ 3.50
Notary Signature Registration	\$ 3.50
<b>POLITICAL SUBDDIVISION *</b>	
Action at Law or Equity	\$ 39.00
Appeal from District Justice	\$ 38.75
Correction Notices	\$ 28.75
1. Federal Liens	
District Justice Transcript	\$ 38.75

<i>Document Type</i>	<i>Fee</i>
Execution	\$ 10.00
Judgment	\$ 10.00
Liens with Satisfaction Fee	\$ 39.00
1. Municipal Liens	
2. Mechanic Liens	
Liens without Satisfaction Fee	\$ 30.50
1. State Liens	
2. Unemployment Liens	
3. Federal Liens	
Re-file Notice	\$ 10.00
Suggestion of Non-payment	\$ 10.00
Federal, State, Unemployment	

**POUNDAGE**

(The handling fee of monies paid into court)  
4.5% on the first \$1,000 and 1.5% on each  
add'l \$1,000 or fraction thereof

**PROTECTION FROM ABUSE**

PFA filing	\$141.90
PA State Police Registry	\$ 25.00
PFA Contempt or Bench Warrant	\$ 17.00

**Removal or Transfer** \$ 17.00

**REPORTS**

Case Type Reports	\$ 16.00
Detailed Mortgage Foreclosure	\$ 21.00

**REVIVALS**

Amicable/Agreement	\$ 16.00
Adverse/Writ	\$ 26.50
Averments, suggestion of non-payment, (Continuing any lien not reduced to a judgment)	\$ 16.00

**Satisfactions**—not prepaid \$ 8.50

**School Audits** \$ 8.50

**Subordination, withdrawal,  
postponement** \$ 8.50

**SECURED TRANSACTIONS (UCC)**

**UCC—SEARCH to 7/1/2001**

Advanced UCC Search (Deposit will be  
applied towards costs; if insufficient, you  
will be contacted; if excess, it will be  
returned.) \$200.00

UCC—Five Year Search	
Each debtor name	\$ 59.00
Each reference found	\$ 5.00
Each page of photocopy furnished	\$ 2.00
UCC—Certification of Search	\$ 28.00
Plus any copy fee(s) applicable	

**SUBPOENA**

Subpoena—To Attend and Testify)	\$ 3.50
Subpoena—To Produce Documents	\$ 3.50

**Surety Financial Statement** \$ 16.00

**WRITS**

Execution	\$ 26.50
Attachment Execution	\$ 27.00
Writs (Seizure, Possession, and Habeas)	\$ 26.50

**No personal checks will be accepted**

Business checks should be made payable to:

**CLERK OF COURTS—CIVIL DIVISION**

All checks returned for insufficient funds will be as-  
sessed a \$20.00 service charge.

The Clerk of Courts—Civil Division *shall not* be re-  
quired to enter on the docket any suit, *action* or order of  
court or enter any judgment thereon or perform any  
service whatsoever for any person, political subdivision or  
the Commonwealth until the requisite fee is paid per 42  
P. S. § 21073(b).

\*The maximum fee to be charged a political subdivision  
for any one of the services provided for herein shall be  
\$10.00. Total fee may include satisfaction/discontinuance,  
automation fees, JCS fee and Tax.

**Service Fee for the use of a credit/debit card will  
as follows:**

<i>Transaction Fee</i>	<i>Service Fee</i>
\$ 0.00 to \$100.00	\$2.00
\$101.00 to \$200.00	\$4.00
\$201.00 to \$300.00	\$6.00...etc.

[Pa.B. Doc. No. 05-2121. Filed for public inspection November 18, 2005, 9:00 a.m.]

**SOMERSET COUNTY**

**Consolidated Rules of Court; No. 93 Misc. 2005**

**Adopting Order**

Now, this 7th day of November, 2005, it is hereby  
*Ordered:*

1. Somerset County Rule of Criminal Procedure 117  
(Som.R.Crim.P. 117) Continuous Coverage For Issuance  
Of Warrants, Preliminary Arraignments, Summary Trials,  
And Setting And Accepting Bail, copy of which follows, is  
hereby adopted as a Rule of this Court, effective thirty  
(30) days after publication in the *Pennsylvania Bulletin*:

2. The Somerset County Court Administrator is di-  
rected to:

A. File seven (7) certified copies of this Order and the  
attached Rule with the Administrative Office of Pennsyl-  
vania Courts.

B. Distribute two (2) certified copies of this Order and  
the following Rule to the Legislative Reference Bureau for  
publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the  
attached Rule with the Pennsylvania Criminal Procedural  
Rules Committee.

D. File proof of compliance with this Order in the  
docket for these Rules, which shall include a copy of each  
transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
*President Judge*

**RULES OF COURT**

*Continuous Coverage By Magisterial District Judges.*

**Som. R.Crim.P. 117. Continuous Coverage For Issu-  
ance Of Warrants, Preliminary Arraignments,  
Summary Trials, And Setting And Accepting Bail.**

A. Continuous coverage for issuance of warrants, hold-  
ing of preliminary arraignments and summary trials, and

setting and accepting bail shall be by traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.

B. Magisterial District Judges, the Clerk of Courts and Warden of the Somerset County Jail shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 05-2122. Filed for public inspection November 18, 2005, 9:00 a.m.]

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## ORPHANS' COURT PROCEDURAL RULES COMMITTEE

[Correction]

### Proposed Electronic Forms

The Orphans' Court Procedural Rules Committee published a notice at 35 Pa.B. 6092 (November 5, 2005) directing the attention of the bench and bar to the Administrative Office of Pennsylvania Courts' website to review and comment on a set of electronic forms. The title of a form was incorrectly stated. The correct title of the form is as follows, with ellipses referring to the existing text of the notice:

\* \* \* \* \*

#### *Guardianship Forms*

Annual Report of Guardian of the Estate  
Annual Report of Guardian of the Person  
Inventory—For Incapacitated or Minor's Estate

\* \* \* \* \*

[Pa.B. Doc. No. 05-2017. Filed for public inspection November 4, 2005, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

#### Reorganization of the State Police

The Executive Board approved a reorganization of the State Police effective October 17, 2005.

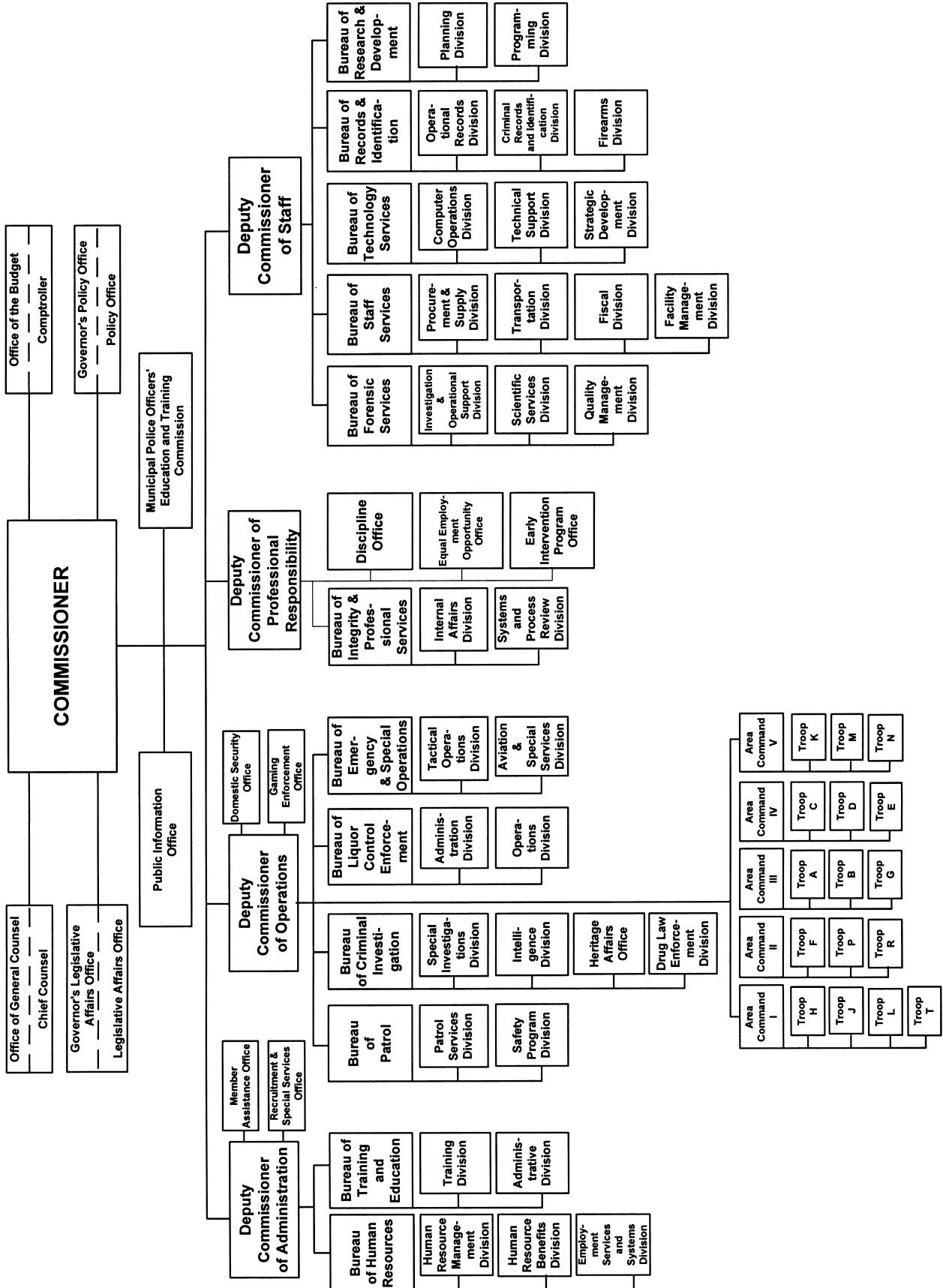
The organization chart at 35 Pa.B. 6326 (November 19, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 05-2123. Filed for public inspection November 18, 2005, 9:00 a.m.]

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PENNSYLVANIA STATE POLICE



# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending November 8, 2005.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-7-05	F.N.B. Corporation, Hermitage, to acquire 100% of the voting shares of North East Bancshares, Inc., North East, and thereby indirectly acquire The National Bank of the North East, North East, which was merged with and into First National Bank of Pennsylvania, Greenville, banking subsidiary of F.N.B. Corporation	Hermitage	Effective
11-7-05	National Penn Bancshares, Inc., Boyertown, to acquire 100% of the voting shares of Nittany Financial Corp., State College, under section 115 of the Banking Code of 1965	Boyertown	Filed

##### New Charter Applications

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
11-1-05	Select Asset Management & Trust Company Mechanicsburg Cumberland County	4718 Old Gettysburg Road Suite 405 Mechanicsburg Cumberland County	Commenced Operations
11-4-05	Parke Interim Bank Philadelphia Philadelphia County	Philadelphia	Filed

The interim bank is being formed for the sole purpose of serving as a temporary charter to facilitate the expansion of the branch operations of Parke Bank, Washington Township, NJ, into this Commonwealth

##### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-31-05	NOVA Savings Bank Philadelphia Philadelphia County Purchase of assets/assumption of liabilities of one branch office of Susquehanna-Patriot Bank, Marlton, NJ Located at: 200 East Uwchlan Avenue Exton Chester County	Philadelphia	Effective
11-2-05	CommunityBanks, Millersburg, and PennRock Financial Advisors, N. A., Blue Ball Surviving Institution— CommunityBanks, Millersburg	Millersburg	Approved Effective 11-7-05

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	PennRock Financial Advisors, N. A., a Nationally-chartered trust company and wholly-owned subsidiary of CommunityBanks, Millersburg, was acquired by way of CommunityBanks' merger with Blue Ball National Bank, Blue Ball. This transaction will result in the transfer of PennRock's traditional trust business into the Trust Department of CommunityBanks.		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-31-05	CommunityBanks Millersburg Dauphin County	2201 Museum Road Wyomissing Berks County	Opened
11-1-05	Fulton Bank Lancaster Lancaster County	2350 North Reading Road Denver East Cocalico Township Lancaster County	Filed
11-2-05	United Savings Bank Philadelphia Philadelphia County	27-35 East Baltimore Pike Media Delaware County	Approved

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-28-05	Keystone Nazareth Bank & Trust Bethlehem Northampton County	<i>Into:</i> 90 Highland Avenue Bethlehem Northampton County (Main Office)  <i>From:</i> 4510 Bath Pike (Route 512) Bethlehem Hanover Township Northampton County	Effective
11-8-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2923 Willow Street Pike Willow Street Lancaster County  <i>From:</i> 106 Willow Valley Square Lancaster Lancaster County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-31-05	First Commonwealth Bank Indiana Indiana County	Six branch offices at the following locations:  16 West Shirley Street Mount Union Huntingdon County  Ashman Street Three Springs Huntingdon County  Ames Plaza, Route 22 Huntingdon Huntingdon County  501 Penn Street Huntingdon Huntingdon County  729 Main Street Saxton Bedford County  101 High Street Williamsburg Blair County	Filed Approved 11-7-05
11-3-05	Keystone Nazareth Bank & Trust Bethlehem Northampton County	500 Route 940 Mt. Pocono Monroe County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-2124. Filed for public inspection November 18, 2005, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2005**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of December 2005 is 6 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.35 to which was added 2.50 percentage points for a total of 6.85 that by law is rounded off to the nearest quarter at 6 3/4%.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-2125. Filed for public inspection November 18, 2005, 9:00 a.m.]

**DEPARTMENT OF  
EDUCATION****Cyber Charter School Application Hearing**

The Department of Education (Department) has scheduled a public hearing regarding the cyber charter school application that it received on October 1, 2005, from The Anchorage Cyber Charter School. The hearing will be

held on Tuesday, December 20, 2005, at 1 p.m. in the Honors Suite, 333 Market Street, Harrisburg, PA. The hearing pertains to The Anchorage Cyber Charter School, which is seeking a charter to operate a cyber charter school. The purpose of the hearing is to receive information from the applicant about the cyber charter school and to receive comments from interested persons regarding the application. The application can be viewed on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us).

The charter applicant will have 30 minutes to present information about the cyber charter school. Individuals who wish to provide comments at the hearing must send the Department and the applicant a copy of the comments on or before December 1, 2005. Failure to comply with this deadline will preclude the respective individual from providing verbal comments at the hearing. Verbal comments may be limited if the comments are duplicative or repetitive of other individuals' comments. The hearing will be conducted by a panel of individuals who have reviewed the application. The panel members may question the applicant regarding issues identified during their review, as well as issues raised in the written comments filed before the hearing date. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicant or the panel members.

Individuals who are unable to attend the hearing may also provide the Department and the applicant with written comments on or before December 9, 2006. Written comments provided to the Department by this deadline will become part of the certified record.

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

An agenda will be prepared after December 9, 2005, when the Department is aware of the number of individuals who wish to provide verbal comments at the hearing. That agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. Individuals wanting a copy of the agenda should call Gregg Spadafore at (717) 705-2881.

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

[Pa.B. Doc. No. 05-2126. Filed for public inspection November 18, 2005, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060216	Sterling Sewer and Water Company, LLC P. O. Box 125 Lake Ariel, PA 18436	Wayne County Sterling Township	Uban Creek 1C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0088609 (Sew)	Broad Top Township 187 Municipal Road P. O. Box 57 Defiance, PA 16633-0057	Bedford County Broad Top Township	Raystown Branch Juniata River/11-D	Y
PA0032379 (IW)	Safe Harbor Water Power Corporation One Powerhouse Road Conestoga, PA 17516-9651	Lancaster County Manor Township	Susquehanna River/7-J	Y
PA0110931 (Sew)	Bernard J. George Shellbark Campground 166 Shellbark Road Manns Choice, PA 15550	Bedford County Napier Township	Dunning Creek/11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0209201 (Nonmunicipal)	Terrace Hills Mobile Home Park R. R. 1, Box 44A Sugar Run, PA	Wyalusing Township Bradford County	Wyalusing Creek (SWP 4D)	Y
PA0209368 (Sewage)	Benton Foundry, Inc. 5297 SR 487 Benton, PA 17814-9550	Sugarloaf Township Columbia County	UNT to Coles Creek CWF	Y
PA0112585 Sewerage	John B. Watkins R. D. 1, Box 29 East Smithfield, PA 18817	Ulster Township Bradford County	Toad Hollow 4-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0104086	Mercer Forge Corporation 200 Brown Street P. O. Box 272 Mercer, PA 16137	Mercer Borough Mercer County	Otter Creek 20-A	Y

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

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

**PA0244040, Shelly Square, LP, Shelly Square Wastewater Treatment Plant**, SIC 4952, 528 Main Street, Harleysville, PA 19428. Wastewater treatment plant is located at Route 63 and Shelly Road, Salfordville, PA 18958. This is a new facility located in Upper Salford Township, **Montgomery County**.

Description of Proposed Activity: This application is for a new facility/NPDES permit to discharge treated sanitary wastewater to East Branch Perkiomen Creek.

The receiving stream, East Branch Perkiomen Creek, is in the State Water Plan watershed 3E-Perkiomen and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water intake/supply is Surburban Water Company and is approximately 15 miles downstream on Perkiomen Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 12,446 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (Record)					
CBOD <sub>5</sub>			15		30
Total Suspended Solids			15		30
NH <sub>3</sub> as N			1.50		3.0
Total Phosphorus			0.50		1.0
Fecal Coliform*			200#/100 ml		
Dissolved Oxygen			6.0 (Min.)		

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	Instantaneous Maximum (mg/l)
Total Nitrogen			Monitor/Report		
pH (STD Unit)			6.0 (Min.)		
Total Dissolved Solids			Monitor/Report		9.0 (Max.)
Oil and Grease			Monitor/Report		

## \*UV Disinfection

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

1. Discharge must not cause nuisance or health hazard.
2. Sludge disposal according to State and Federal regulations.

The EPA waiver is in effect.

**PA0025976**, Sewage, SIC 4952, **Upper Moreland Hatboro Joint Sewer Authority**, 2875 Terwood Road, P. O. Box 535, Willow Grove, PA 19090-0535. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Activity: renewal of the NPDES permit to discharge treated sewage at an average annual rate of 7.173 mgd and a maximum monthly flow of 9.08 mgd to Pennypack Creek.

The receiving stream, Pennypack Creek, is in the State Water Plan watershed 3J and is classified for trout stocking and migratory fishery. There is no nearest downstream public water supply intake.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.173 mgd.

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform	200 Col.			
	per 100 ml			
Dissolved Oxygen	6.0 minimum			
pH (STD)	6.0 minimum			9.0
Copper, Total	Monitor		Monitor	Monitor
Zinc, Total	0.19		0.37	0.47

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

1. NH<sub>3</sub>-N instantaneous maximum during the month of May is allowed at 5.0 mg/l.
2. Implementation of Infiltration/Inflow Abatement Program.
3. Implementation of High Flow Maintenance Plan.
4. Blending during influent flow exceeding 17 mgd.
5. Emergency discharge through a separate Outfall during influent flow exceeding 23 mgd.
6. Pretreatment Program.
7. Sludge Disposal.
8. Stormwater Outfalls.
9. Operations and Maintenance Plan.
10. Laboratory Certification.

The changes are made to the notice published at 31 Pa.B. 1592 (March 24, 2001).

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

**PA0008346**, Industrial Waste, SIC 4941, NAICS Code 22131, **Pennsylvania-American Water Company**, 100 N. Pennsylvania Avenue, Wilkes-Barre, PA 18701. The proposed facility is located in Harmony Township, **Susquehanna County**.

Description of Proposed Activity: application to renew an existing NPDES permit.

The receiving stream, East Branch Canawacta Creek, is in the State Water Plan Watershed 4E and is classified as a CWF.

The nearest downstream public water supply intake for Danville Borough Water Authority is located on the Susquehanna River approximately 100 miles below the point of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 0.0493 mgd:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0	
Total Iron	2.0	4.0	
Total Alumium	4.0	8.0	
Total Manganese	1.0	2.0	
pH	6.0 to 9.0 s.u. at all times		
TRC	0.26		0.60

The EPA waiver is in effect.

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

**Application No. PA 0247804**, Industrial Waste, SIC Code 3841, **PMP Investments LLC—Precision Medical Products, Inc.** This facility is located in East Cocalico Township, **Lancaster County**.

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

The receiving stream, UNT of Stony Run, 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 Water Company located on the Cocalico Creek, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00216 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Temperature		Monitor	

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

The EPA waiver is in effect.

**Application No. PA 0010782**, SIC Codes 4911, 4953 and 4952, Industrial Waste, **Reliant Energy Mid Atlantic Power Holdings, LLC (Titus Power Plant)**, 121 Champion Way, Canonsburg, PA 15317. This application is for renewal of an NPDES permit for existing discharge of treated industrial waste to the Schuylkill River in Watershed 3C in Cumru Township, **Berks County**.

The receiving stream is classified for WWF, recreation, water supply and fish consumption. The nearest downstream potable water supply is the Pottstown Borough located in on the Schuylkill River. The discharge is not expected to impact the potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.469 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 s.u. at all times	
Total Suspended Solids	30	100	100
Oil and Grease	15	20	20
Total Residual Chlorine	0.50		1.60
Total Dissolved Solids	1,000	2,000	2,500

The proposed effluent limits for Outfall 002 for a design flow of 2.149 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 s.u. at all times	
Total Suspended Solids	30	100	100
Oil and Grease	15	20	20
Total Residual Chlorine		Monitor and Report	
Total Copper	0.44	1.00	1.1
Total Iron	1.00	2.00	2.50
Total Dissolved Solids	1,000	2,000	2,500

The proposed effluent limits for Outfall 004 for a design flow of 1.007 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 s.u. at all times	

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	100
Total Dissolved Solids	3,500	7,000	8,750
Oil and Grease	15	20	20

The proposed effluent limits for Outfall 104 for a design flow of 0.147 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 s.u. at all times	
Total Suspended Solids	30	100	100
Oil and Grease	15	20	20

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

The EPA waiver is not in effect.

**Application No. PA 0088781**, Industrial Waste, **Conectiv Mid Merit, LLC**, P. O. Box 6066, Mail Stop: 92DC72, Newark, DE 19714-6066. The proposed facility will be located in Peach Bottom Township, **York County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of cooling tower blowdown.

The receiving stream, Susquehanna River, is in Watershed 7-I and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the City of Baltimore, located on the Susquehanna River approximately 9 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits and monitoring requirements for Outfall 001 based on a maximum discharge rate of 6.01 mgd are:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH				6.0 to 9.0 inclusive	
Free Available Chlorine				0.2	0.5
Intake Temperature				Monitor and Report	
Effluent Temperature				Monitor and Report	
Net Hourly Instream Temperature Change					110°F
Heat Rejection Rate					2°F
Net Total Suspended Solids			30	Monitor and Report	
Total Aluminum				60	75
Total Copper				Monitor and Report	

The proposed effluent limits for Outfall 100 (internal monitoring point) based on a maximum discharge rate of 0.4 mgd are:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease			15	20	30
Total Suspended Solids			30	100	

Three stormwater outfalls are also identified in the permit, with annual monitoring requirements. Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

**PA0009270**, Industrial Waste SIC, 2047, **Del Monte Corporation**, One Market Street, San Francisco, CA 94119-3575. This existing facility is located in South Centre Township, **Columbia County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 5D and classified for WWF. The nearest downstream public water supply intake for Danville Water Authority is located on Susquehanna River 17 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.671 mgd.

Parameter	Mass Units (lbs/day)		Minimum	Concentration (mg/l)		
	Average Monthly	Maximum Daily		Average Monthly	Maximum Daily	Instantaneous Maximum
pH			6.0			9.0
BOD <sub>5</sub>	810	1,620				289
TSS	985	1,970				352
Oil and Grease				15	30	30
Ammonia-N				7.8	13.3	
Total Chlorine (5-1 to 9-30)				0.5		1.6
Fecal Coliforms (5-1 to 9-30)						200 geometric mean

Parameter	Mass Load Pounds		Minimum	Concentration (mg/l)		
	Monthly	Annual		Average Monthly	Maximum Daily	Instantaneous Maximum
Ammonia-N	Report	Report		Report		
Kjeldahl-N	Report	Report		Report		
Nitrite/Nitrate-N	Report	Report		Report		
Total Nitrogen-N	Report	Report		Report		
Total Phosphorus	Report	Report		Report		

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

**PA0218383**, Industrial Waste, SIC, 4911, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15061. This application is for renewal of an NPDES permit to discharge treated process water, cooling water, stormwater from Springdale Combustion Turbine Generating Plant in Springdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Oakmont Borough Municipal Authority, located at 721 Allegheny Avenue, 4.21 miles below the discharge point.

Outfall 101: existing discharge, average flow of 0.0105 mgd.

Parameter	Mass (lb/day)		Average Monthly	Concentration (mg/l)	
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)					110
The 126 priority pollutants (Appendix A) contained in chemicals added for cooling tower maintenance, except:				Nondetect	
Chromium (T)			0.2	0.2	
Zinc (T)			1.0	1.0	
Free Available Chlorine			0.2		0.5
Total Residual Chlorine			0.5		1.0
pH (s.u.)	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 201: existing discharge, average flow of 0.0103 mgd

Parameter	Mass (lb/day)		Average Monthly	Concentration (mg/l)	
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
Total Dissolved Solids				Monitor and Report	
Iron			2		4

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Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum			4		8
Manganese			1		2
pH (s.u.)	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, average flow of 0.0208 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease			15		30
This outfall shall consist solely of those sources from internal monitoring points 101 and 201.					

**PA0252930**, Industrial Waste, SIC, 2869, **TransTechnology Corporation**, 700 Liberty Avenue, P. O. Box 3300, Union, NJ 07083-3300. This application is for issuance of an NPDES permit to discharge treated process water from a groundwater treatment system in Conemaugh Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT of Elders Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply (PWS) is the Buffalo Township Municipal Authority, located at Freeport, 32 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.0086 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS			30		60
Iron			3.5		7.0
Manganese			2.0		4.0
Benzene			0.001		0.0025
Chloroform			0.197		0.493
Methylene chloride			0.092		0.23
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0097527**, Sewage, **Kenneth W. and Lori A. Cipra**, 11600 Wilshire Drive, North Huntingdon, PA 15642. This application is for renewal of an NPDES permit to discharge treated sewage from 51 Manor Mobile Home Park STP in Perry Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.0031 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	7.0			14.0
(11-1 to 4-30)	21.0			42.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0253073**, Sewage, **Elk Lick Energy, Inc.**, P. O. Box 240, Friedens, PA 15541. This application is for issuance of an NPDES permit to discharge treated sewage from Roytown Site STP in Lincoln Township, **Somerset County**.

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

*Outfall 001: new discharge, design flow of 0.0035 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	11.0			22.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 5405403, Little Washington Wastewater Co.,** 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in North Union Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project involves the installation of a mechanical screen at the Eagle Rock WTP.

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

**WQM Permit No. 5005401, Sewerage, Gary and Judith Cryder,** 101 Fleisher Road, Marysville, PA 17053. This proposed facility is located in Rye Township, **Perry County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their existing single family residence.

**WQM Permit No. WQG01360502, Sewerage, Sauder Brothers Partnership, Lot No. 1,** 1464 Mastersonville Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system to serve Lot No. 1's single family residence on N. Side Oak Tree Road, Manheim, PA.

**WQM Permit No. WQG01360503, Sewerage, Sauder Brothers Partnership, Lot No. 2,** 1464 Mastersonville Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve Lot No. 2's single family residence on North Side Oak Tree Road, Manheim.

**WQM Permit No. 6705411, Sewerage, Windsor Township,** 1480 Windsor Road, P. O. Box 458, Red Lion, PA 17356. This proposed facility is located in Windsor Township, **York County**.

Description of Proposed Action/Activity: Construction of a proposed sewage pumping station and force main for the Shadow Ridge residential development.

**WQM Permit No. 3605410, Sewerage, Lancaster Area Sewer Authority,** 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Proposed upgrade and expansion of the Pleasure Road pump station.

**WQM Permit No. 0605202, Industrial Waste, Reading Area Water Authority,** 815 Washington Street, Reading, PA 19601-3637. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to construct a new potable water transmission main and booster pumping station.

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

**WQM Permit No. 5602403-A1, Sewerage, Conemaugh Township Supervisors,** 1120 Tire Hill Road, Johnstown, PA 15905. This proposed facility is located in Conemaugh Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the addition of a belt filter press and necessary appurtenances.

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



**WQM Permit No. 0205410**, Sewerage, **Pittsburgh Water & Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application to enlarge existing sewer line and relocate existing diversion chamber to maximize flow to existing interceptor.

**WQM Permit No. 467S028-A3**, Sewerage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5597. This proposed facility is located in McCandless Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for upgrade of existing STP.

**WQM Permit No. 5605402**, Sewerage, **Elk Lick Energy, Inc.**, P. O. Box 240, Friedens, PA 15541. This proposed facility is located in Lincoln Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage disposal facility for an underground mine operation.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505081	Brad and Deirdre Francis Great Valley Pet Hotel 824 Monteith Drive Wayne, PA 19087	Chester	Charlestown Township	Valley Creek (EV)
PAI011505082	The Cutler Group Soltys-Buckwalter Road Site 5 Apollo Road Plymouth Meeting, PA 19462	Chester	East Vincent Township	Stony Run/Wissahickon Schuylkill (HQ-TSF)

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

**NPDES Permit No. PAI023505002**. On September 6, 2005, the Department of Environmental Protection (Department) issued the permit to **Hemingway Development Limited Partnership** for the discharge of stormwater from construction activities at its proposed project site in Moosic Borough, **Lackawanna County**. A public hearing on the original permit application was held on August 11, 2005. Subsequent to the public hearing and prior to permit issuance, the applicant revised its permit application so that the project discharges stormwater to Stafford Meadow Brook and Spring Brook, rather than only Stafford Meadow Brook as originally noticed. On September 21, 2005, PRIZM Asset Management Company (PRIZM), Preit Services, LCC (PREIT) and Diann Van Louvender filed an appeal with the Environmental Hearing Board (EHB) challenging the Department's issuance of NPDES Permit No. PAI023505002. On September 27, 2005, PRIZM, PREIT and Van Louvender filed a Petition for Supersedeas asking the EHB to supersede NPDES Permit No. PAI023505002 until such time as the underlying appeal is finally decided. On October 24, 2005, after hearing, the EHB issued an Opinion and Order stating that the Petition for Supersedeas is granted in part and denied in part.

In accordance with the EHB's October 24, 2005, Order, the Department hereby renotices the following permit for public comment. The Department shall consider any comments submitted during the 30-day public comment period in deciding whether it wishes to suspend or revoke the permit, to require Hemingway to provide additional information or to take no action with respect to the permit.

The permit remains in effect during the time that the Department renotices the permit, accepts comments and considers them.

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023505002	Hemingway Development, LP 2 Glenmaura National Blvd. Moosic, PA 18507-1762	Lackawanna	Moosic Borough	Spring Brook CWF Stafford Meadow Brook HQ-CWF

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*Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104, (610) 391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905036	JAMM Realty 520 Route 22 P. O. Box 6872 Bridgewater, NJ 08807	Lehigh	City of Allentown	Trout Creek HQ-CWF
PAI023905037	Walt Dealtry Service Tire Truck Centers 2255 Avenue A Bethlehem, PA 18107	Lehigh	City of Bethlehem	Monocacy Creek HQ-CWF
PAI023905038	David Posocco Posocco Properties 2610 Walbert Ave. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U126R	Liberty Property Limited Partnership 1510 Valley Center Parkway Suite 240 Bethlehem, PA 18017	Northampton	Hanover Township	Monocacy Creek HQ-CWF and Catasauqua Creek CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033605011	Craig Deibler Premier Auto Center 58 Center Road Quarryville, PA 17566	Lancaster	East Drumore	UNT Conowingo Creek HQ-CWF
PAI033605012	Lance Shirk 371 Cocalico Rd. Denver, PA 17517	Lancaster	West Cocalico	UNT to Cocalico Creek HQ-WWF
PAI034405004	Granville Township Supervisors 100 Helen Street Belleville, PA 17044	Mifflin	Granville Township	UNT Juniata River HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045905002	Timothy Parker 13207 Rt. 414	Tioga	Union Township	Mill Creek HQ-CWF
PAI041905001	CAC Properties Stephen E. Rutkoski 1039 Middle Road Elysburg, PA 17824	Columbia	Cleveland Township	S. Br. Roaring Creek HQ

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

*Erie Conservation District, 1927 Water Road, Erie, PA 16509, (814) 825-6403.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062505001	Cross Pointe Subdivision Bruce Minnick 5725 Thomas Road Fairview, PA 16415	Erie	Millcreek Township	Thomas Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI090305001	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Armstrong County	Boggs Township	UNT to North Fork Pine Creek to Pine Creek HQ-CWF

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

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 0905510**, Public Water Supply

Applicant	<b>Sellersville Borough Municipal Authority</b>
Township	West Rockhill
County	<b>Bucks</b>
Responsible Official	Alan A. Frick

Type of Facility	PWS
Consulting Engineer	Cowan Associates, Inc.
Application Received Date	November 3, 2005
Description of Action	Installation of a sodium hypochlorite disinfection system on Well No.1.
<i>Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>	

**Permit No. 3605501**, Public Water Supply.

Applicant	<b>Stoltzfus Meats, Inc.</b>
Municipality	Leacock Township
County	<b>Lancaster</b>
Responsible Official	JM Stoltzfus, Owner P. O. Box 375 Intercourse, PA 17534
Type of Facility	Public Water Supply
Consulting Engineer	David T. Lewis, P. E. ARRO Consulting Inc. 270 Granite Run Drive Lancaster, PA 17601
Application Received Date	1/31/2005
Description of Action	Installation of a new facility to serve a retirement center. Treatment to consist of disinfection, aeration and softening. The system will be supplied by two wells.

**Permit No. 3605507**, Public Water Supply.

Applicant	<b>Lancaster Estates Condo Association</b>
Municipality	Rapho Township
County	<b>Lancaster</b>
Responsible Official	Robert A Sowers, Condo Manager 2961 Spangler Road Manheim, PA 17545
Type of Facility	Public Water Supply
Consulting Engineer	Edmond G. McCorkle, P. E. Lake Roeder Hilllard & Associates 313 West Liberty Street Lancaster, PA 17603

Application Received Date 3/31/2005  
 Description of Action Addition of a new well to augment the existing sources of supply.

**Permit No. 2105508**, Public Water Supply.  
 Applicant **Middlesex Township Municipal Authority**  
 Municipality Middlesex Township  
 County **Cumberland**  
 Responsible Official John S. Blair, Chairperson  
 350 North Middlesex Road  
 Suite 2  
 Carlisle, PA 17013  
 Type of Facility Public Water Supply  
 Consulting Engineer Harry E. Bingaman, P. E.  
 Glace Assoc., Inc.  
 3705 Trindle Rd.  
 Camp Hill, PA 17011

Application Received Date 9/19/2005  
 Description of Action Construction of Well No. 1 in Middlesex Township

**Permit No. 6705508**, Public Water Supply.  
 Applicant **Rutters Brothers Dairy, Inc.**  
 Municipality Manchester Borough  
 County **York**  
 Responsible Official Todd M. Rutter, President  
 2100 N. George St.  
 York, PA 17401  
 Type of Facility Public Water Supply  
 Consulting Engineer Paul K. Francis, P. E.  
 LSC Design, Inc.  
 1110 East Princess Street  
 York, PA 17403

Application Received Date 10/3/2005  
 Description of Action Application to install and operate a water treatment and bottling facility in Manchester Township.

**Permit No. 3805507**, Public Water Supply.  
 Applicant **City of Lebanon Authority**  
 Municipality North Lebanon Township  
 County **Lebanon**  
 Responsible Official Johnathan R. Beers, Public Works Director  
 400 South 8th Street  
 Lebanon, PA 17042  
 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 9/26/2005

Description of Action Increase the pumping capacity of the Sandhill Pumping Station.

**Permit No. 0605519**, Public Water Supply.  
 Applicant **Reading Area Water Authority**  
 Municipality Ontelaunee Township  
 County **Berks**  
 Responsible Official Dean A Miller, Executive Director  
 815 Washington Street  
 Reading City Hall  
 Reading, PA 19601  
 Type of Facility Public Water Supply  
 Consulting Engineer Thomas L. Weld, Jr., P. E.  
 BCM Engineers  
 920 Germantown Pike  
 Reading City Hall  
 Plymouth, PA 19462

Application Received Date 10/2/2005  
 Description of Action Phase II of Ontelaunee Transmission Main project.

#### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

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

**WA-165A**, Water Allocations. **Philadelphia Water Department**, 1101 Market Street, 4th Floor, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. Renewal of Philadelphia Water Department existing Water Allocation Permit No. WA-167A for the right to withdraw up to 423 mgd from the Delaware River to continue to supply the Baxter Water Treatment Plant.

#### 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.*

**Wissinoming Ind. Park**, City of Philadelphia, **Philadelphia County**. Cliff Harper, Harper Env. Assoc., 771 Hideaway Ln., Harleysville, PA 19438 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted with PHCs. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on August 31, 2001.

**Alco Ind. Oaks Fac.**, Upper Providence Township, **Montgomery County**. Peter D. Beyer, P. G., ERM, 98 Highland Ave., Oaks, PA 19456 on behalf of John Neilson, Highland Oaks, LLC, 2620 Egypt Rd., Norristown, PA 19403, has submitted a Notice of Intent to Remediate. Groundwater at the site was impacted with chlorinated solvents. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Herald* on September 1 2005.

**Roberts Res.**, Skippack Township, **Montgomery County**. Andrew K. Markoski, P. G., Patriot Env. Mgmt., P. O. Box 629, Douglassville, PA 19518 on behalf of Lisa Roberts, 3767 Mill Rd., Collegeville, PA 19426 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by No. 2 fuel oil. A summary of the Notice

of Intent to Remediate was reported to have been published in the *Times Herald* on October 7, 2005.

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

**Buckeye Pipe Line Company, LP, Tuckerton Station**, Muhlenberg Township, **Berks County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Exton, PA 18049, on behalf of Buckeye Pipe Line Company, LP, 5002 Buckeye Road, Emmaus, PA 18049, submitted a Notice of Intent to Remediate petroleum contaminated soil. The applicant intends to document remediation to the residential Statewide Health Standard. Future use of the property will continue to be a pumping control station.

**Susquehanna Township School District—Middle School**, Susquehanna Township, **Dauphin County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Susquehanna Township School District, 3550 Elmerton Avenue, Harrisburg, PA 17109, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heating fuel oil. The applicant intends to document remediation to the residential Statewide Health Standard. Future use of the site will continue to be a school.

**Former Service America**, Manchester Township, **York County**. Core Compliance Group Inc., 131 Glenbrook Drive, Cranberry Township, PA 16066, on behalf of The Compass Group, 2400 Yorkmont Road, Charlotte, NC 28217, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, MTBE, methylene chloride and lead. The applicant intends to document remediation to the Statewide Health Standard. Future use of the site will continue to be used for commercial purposes.

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

**Midas Muffler Shop Hermitage**, City of Hermitage, **Mercer County**. Chris Valcheff, BT 2 Inc., 2830 Dairy Drive, Madison WI, 53718 on behalf of Jim Witek, Midas International Corp., 1300 Arlington Heights Road, Itasca IL, has submitted a Notice of Intent to Remediate. Site is a historic location of underground storage tanks for retail sales and onsite use. Petroleum contamination was noted in soil and groundwater. Contamination may be from several sources. Remedial actions are designed to abate the observed impacts. NIR was published in the *Pittsburgh Post-Gazette* October 10, 2005.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### Renewal Applications Received

University of Pittsburgh, 3700 Ohara Street, B-50 Benedum Hall, Pittsburgh, PA 15261. **License No. PA-HC 0183**. Received on October 26, 2005.

JPS Equipment Company, Inc., P. O. Box 788, Edgemont, PA 19028. **License No. PA-HC 0142**. Received on October 28, 2005.

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

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

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

**General Permit Application No. WMGM015D002. Clinton County Solid Waste Authority, 264 Landfill Lane, PA 17748-0209.**

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for a determination of applicability (DOA) under the Municipal Waste General Permit (WMGM015) for the Wayne Township Landfill facility located in **Clinton County**. This general permit is for the processing operation and beneficial use of various wood waste material to create mulch and compost material and specialty soil mixes for landscaping purposes. The Department determined the DOA application to be administratively complete on November 2, 2005.

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

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

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 100933. Alliance Sanitary Landfill.** Alliance Sanitary Landfill, Inc, 398 South Keyser Avenue, Taylor, PA 18517. A Permit Renewal application for the continued operation of this municipal waste landfill located in Taylor and Old Forge Boroughs and Ransom Township, **Lackawanna County**. The application was received in the Regional Office on June 27, 2005, and as of September 20, 2005, it was found to be administratively complete.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. 100172. Arden Landfill, Inc., 625 Cherrington Parkway, Moon Township, PA 15108.** Arden

Landfill, 200 Rangos Lane, Washington, PA 15301. Application for the renewal of a municipal waste landfill permit in Chartiers Township, **Washington County** was received in the Regional Office on October 28, 2005.

**Permit ID No. 100434. Evergreen Landfill, Inc.,** P. O. Box 195, Route 119n, Luciousboro Road, Coral, PA 15731. Evergreen Landfill, Route 119 N, Luciousboro Road, Coral, PA 15731. Application for the renewal of a municipal waste landfill permit in Center Township, **Indiana County**, was received in the Regional Office on October 31, 2005.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT  
APPLICATIONS**

**NEW SOURCES AND MODIFICATIONS**

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

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**PLAN APPROVALS**


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

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

**39-318-114: Apollo Metals, Inc.** (1001 Fourteenth Avenue, Bethlehem, PA 18018) for construction of a chrome plating tank and installation of three air cleaning devices on existing plating operations in Bethlehem, **Lehigh County**.

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

**06-03005C: Rohm and Haas Chemicals LLC** (150 Columbia Street, Reading, PA 19401) for construction of various sources to be used in the manufacturing of thermo-plastics and the installation of a fabric collector in the City of Reading, **Berks County**.

**36-03075: City of Lancaster AWWTP** (1220 New Danville Pike, Lancaster, PA 17603) for installation of a lime stabilization system at their wastewater treatment facility in Lancaster Township, **Lancaster County**. Process emissions will be controlled by a scrubber and biofilter. This is a non-Title V (State-only) facility.

**44-05014C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for modifications to the asphalt and crushing plants at the Hostetler site in Armagh Township, **Mifflin County**. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Plants; the crushing plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**67-03083A: Utz Quality Foods, Inc.** (900 High Street, Hanover, PA 17331) for installation of two fabric collectors to control particulate matter emissions from the existing corn extruder lines and seasoning application process at their snack food manufacturing facility in Hanover Borough, **York County**.

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

**10-298D: ESM Group, Inc.** (955 Saxonburg Boulevard, Saxonburg, PA 16056) for installation of a powder grinding mill and pollution control equipment at their Saxonburg plant, in the Township of Clinton, **Butler County**.

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

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

**09-0112B: Superior Woodcraft, Inc.** (160 North Hamilton Street, Doylestown, PA 18901) for the re-

evaluation of BAT for the VOC content of the coatings used in the manufacture of wood cabinets in Doylestown Borough, **Bucks County**. The facility has proposed placing a limit of 23 tons per 12-month rolling period on emissions of VOCs, and the facility has proposed a limit in the number of hours that the spray booths will be in operation per 12-month rolling period. The facility is in Doylestown Borough, Bucks County.

**46-0069C: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) for installation of a new pulse-jet baghouse in Whitemarsh Township, **Montgomery County**. This installation of the pulse-jet baghouse may result in the emissions of 0.802 ton per year of PM. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**13-318-007: Kovatch Mobile Equipment** (1 Industrial Complex, Nesquehoning, PA 18240-1499) for construction of two paint spray booths and associated air cleaning devices at Plant 4 in Nesquehoning Borough, **Carbon County**. The manufacturing facility is a Title V facility. Annual emissions from the spray booths will result in VOC emissions of 9.83 tons per year and 1.01 tons of HAPs. PM emissions from the process will be controlled through the use of filter panels and will be less than 0.02 gr/dscf. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**13-318-008: Kovatch Mobile Equipment** (1 Industrial Complex, Nesquehoning, PA 18240-1499) for construction of two paint spray booths and associated air cleaning devices at Plant 21 in Nesquehoning Borough, **Carbon County**. The manufacturing facility is a Title V facility. Annual emissions from the spray booths will result in VOC emissions of 13.47 tons per year and 0.67 ton of HAPs. PM emissions from the process will be controlled through the use of filter panels and will be less than 0.02 gr/dscf. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**48-313-096: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) for construction of a blending and grinding mill and granular system in the City of Easton, **Northampton County**. The manufacturing facility is a Title V facility. Particulate matter emissions from the processes will be controlled through the use of fabric collectors and will be less than 0.02 gr/dscf, resulting in annual PM emissions of 3.68 tons per year. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**01-05023B: Carmeuse Lime, Inc.—Hanover Lime Plant** (877 Oxford Road, Hanover, PA 17316) for installing a railcar unloading pit and associated dust collection equipment in their Hanover (Oxford Township, **Adams County**) facility. The railcar unloading pit with its associated dust collection is expected to increase PM emissions

by less than 1 ton per year. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**06-05149: Fleetwood Industries, Inc.** (225 Peach Street, Leesport, PA 19533-8644) for construction of a wooden furniture manufacturing facility with surface coating controlled by dry filters and low VOC coatings in Ontelaunee Township, **Berks County**. The facility is a non-Title V State-only facility. The facility will have emission limits on VOCs (less than 50 tons) and HAPS (10/25 tons) during any consecutive 12-month period. The facility will be required to record the coating usage and calculate the VOC and HAP emissions monthly. Limits will be placed on the VOC content of all coatings used in the operation. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**42-158J: Temple Inland Forest Products Corp.** (147 Temple Drive, Mt. Jewett, PA 16740) for modification of plan approval 42-158I to incorporate two additional sources previously omitted from the plan approval and clarification of the Continuous Assurance Monitoring (CAM) conditions for the Wet ESPs in Sergeant Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their Particleboard/MDF plant in Sergeant Township, McKean County. The facility is a Title V Facility. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan approval No. 42-158J is for the modification of plan approval 42-158I to incorporate two additional sources previously omitted from the plan approval and clarification of the CAM conditions for the Wet ESPs. The changes will not increase emissions from the existing Plant-Wide Applicability Limits (PALs). The Plan Approval and Operating Permit will include conditions that limit the hours of operation for the Wet ESPs while operating with 1 field down to 24 hours. The facility will be required to perform emission testing with one field down to demonstrate emissions during these malfunction periods and establish the particulate emissions to demonstrate compliance with the PAL limit. The permittee will be required to keep records for the date, time and duration that the Wet ESPs are operated with one field down. These records will also be reported to the Department in the semi-annual compliance certification with the reason and how the problem was corrected. The plan approval also includes a limit of 24 hours of operation of the abort stack for startup, shutdown, or malfunction and recordkeeping and reporting for any instances of usage of the abort stack. The permittee will also be required to comply with all other conditions from the previous plan approval (42-158I). The plan approval will also contain additional requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider written comments received within 30 days of the publication of this notice. Written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No. 42-158J.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, 230 Chestnut Street Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Matthew Williams or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for State-only operating permits or §§ 127.521—127.524 for Title V operating permits.

**10-062D: Slippery Rock University** (1 Marow Way, Slippery Rock, PA 16057) to retrofit an existing coal fired boiler to cofire coal and natural gas in the Borough of Slippery Rock, **Butler County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the Borough of Slippery Rock, Butler County. This plan approval will authorize the applicant to retrofit an existing coal fired boiler to cofire coal and natural gas. The 39.5 mmBtu/hr boiler will have the chain grate stoker replaced and a new packaged Low-NOx burner with flue gas treatment installed. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, the cofired boiler will emit 15.59 tons of NOx per year, 8.95 tons of PM, 135.87 tons of SOx and 12.5 tons of CO per year. Actual emissions will decrease for both pollutants with the retrofit. The boiler is limited to coal usage of 4,000 tons per 12-month rolling period.

Persons wishing to provide the Department with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.



2. Identification of the proposed Plan Approval, No. PA-10-062C.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

**10-281H: II-VI Incorporated** (375 Saxonburg Blvd., Saxonburg, PA 16056), for the construction of a new methylene chloride degreaser at the eV Products Building in Saxonburg, **Butler County**. This is a State-only Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate Best Available Technology for the source.

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

**AMS 04322: Sunoco, Inc.—R and M** (3144 Passyunk Avenue, Philadelphia, PA 19145) to increase the allowable feed rate for the 1232 Fluid Catalytic Cracking Unit (FCCU) and install equipment to control emissions from the FCCU in the City of Philadelphia, **Philadelphia County**. The allowed production rate will increase from 73,500 barrels per day to up to 90,000 barrels per day on a rolling 365-day average and up to 100,000 barrels per any single day. The new control equipment, a Selective Catalytic Reduction System and a Wet Gas Scrubber System will replace an existing electrostatic precipitator. In addition, modifications will be made to the existing Sulfur Recovery Units to increase their throughput capacity to 65 long tons per day. The FCCU will have emission limits of 175.2 tons/yr PM/PM10, 362.72 tons/yr SO<sub>x</sub>, 633.77 tons/yr CO, 208.28 tons/yr NO<sub>x</sub>, 8.24 tons/yr VOCs, 166.35 tons/yr sulfuric acid and 19.23 tons/yr ammonia. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

The comment period on this plan approval ends on December 12, 2005. Comments must be postmarked by the last day of the comment period and sent directly to AMS. Comments received by facsimile will not be accepted. AMS may, at its discretion, hold a public hearing. Written requests to hold a hearing must be received before November 28, 2005. A public hearing, if held, will occur at 6 p.m. on December 12, 2005, in the first floor conference room of the Spelman Building, 321 University Avenue, Philadelphia, PA 19104.

**AMS 01164: Academy Recycling** (8901 Torresdale Avenue, Philadelphia, PA 19136) for installation of a tub

grinder, powerscreen, concrete crusher, double screen and robotrac screen in the City of Philadelphia, **Philadelphia County**. Each unit has an IC engine between 97 Hp and 750 Hp. The allowable NO<sub>x</sub> emissions from the facility are limited to less than 25 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**13-00008: Kovatch Mobile Equipment** (One Industrial Complex, Nesquehoning, PA 18240) for renewal of a Title V Operating Permit for a truck manufacturing facility in Nesquehoning Borough, **Carbon County**. The facility sources include: 6 boilers, 17 paint booths, 2 paint lines, 1 metal arc welding source, 1 sandblasting booth, 1 solvent cleaning source and 1 adhesives and sealant source. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

**06-05049: Fleetwood Industries, Inc.** (3001 St. Lawrence Avenue, Reading, PA 19606-2234) for operation of a wooden furniture manufacturing facility including a surface coating operation controlled by dry filters and high solid coatings in the Borough of St Lawrence, **Berks County**. The facility has the potential to emit VOCs in excess of 50 tons per year. The applicant has taken voluntary restrictions on the emissions of HAPS from the facility. The facility is subject to 25 Pa. Code §§ 129.101—129.107 (relating to wood furniture manufacturing operations). The permit will include restrictions, monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**03-00180: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222). The facility's major source of emissions include internal combustion engines and a space heating boiler which primarily emit NO<sub>x</sub>. There are also small quantities of fugitive VOC emissions from facility pumps, valves, flanges, and the like, and a distillate storage tank at their South Bend Compressor Station, South Bend Township, **Armstrong County**. This is a Title V facility.

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

**27-00015: Tennessee Gas Pipeline Company—Station 307** (State Highway 66, Marienville, PA 16239) for reissuance of the Title V Operating Permit. The facility is located in Howe Township, **Forest County**.

The facility transports natural gas through a system of compressors and pipelines. The facility's significant sources are one boiler, four 2,000 Hp compressors, one 3,500 Hp compressor, one 4,000 Hp compressor, one 307 Hp electric generator, one 408 Hp electric power generator, miscellaneous natural gas usage and fugitive emissions from natural gas leaks and vents. This facility is major for Title V because the emission of NO<sub>x</sub> is more than 100 tons per year. This facility is not subject to the Compliance Assurance Monitoring rule contained in 40 CFR Part 64.

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

**V05-003: Pacific Atlantic Terminals, LLC** (67th Street and the Schuylkill River, Philadelphia, PA 19153) for operation of a bulk liquids storage and distribution facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include a 30 mmBtu/hr thermal fluid heater, a 20 mmBtu/hr thermal fluid heater, a vapor incinerator, 22 petroleum products storage tanks, truck loading, nongasoline marine loading, barge cleaning and washwater treatment. The facility's air emission control devices include a vapor incinerator and vapor recovery unit.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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

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

**46-00250: Porter Instruments, Co.** (235 Township Line Road, Hatfield, PA 19440) for operation of a precision dental, medical and industrial application manufacturing facility in Franconia Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The major source of air emissions is one batch vapor degreaser that uses 1,1,2-Trichloroethylene as its solvent. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**41-00067: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for operation of an asphalt

concrete production facility (Plant No. 15-Montoursville) in Loyalsock Township, **Lycoming County**.

The facility incorporates a 700 ton per hour drum mix asphalt concrete plant and associated aggregate, recycled asphalt paving (RAP), liquid asphalt and fuel oil handling, processing and/or storage equipment. The drum burner of the asphalt plant can be fired on natural gas, Nos. 2, 5 and 6 fuel oil and recycled/reprocessed oil. The PM<sub>10</sub> from the asphalt plant are controlled by a fabric collector. The air contaminant emissions from the facility will be limited to 66.17 tons of NO<sub>x</sub>, 94.18 tons of CO, 99.64 tons of SO<sub>x</sub>, 22.36 tons of VOCs and 29.71 tons of PM<sub>10</sub> per year.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 41-303-008, issued on August 21, 2001, Plan Approval 41-303-008A, issued on November 12, 2003, and the Department's "General Plan Approval and General Operating Permit for Nonmetallic Mineral Processing Plants."

These previously-existing conditions include:

- A condition limiting the asphalt plant's PM emissions to .02 grain per dry standard cubic foot of effluent gas volume.
- A condition limiting the asphalt plant's NO<sub>x</sub> emissions to .03 pound per ton of asphalt concrete when firing natural gas, .075 pound per ton of asphalt concrete when firing No. 2 fuel oil and .055 pound per ton of asphalt concrete when firing No. 5 fuel oil, No. 6 fuel oil or recycled/reprocessed oil.
- A condition limiting the asphalt plant's CO emissions to .056 pound per ton of asphalt concrete when firing natural gas, .036 pound per ton of asphalt concrete when firing No. 2 fuel oil and .13 pound per ton of asphalt concrete when firing No. 5 fuel oil, No. 6 fuel oil or recycled/reprocessed oil.
- A condition limiting the asphalt plant's VOC emissions to .0565 pound per ton of asphalt concrete when firing natural gas or No. 2 fuel oil and .032 pound per ton of asphalt concrete when firing No. 5 fuel oil, No. 6 fuel oil or recycled/reprocessed oil.
- A condition limiting the asphalt plant's SO<sub>x</sub> emissions to .141 pound per ton of asphalt concrete when firing No. 5 fuel oil, .139 pound per ton of asphalt concrete when firing No. 6 fuel oil and .146 pound per ton of asphalt concrete when firing recycled/reprocessed oil.
- A condition limiting the sulfur content of the No. 2 fuel oil used to .3% (by weight) and the sulfur content of the No. 5 fuel oil, No. 6 fuel oil and recycled/reprocessed oil to .5% (by weight).
- A condition limiting the content of certain contaminants in the recycled/reprocessed oil used to less than:
  - arsenic—5 parts per million (by weight)
  - cadmium—2 parts per million (by weight)
  - chromium—10 parts per million (by weight)
  - lead—100 parts per million (by weight)
  - total halogens—1,000 parts per million (by weight)
  - polychlorinated biphenyls—none detectable (detection limit no greater than two parts per million)

- A condition prohibiting the facility from accepting any shipment of recycled/reprocessed oil which contains contaminant contents in excess of those specified in the permit or for which the contaminant contents are unknown.
- A condition limiting the asphalt concrete production to 1,302,000 tons per year.
- A condition limiting the amount of RAP which can be processed to 50% of the weight of all materials charged to the mixing drum at any given time.
- A condition specifying the specific analytical procedures to be employed in determining the contaminant contents in recycled/reprocessed oil.
- A condition requiring the permittee to test each shipment of recycled/reprocessed oil received for total halogen content and to perform a complete analysis for all regulated contaminants on at least 1 out of every 15 shipments of the oil.
- A condition requiring the permittee to take a representative sample of each shipment of recycled/reprocessed oil received and save it for at least 2 years for possible future analysis.
- A condition requiring the performance of NO<sub>x</sub> and CO stack testing while burning No. 2 fuel oil if the annual No. 2 fuel oil usage ever exceeds 750,000 gallons.
- A condition requiring the performance of NO<sub>x</sub>, CO and VOC stack testing within 90 days of the initial use of No. 5 fuel oil or No. 6 fuel oil.
- A condition requiring the asphalt plant fabric collector to be equipped with instrumentation to continuously monitor the collector pressure differential and inlet temperature.
- A condition requiring any open-topped truck loaded with dust from the asphalt plant's mineral filler silo loadout spout to be tarped, or equivalent, during loading.
- A condition requiring the air compressor supplying compressed air to the asphalt plant's fabric collector to be equipped with an air dryer and oil trap.
- A condition requiring spare fabric collector bags to be kept on hand.
- A condition prohibiting the manufacture of asbestos-containing asphalt concrete.
- A condition prohibiting the plant from drying stone other than when simultaneously producing asphalt concrete.
- A condition prohibiting the plant from being used to decontaminate soil or any other material contaminated with gasoline, oil, and the like.
- A condition requiring the seals and covers associated with the product silos and drag conveyor to be maintained such that fugitive air contaminant emissions are prevented.
- A condition prohibiting the facility's two mobile RAP processing systems from operating at the same time.
- A condition prohibiting the use of the facility's two mobile RAP processing systems from processing anything other than RAP.
- A condition prohibiting the facility's fuel oil storage tanks from being used to store anything other than fuel oil.
- A condition requiring the maintenance, and periodic submission, of records of the amount of asphalt concrete

produced each month, the amount of asphalt concrete produced each month which contains RAP, the amount of RAP processed each month, the amount of each type of each fuel used each month, the results of all recycled/reprocessed oil analyses performed and the delivery date, quantity, supplier identification and contaminant contents for each shipment of recycled/reprocessed oil received.

The Department additionally proposes to incorporate into the operating permit to be issued modified versions of several previously-established conditions limiting the air contaminant emissions from the entire facility as well as a new condition requiring the performance of stack testing prior to the expiration of the operating permit.

These conditions include:

- Conditions limiting the facilitywide emission of NO<sub>x</sub>, CO, SO<sub>x</sub>, VOC and PM<sub>10</sub> to 66.17, 94.18, 99.64, 22.36 and 29.71 tons, respectively, in any 12-consecutive month period.
- A condition requiring the performance of particulate matter, NO<sub>x</sub>, CO and VOC testing on the asphalt plant sometime between 4 and 4.5 years after operating permit issuance.

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

**25-00124: Mayer Brothers Construction Co.** (1225, West 18th Street, Erie, PA 16502) for a Synthetic Minor Permit to operate a hot mix asphalt plant in the City of Erie, **Erie County**. The significant sources are hot mix batch plant; fugitives from transfer points (3); Asphalt Tanks (2). The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

#### *Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**03991301 and NPDES Permit No. PA0235407, Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), to revise the permit for the Logansport in Bethel Township, **Armstrong County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 79.8, SCP Acres Proposed 79.8. No additional discharges. Application received November 3, 2005.

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

**Permit No. 32000109 and NPDES Permit No. PA 0248827. Britt Energies Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, permit revision—land use change on Christopher J. Evans property from forestland to pastureland in White Township, **Indiana County**, affecting 3.5 acres. Receiving streams: UNTs to and Yellow Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received on October 28, 2005.

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

**03050104 and NPDES Permit No. PA0250813. D. J. & W. Mining, Inc.** (Box 425, Indiana, PA 15701). Application for commencement, operation and reclamation of a bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 168.6 acres. Receiving

streams: UNTs to Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 26, 2005.

**30793024 and NPDES Permit No. PA 117650. Beazer East, Inc.** (c/o Three Rivers Management, Inc., One Oxford Center, Suite 3000, Pittsburgh, PA 15219). NPDES renewal for continued mine drainage treatment system, located in Morgan Township, **Greene County**, affecting 327.7 acres. Receiving streams: South Fork Ten Mile Creek and UNTs to South Fork Ten Mile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 26, 2005.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**33940105 and NPDES Permit No. PA0212121. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Pine Creek and Warsaw Townships, **Jefferson County** affecting 118.1 acres. Receiving streams: two UNTs to Five Mile Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 28, 2005.

**24960101 and NPDES Permit No. PA0227170. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, auger, and coproduct operation in Horton Township, **Elk County** affecting 235.0 acres. Receiving streams: four UNTs of Mead Run and Mead Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 2, 2005.

**43793003 and NPDES Permit No. PA0099783. Rusnak Coal Company** (R. D. 1, Box 44, Grove City, PA 16127-9801). Renewal of an existing bituminous surface strip and auger operation in Wolf Creek Township, **Mercer County** affecting 125.0 acres. Receiving stream: UNT to Black Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 3, 2005.

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

**54950104R2. City of Philadelphia, Trustee/Girard Estates** (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 397.3 acres. Receiving stream: none. Application received October 28, 2005.

**49663004R4. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Zerbe and West Cameron Townships, **Northumberland County** affecting 2,222.0 acres. Receiving stream: none. Application received October 31, 2005.

**40793211R4. Jeddo-Highland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 59.0 acres. Receiving stream: none. Application received November 2, 2005.

#### *Noncoal Applications Received*

#### *Effluent Limits*

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

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

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

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

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 154931, (814) 472-1900.*

**Permit No. 31000301 and NPDES Permit No. PA0599174. New Enterprise Stone & Lime Company**, P. O. Box 77, New Enterprise, PA 16664-0077, renewal of NPDES Permit, Cromwell Township, **Huntingdon County**. Receiving stream: Shade Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received October 27, 2005.

**Permit No. 4274SM26 and NPDES Permit No. PA0599174. New Enterprise Stone & Lime Company**, P. O. Box 77, New Enterprise, PA 16664-0077, renewal of NPDES Permit, Cromwell Township, **Huntingdon County**. Receiving stream: Shade Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received October 27, 2005.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**42040301. Duffy, Inc.** (P. O. Box 374, Smethport, PA 16749-0374). Transfer of an existing sandstone and shale operation in Liberty Township, **McKean County** affecting 33.6 acres. Receiving stream: Allegheny River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from D & D Stone Company. Application received: October 28, 2005

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

**54980103T. HMMK, LLC d/b/a Foster Materials** (P. O. Box 79, Skippack, PA 19474), transfer of an existing quarry operation from Schuylkill Contracting Co., Inc. in Foster Township, **Schuylkill County** affecting 455.4 acres. Receiving stream: none. Application received October 31, 2005.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are

available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-393. Burton L. Mott**, 405 Cortez Road, Lake Ariel, PA 18436, in Jefferson Township, Lackawanna County, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an excavated pond within the floodway of a tributary to the West Branch Wallenpaupack Creek (HQ-CWF). The project is located on the east side of Cortez Road approximately 0.4 mile north of its intersection with SR 0348. (Lake Ariel, PA Quadrangle N: 7.8 inches; W: 15.6 inches).

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

**E22-497: Hershey Trust Company, Trustee of Milton Hershey School**, 100 Mansion Road East, Hershey, PA 17033.

To fill a total of 0.15 acre of PEM wetlands at two sites (Latitude: 40° 17' 36" and 40° 17' 39"; Longitude: 76° 40' 08" and 76° 40' 01") east of Boathouse Road (T-588) and to construct and maintain 0.15 acre of replacement PEM wetlands involving the excavation of 1,060 cy of the left floodway of Swatara Creek (WWF) at a site (Latitude: 40° 17' 46"; Longitude: 76° 40' 13") west of Boathouse Road in Derry Township, **Dauphin County**.

**E21-375: Department of General Services, Bureau of Engineering and Architecture**, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125 in Cooke Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain wastewater collection and treatment facilities involving a 45-foot by 3-inch directionally drilled sanitary sewer crossing of Mountain Creek (HQ-CWF) (Latitude: 40° 01' 51"; Longitude: 77° 01' 31"), a 35-foot by 6-inch open trench sanitary sewer crossing of Mountain Creek with 25 linear feet of riprap bank stabilization and a 35-foot long temporary road crossing (Latitude: 40° 01' 52"; Longitude: 77° 18' 04"), a 138-foot by 3-inch directionally drilled sanitary sewer crossing of exceptional value PEM wetlands (Latitude: 40° 01' 51"; Longitude: 77° 01' 31"), and a 288-foot by 3-inch open trench sanitary sewer crossing impacting 0.06 acre of exceptional value PEM wetlands (Latitude: 40° 01' 50"; Longitude: 77° 18' 33") in Pine Grove Furnace State Park in Cooke Township, **Cumberland County**. The project proposes to temporarily impact 40 linear feet of stream

channel and 0.06 acre of exceptional value PEM wetlands, and to permanently impact 25 linear feet of stream channel.

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

**E25-697, International Paper, Uniflow Center Room D**, 1525 East Lake Road, Erie, PA 16511. Lowville Three Landfill Stream Cleaning, in Venango Township, **Erie County**, ACOE Pittsburgh District (Wattsburg, PA Quadrangle N: 6.3 inches; W: 12.9 inches).

The applicant proposes to remove sediment, vegetation and gravel deposits from a UNT to West Branch French Creek for a length of 985 feet adjacent to the return track of a drag strip to prevent flooding of the return track approximately 2,000 feet northwest of the intersection of SR 8 and Jones Road involving: 1) to impact 0.19 acre of PEM/PSS wetland by removing sediment, vegetation and gravel deposits to original stream contours; and 2) to restore 0.19 acre of PEM/PSS wetlands on the International Paper Lowville Landfill Three property. The project proposes to impact 0.19 acre of PEM/PSS wetlands and to restore 0.19 acre of PEM/PSS wetlands. The UNT to West Branch French Creek is a perennial stream classified as a WWF. A portion of this project was completed under Emergency Permit EP2505603 issued by the Department of Environmental Protection on May 19, 2005.

**E25-702, Iroquois School District**, 4231 Morse Street, Erie, PA 16511. Iroquois Elementary School, in Lawrence Park Township, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 5.3 inches; W: 1.6 inches).

The applicant proposes to fill the existing UNT Lake Erie (with a drainage area of 59 acres) (Erie North, PA Quadrangle N: 5.3 inches; W: 1.6 inches) adjacent to the southwest corner of the intersection of Tyndall Street and Morse Street in Lawrence Park Township, Erie County for a length of approximately 382 feet and to reroute the UNT Lake Erie through a HDPE plastic stream enclosure having 3-foot diameter for a length of approximately 373 feet and having 3.5-foot diameter for a length of approximately 518 feet. Project includes associated stormwater outfalls and two waterline crossings under the stream enclosure. The UNT Lake Erie is stream classified as a MF and a CWF.

**E25-703, Nancy E. Dusckas**, 2607 Buffalo Road, Erie, PA 16510-1421. Chautauqua Woods Subdivision, in the City of Erie and Lawrence Park Borough, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 4.8 inches; W: 5.4 inches).

The applicant proposes to construct a 16.5 acre residential development approximately 800 feet south of the intersection of SR 5 and Franklin Avenue consisting of 55 equivalent dwelling units involving: 1) to construct and maintain a 50-foot long, 24-foot wide by 10-foot high Conspan arch culvert and associated wingwalls and 90-foot long retaining wall in McDannel Run; 2) to construct and maintain three waterline (6-inch diameter, 6-inch diameter and 8-inch diameter) crossings of McDannel Run; 3) to construct and maintain an 8-inch diameter ductile iron, aerial (above the 100-year floodplain) sewerline crossing of McDannel Run; 4) to impact 0.14 acre of wetland with road crossings; 5) to restore 0.17 acre of wetland onsite; and 6) to construct and maintain

stormwater outfalls associated with the residential development. McDannel Run is a perennial stream classified as a CWF and MF. The project proposes to impact approximately 250 feet of stream.

**E37-168, Tennessee Gas Pipeline**, 1211 Greenville-Mercer Road, Mercer, PA 16137. TGP 300-1 Line Crossing at Buchanan Run, in Pulaski Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quad-rangle N: 41° 07' 24.7"; W: 80° 23' 53.52").

To install and maintain concrete revetment within approximately 150 linear feet of the channel of Buchanan Run and approximately 100 linear feet of a tributary to Buchanan Run to provide cover and erosion protection to two existing, exposed natural gas pipeline crossings of Buchanan Run approximately 800 feet downstream of English Road.

### ENVIRONMENTAL ASSESSMENTS

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

**EA1009-003. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes two dangerous highwalls totaling 3,300 linear feet. The project will include the backfilling of: (1) a 0.14 acre open water body, which is AMD-impacted; and (2) a 0.08 acre open water body. The project will directly impact 0.22 acre of open water. (West Sunbury Quadrangle N: 6.5 inches, W: 7.75 inches).

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085316 (Sewage)	Fort Heritage, Ltd. 1096 Emmitsburg Road Gettysburg, PA 17325	Adams County Cumberland Township	Marsh Creek 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217573 Industrial Waste	Oxford Development Company 120 Fifth Avenue, 2nd Floor Pittsburgh, PA 15222	Allegheny County City of Pittsburgh	Allegheny River	Y
PA0090573 Sewage	Hempfield Suburban, LLC 9073 Nemo Street West Hollywood, CA 90069	Westmoreland County Hempfield Township	UNT of Little Sewickley Creek	Y
PA0095729 Sewage	Eastern Orthodox Foundation P. O. Box 342 Penn Run, PA 15765-0342	Indiana County Cherryhill Township	UNT of Lake Margus and Yellow Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034959	Pinebloom Corp d/b/a Wolf's Camping Resort R. D. 3, Box 41 Knox, PA 16232	Beaver Township Clarion County	UNT to Canoe Creek 17-B	Y
PA0103934	The Well Restaurant 3686 Old State Road Ridgway, PA 15853-7634	Ridgway Township Elk County	Elk Creek 17-A	Y
PA0004995	Armstrong Cement & Supply Corp. 100 Clearfield Road Cabot, PA 16023	Winfield Township Butler County	Rough Run 17-F	Y

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

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

**NPDES Permit No. PA0057916**, Industrial Waste, **Schlumberger Technology Corporation**, 225 Schlumberger Drive, Sugar Land, TX 77478. This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater from the North Penn Area 12 Superfund Site into a UNT in Stony Creek in Watershed 3F—Lower Schuylkill.

**NPDES Permit No. PA0011436**, Industrial Waste, **Handy & Harman Tube Company, Inc.**, 701 West Township Line Road, Norristown, PA 19403-4629. This proposed facility is located in East Norriton Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater, stormwater and noncontact cooling water into a UNT to Stony Creek in Watershed 3F.

**NPDES Permit No. PA0026603**, Sewage, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002-4476. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 6.5 mgd of treated sewage into the Wissahickon Creek in Watershed 3F.

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

**NPDES Permit No. PA0086461**, Sewage, **Pinch Pond Campground, Inc.**, 3075 Pinch Pond Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Chickies Creek in Watershed 7-G.

**NPDES Permit No. PA0024457**, Sewage, **Halifax Municipal Authority**, P. O. Box 443, Halifax, PA 17032-0043. This proposed facility is located in Halifax Borough, **Dauphin County**.

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

**NPDES Permit No. PA0051829**, Sewage, **Schuylkill Valley School District**, 929 Lakeshore Drive, Leesport, PA 19533-8631. This proposed facility is located in Leesport Borough, **Berks County**.



Description of Proposed Action/Activity: Cancellation of Permit.

**NPDES Permit No. PA0021601, Amendment 1**, Sewerage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19541. This proposed facility is located in Hamburg Borough, **Berks County**.

Description of size and scope of proposed operation/activity: Upgrade/erate.

**NPDES Permit No. PA0035157, Amendment 1**, Industrial Waste, **Farmer's Pride, Inc.**, P. O. Box 39, Fredericksburg, PA 17026. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Deep Run in Watershed 7-D.

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

**NPDES Permit No. PA0239631**, Sewage, **Monroe Township**, 17956 Route 68, Sligo, PA 16255. This proposed facility is located in Monroe Township, **Clarion County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Brush Run Watershed 17-B.

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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. 1505406**, Sewerage, **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station, force main and gravity mains.

**WQM Permit No. 4605419**, Sewerage, **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Upgrade to existing sewer lines.

**WQM Permit No. 0905410**, Sewerage, **Hilltown Township Water and Sewer Authority**, 316 Highland Park, P. O. Box 365, Sellersville, PA 18960. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of sewerage facilities consisting of six individual grinder pumps and a force main.

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

**WQM Permit No. 0105405**, Sewerage, **Banyon Investment Group, Inc.**, 1060 Baltimore Street, Hanover, PA 17331. This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a small flow individual residence spray irrigation system for denitrification consisting of an aerobic tank, sand filter, chlorine disinfection and sprayfield.

**WQM Permit No. 0105406**, Sewerage, **Banyon Investment Group, Inc.**, 1060 Baltimore Street, Hanover, PA 17331. This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a small flow individual residence spray irrigation system for denitrification consisting of an aerobic tank, sand filter, chlorine disinfection and spray field.

**WQM Permit No. 2205401**, Sewerage, **Halifax Municipal Authority**, P. O. Box 443, Halifax, PA 17032-0043. This proposed facility is located in Halifax Borough, **Dauphin County**.

Description of Proposed Action/Activity: Rerate to .21 mgd, an extended aeration sewage plant rered as a conventional activated sludge plant.

**WQM Permit No. 0605412**, Sewerage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19541. This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Upgrade/expansion of Pine Street Pump Station and Hamburg Wastewater Treatment Plant.

**WQM Permit No. 3805405**, Sewerage, **East Hanover Township**, 1117 Schoolhouse Road, Annville, PA 17003-8526. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/operation of the Ono Pump Station.

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

**WQM Permit No. 4905403**, Sewerage, **McEwensville Municipal Authority**, P. O. Box 50, McEwensville, PA, 17749. This facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit issuance for equipment upgrades to the existing wastewater treatment facility which include the modifications to the existing aeration system, the addition of floating attached growth bioreactors, the construction of new lagoon baffles, a plate settler with recycle pump and chlorine contact tank baffles.

**WQM Permit No. 1705406**, Sewerage 4952, **City of DuBois**, P. O. Box 408, 16 West Scribner Avenue, DuBois, PA 15801. This proposed facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of a sewage sludge dewatering facility at the existing City of DuBois sewage treatment plant.

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

**WQM Permit No. 1171401-A3**, Sewerage, **Nanty Glo Sanitary Sewer**, 879 Wood Street, Nanty Glo, PA 15943. This proposed facility is located in Nanty Glo Borough, **Cambria County**.

Description of Proposed Action/Activity: Treatment plant and interceptor improvements.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
WAIVER	Parryville Borough 318 Centre Street Parryville, PA 18244	Carbon	Parryville Borough	Pohopoco Creek CWF	N/A

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G394R	Westrum Anderson Farm, LP Anderson Farm 370 Commerce Drive, Suite 100 Fort Washington, PA 19034	Chester	Schuylkill Township	UNT Pickering Creek (HQ)
PAI011504046	Stephen Frost, Owner 455 Pennsylvania Avenue Suite 205, P. O. Box 187 Fort Washington, PA 19034	Chester	East Nottingham Township	Big Elk Creek (HQ-TSF-MF)
PAI011505016	MLH Realty, LLC Willistown Township SSS Extension 813 Old Lancaster Pike Bryn Mawr, PA 19010	Chester	Willistown Township	UNT Ridley Creek (HQ)
PAI011505038	Casciato Isayeff Rufo & Rufo Keystone Community Alliance West Goshen Development 550 East Union Street West Chester, PA 19382	Chester	West Goshen Township	UNT Taylor Run (TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504019	James P. Ertle R. R. 2, Box 30 Kunkletown, PA 18058	Monroe	Stroud Township	UNT to Pocono Creek HQ-CWF
PAI024505007	James P. Ertle R. R. 2, Box 30 Kunkletown, PA 18058	Monroe	Stroud Township	UNT to Pocono Creek HQ-CWF
PAI025404002	Tamaqua Associates, LP 300 Market St. Johnstown, PA 15901	Schuylkill	Rush Township	Nesquehoning Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041405006	Thomas and Jennifer Snyder P. O. Box 122 Madisonburg, PA 16852	Centre	Miles Township	UNT Elk Creek HQ-CWF

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

*Westmoreland County Conservation District: 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056505003	Department of Transportation P. O. Box 459 825 N. Gallatin Avenue Ext. Uniontown, PA 15401	Westmoreland	Salem Township	UNT to Beaver Run (HQ)
PAI056505005	John Edward Schmidt R. R. 2 Box 164-A, Route 66 N Export, PA 15632	Westmoreland	Washington Township	Beaver Run Reservoir (HQ)

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

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

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

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

#### *General Permit Type—PAG-2*

<i>Facility Location &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>
West Bradford East Fallowfield and Newlin Townships Chester County	PAG2001505080	Carol Giblin Giblin Subdivision 845 West Miner Street West Chester, PA 19382	West Branch Brandywine Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001504119	Alex Hionis, Sr. Hoinis Properties 780 Baltimore Pike Concordville, PA 19331	Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002305034	Radnor Township School District 135 South Wayne Avenue Wayne, PA 19087	Ithan Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002305049	Michael Main and Jeffrey Pendergast 111 North Wayne Avenue Wayne, PA 19087	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Eddystone Borough Delaware County	PAG2002305054	Penn Terminals One Saville Avenue Eddystone, PA 19022	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG2011505035	PH Properties Dupont Heights Development 1211 Turnbury Lane North Wales, PA 19454	Philadelphia Water Department Wastewater Treatment Plant	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000903108	Frederick Construction, LLC P. O. Box 2191 Doylestown, PA 18901	Cabin Run (CWD)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Township Bucks County	PAG2000905061	Frank Kelly Builders Sunset Avenue Extension 203 Bucks Road Holland, PA 18966	Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Jenkintown Borough Montgomery County	PAG2004605134	Jenkintown School District Elementary, Middle and High School Additions 325 Highland Avenue Jenkintown, PA 19046	Tookany/Tacony Creeks (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004605099	Sarah Werntz 120 Atwood Road Erdenheim, PA 19038	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004604216	TH Properties Belmead Estates 345 Main Street Harleysville, PA 19438	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG2004605095	Abington Township Abington TWP WWTF 1176 Old York Road Abington, PA 19001	Sandy Run/Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Montgomery County	PAG2004605145	MJE Builders Haws Lane Subdivision 920 South Broad Street Lansdale, PA 19446	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004605050	Liberty Property Trust 151 S. Warner Rd. Parking Lot Expan. 65 Valley Stream Parkway Malvern, PA 19355	Trout Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004605164	McDonald's Corporation McDonald's Restaurant 3025 Chemical Road Suite 100 Plymouth Meeting, PA 19462	Sprogle Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004605090	Clemrock Realty Group, Inc. Providence Reserve 528 Main Street Harleysville, PA 19438	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004605111	North Penn School District Pennfield Middle School	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004605033	Karen Parry Alleback Tract Subdivision 113 West Broad Street Souderton, PA 18964	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
Lower Providence Township Montgomery County	PAG2004605093	Commerce Bank 1100 Atrium Way Mt. Laurel, NJ 08054	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004605091	Gambone Brothers Development Co. Anderson Road Subdivision 1030 Germantown Pike Norristown, PA 19403	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004650115	The Quaker School at Horsham 318 Meetinghouse Road Horsham, PA 19044	Pennypack Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Abington Township Montgomery County	PAG2004605059	Abington School District Willow Hill Elementary School 970 Highland Avenue Abington, PA 19001	Sandy Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004605133	Spring Hill Realty, Inc. Renninger Shopping Center 528 Main Street Suite 200 Harleysville, PA 19438	Schuylkill River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004605053	Keystone Property Group Whitemarsh Corporation Center One First Avenue Suite 400 Conshohocken, PA 19428	Spring Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Summit Hill Borough Carbon County	PAG2001305005(1)	Panther Valley Sch. Dist. 11 East Bertsch St. Lansford, PA 18232	Panther Creek CWF	Carbon Co. Cons. Dist. (610) 377-4894
Williams Township Northampton County	PAG2004805027	Ed Vogel Stanton Properties P. O. Box 5877 Hillsborough, NJ 08844	Delaware River WWF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Dublin Township Huntingdon County	PAG2003105008	Robert Parsons R. D. 1, Box 300 Blairs Mills, PA 17213	Shade Creek TSF	Huntingdon County Conservation District R. D. 1, Box 7C Rt. 26, S. Huntingdon, PA 16652
Greene Township Franklin County	PAG2002805080	Lynce and Suzann Eberly 2071 Mt. Pleasant Road Fayetteville PA 17222	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Lower Swatara Township Dauphin County	PAR10I252R	Gary Stewart Fulling Flex, LLC 950 Smile Way York, PA 17404	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
South Heidelberg Township Berks County	PAG2000604051	Robert Bender Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Manor Creek Tulpehocken Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Reading Berks County	PAG2000605043	Larry Lee Reading Parking Authority 613 Franklin Street Reading, PA 19602	Schuylkill WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
South Heidelberg Township Berks County	PAG2000605092	Robert Bender Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Manor Creek Tulpehocken Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000605086	Gregory Frey St. Paul's Lutheran Church 548 Old Swede Road Douglassville, PA 19518	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
North Middleton, Cumberland County	PAG2002105039	Lehmans Crossing Al Hughes 1300 Market Street Lemoyne, PA 17043	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
East Pennsboro Cumberland County	PAG2002105050	Laurel Woods Deluxe Homes of PA, Inc. Donald Meske 499 West 3rd Street Berwick, PA 18603	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Upper Allen Cumberland County	PAG2002105041	Cumberland Business Park Lot 1 Classic Communities Jim Halbert 2151 Linglestown Rd. Suite 300 Harrisburg, PA 17110	UNT to Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
South Londonderry Township Lebanon County	PAG2003805031	Mark DiSanto Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
South Annville and North Cornwall Townships Lebanon County	PAG2003805018	South Annville Township Sewer Authority 829 South Spruce Street Annville, PA 17003	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
South Londonderry Township Lebanon County	PAG2003805016	Carl Mittereder Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Conewago Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, Ext. 4
West St. Clair Township Bedford County	PAG2000505006	Jerry Radford Grandview Development Partnership 291 Fernwood Road New Paris, PA 15554	Dunning Creek WWF	Bedford County Conservation District 702 W. Pitt St., Suite 4 Bedford, PA 15522 (814) 623-7900, Ext. 4

<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>
Centre County Philipsburg Borough	PAG2001405012	Sonja Brobeck Philipsburg-Osceola Area School District 200 Short Street Philipsburg, PA 16866	Moshannon Creek TSF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Scott Township	PAG2001905016	Mariano Enterprises Martin Mariano P. O. Box 127 Bloomsburg, PA 17815	Kinneys Run UNT Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Tioga County Charleston Township	PAG2005905008	James Mark 568 East Baltimore Avondale, PA 19311	Charleston Creek WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 101
Lycoming County Piatt Township	PAG2004105008	James Fuller Leisure living Homes 55 Brown Rd. Linden, PA 17744	Pine Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 2 Montoursville, PA 17754 (570) 433-3003
Allegheny County Pine Township	PAG2000205098	Richland Properties, Inc. 7805 McKnight Road Pittsburgh, PA 15237	Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205102	O'Block Homes, Inc. 300 Holiday Park Drive Pittsburgh, PA 15239	Abers Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000205111	SGS Associates 11279 Perry Highway Wexford, PA 15090	Big Sewickley Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Glassport Borough	PAG2000205114	GHV & Associates 323 Union Street Suite 300 Nashville, TN 37201	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Cambria County Richland Township	PAG2001105012	Denis P. Michaels 221 Bentwood Avenue Johnstown, PA 15904	Sandy Run (CWF)	Cambria County CD (814) 472-2120
Indiana County White Township	PAG2003205010	Louis Meola St. Andrews Village 1155 Indiana Springs Indiana, PA 15701	McCarthy Run (DWF)	Indiana County CD (724) 463-8547
Washington County Peters Township	PAG2006305034	Peters Township 610 East McMurray Road McMurray, PA 15317	Brush Run (WWF)	Washington County CD (724) 228-6774
Butler County Cranberry Township	PAG2001005029	Walden Pond Subdivision 14 Burke Road Cranberry Township, PA  Sebastian Rucci Walden Dev. Inc. 3058 Chardonnay Lane Poland, OH 44514	Kaufman Run WWF	Butler Conservation District (724) 284-5270

<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>
McKean County Seargeant Township	PAG2094205006	Department of Environmental Protection Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Gumboot Run CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Moosic Borough Lackawanna County	PAG2113505003	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790	Lackawanna River (CWF)	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371
<i>General Permit Type—PAG-3</i>				
<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>
Langhorne Borough Bucks County	PAR800100	United States Postal Service 980 Wheeler Way Langhorne, PA 19047	Mill Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR800062	United States Postal Service 1900 Byberry Rd. Philadelphia, PA 19116	Byberry Creek 3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600065	Joseph Trent d/b/a JT's Used Auto Parts 3505 S. 61st St. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600088	William Dortone d/b/a Bill's Auto Parts 6235 Passyunk Ave Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
North Manheim Township Schuylkill County	PAR802230	Roadway Express, Inc. 1077 Gorge Boulevard P. O. Box 471 Akron, OH 44309-0471	Long Run Creek	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Ringtown Borough Schuylkill County	PAR212220	Ringtown Wilbert Vault Works P. O. Box 215 Ringtown, PA 17967	Little Catawissa Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Franklin County Antrim Township	PAR803642	Jerr-Dan Corporation Wrecker Plant 1080 Hykes Road Greencastle, PA 17225	UNT to Conococheague WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Antrim Township	PAR803520	Jerr-Dan Corporation Wrecker Plant 1080 Hykes Road Greencastle, PA 17225	UNT to Conococheague WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Mt. Joy Borough	PAR203536	New Standard Corporation 125 Pinkerton Road Mt. Joy, PA 17552-0420	Little Chickies Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707



*Facility Location:  
Municipality &  
County*

<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>
Castanea Township Clinton County	PAR234818	WSP Chemicals & Technology LLC 2301 Duss Ave. Suite 32 Ambridge, PA 15003-6280	Storm Drain to Bald Eagle Creek WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327 3664
City of Erie Erie County	PAR808340	United States Postal Service, Erie 2108 East 38th Street Erie, PA 16515-9350	Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadeville, PA 16335-3481 (814) 332-6942
City of New Castle Lawrence County	PAR808341	United States Postal Service New Castle Vehicle Maintenance Facility 435 S. Cascade Street New Castle, PA 16108	UNT to Big Run	DEP—NWRO Water Management 230 Chestnut Street Meadeville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location &  
Municipality*

<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>
Lancaster County Rapho Township	PAG043735	Sauder Brothers Partnership Lot 1 1464 Mastersonville Road Manheim, PA 17545	Rife Run WWF	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 (717) 705-4707
Lancaster County Rapho Township	PAG043736	Sauder Brothers Partnership Lot 2 1464 Mastersonville Road Manheim, PA 17545	Rife Run WWF	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 (717) 705-4707
Franklin County Fannett Township	PAG043509	Raymond F. Cropper 24483 Path Valley Road Concord, PA 17219	Narrows Branch CWF	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 (717) 705-4707
Allegheny County Richland Township	PAG046105	Conrad J. Wagner 2824 Wynnland Road Glenshaw, PA 15116	South Branch Glade Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Stoneycreek Township	PAG046219	Robert A. and Helen F. Davis 350 Brotherton Road Friedens, PA 15541	UNT to Stoney Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Milford Township	PAG046309	Scott Marker 840 Pioneer Road Rockwood, PA 15557	UNT to Coxes Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County North Fayette Township	PAG046311	New Century Energy, Inc. 1851 North Road McDonald, PA 15057	Drainage Swale to Fink Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Summit Township Erie County	PAG049205	David J. Dlugas 8093 Cherry Street Extension Erie, PA 16509	UNT to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG049218	Mark Beuger 430 Conewango Avenue Warren, PA 16365	UNT to Conewango Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAG048401	Mark M. Brabender 3740 Stirrup Drive Erie, PA 16506	UNT to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<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>
Worcester Township Montgomery County	PAG050070	ExxonMobil Corporation 1121 North Bethlehem Pike Suite 60, No. 312 Spring House, PA 19477	Zacharias Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Washington Borough Washington County	PAG056205	Coen Oil Company P. O. Box 34 1100 West Chestnut Street Washington, PA 15301	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Clay Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	David N. Zimmerman Farm Clay Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
West Cocalico Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Aaron I. Weaver Farm West Cocalico Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Clay Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	David N. Zimmerman Farm Clay Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
West Cocalico Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Aaron I. Weaver Farm West Cocalico Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Hampden Township Cumberland County	PAG083568 PAG083569	Hampden Township 230 S. Sporting Hill Road Mechanicsburg, PA 17050	Eugene Deimler Farm Hampden Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*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 at least 15 days prior to discharge.	PAG109607	Equitable Gas Company 225 North Shore Drive Pittsburgh, PA 15212-5861	Statewide Use—Water/use information to be provided to the Department of Environmental Protection at least 15 days prior to any testwater discharge.	Department of Environmental Protection 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.*

<b>Permit No. 5005503, Public Water Supply.</b>	
Applicant	<b>Pfautz Properties</b>
Municipality	Penn Township
County	<b>Perry</b>
Type of Facility	Installation of polyphosphate feed equipment for manganese treatment
Consulting Engineer	Peter Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Construct Issued:	10/17/2005
<b>Permit No. 0605516 MA, Minor Amendment, Public Water Supply.</b>	
Applicant	<b>Landmark Builders</b>
Municipality	Marion Township
County	<b>Berks</b>
Type of Facility	Redesign of previously permitted Stonecroft Village Water System.
Consulting Engineer	Michael S. Moulds Hanover Engineering Associates Inc. 20C Snyder Lane Ephrata, PA 17522

Permit to Construct Issued: 10/24/2005  
**Permit No. 0605517 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Shinn Spring Water Company**  
 Municipality Cumru Township  
 County **Berks**  
 Type of Facility Shinn Spring Water Co. is adding a distilled water line to their bottling process.  
 Consulting Engineer Laurence S. Zimmermann, P. E.  
 Gannett Flemming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100

Permit to Construct Issued: 10/20/2005  
**Permit No. 6705506 MA, Minor Amendment**, Public Water Supply.  
 Applicant **The York Water Company**  
 Municipality East Manchester Township  
 County **York**  
 Type of Facility Starview glassed-lined, finished water storage tank.  
 Consulting Engineer Ryan M. Ural, P. E.  
 The York Water Company  
 130 East Market Street  
 P. O. Box 15089  
 York, PA 17405-7089

Permit to Construct Issued: 10/11/2005  
**Operations Permit** issued to **Genesis Elder Care Corporation**, 3060031, Tilden Township, **Berks County** on 10/13/2005 for the operation of facilities approved under Construction Permit No. 0604521.  
**Operations Permit** issued to **Reading Area Water Authority**, 3060059, Ontelaunee Township, **Berks County** on 10/20/2005 for the operation of facilities approved under Construction Permit No. 0603520.

**Operations Permit** issued to **Heritage Hill II Partnership**, 7010022, Littlestown Borough, **Adams County** on 10/18/2005 for the operation of facilities approved under Construction Permit No. 0105502.

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

**Permit No. 3804503**, Public Water Supply.  
 Applicant **Eastern Lebanon County School District**  
 Municipality Jackson Township  
 County **Lebanon**  
 Type of Facility Installation of a nitrate treatment system.  
 Consulting Engineer John T. Boyer Sr., P. E.  
 The Boyer Partnership, Inc.  
 1435 11th Avenue  
 Altoona, PA 16601  
 Permit to Construct Issued: 11/1/2005

**Permit No. 0605510**, Public Water Supply.  
 Applicant **Borough of Kutztown**  
 Municipality Kutztown Borough  
 County **Berks**  
 Type of Facility Project consist of a Booster pumping station and water lines to serve the proposed Hilltop Subdivision.  
 Consulting Engineer Eugene F. Long, P. E.  
 Stackhouse Seitz Bensinger Inc.  
 330 Revere Blvd.  
 Sinking Spring, PA 19608

Permit to Construct Issued: 11/4/2005  
**Permit No. 5005503**, Public Water Supply.  
 Applicant **Pfautz Properties**  
 Municipality Penn Township  
 County **Perry**  
 Type of Facility Installation of polyphosphate feed equipment for maganese treatment.  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112

Permit to Construct Issued: 10/17/2005  
**Permit No. 0605513**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 Municipality Centre Township  
 County **Berks**  
 Type of Facility The permit application requests approval to re-rate Well No. 1 from 20 gpm to 34 gpm so that Fairview MHP can be connected to the public water system, providing residents with an acceptable potable water source.

Consulting Engineer William A. LaDieu  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct Issued: 10/24/2005

**Permit No. 0605516 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Landmark Builders**  
 Municipality Marion Township  
 County **Berks**  
 Type of Facility Redesign of previously permitted Stonecroft Village Water System.  
 Consulting Engineer Michael S. Moulds  
 Hanover Engineering Associates Inc.  
 20C Snyder Lane  
 Ephrata, PA 17522  
 Permit to Construct Issued: 10/24/2005

**Permit No. 0605517 MA, Minor Amendment, Public Water Supply.**

Applicant **Shinn Spring Water Company**  
 Municipality Cumru Township  
 County **Berks**  
 Type of Facility Shinn Spring Water Co. is adding a distilled water line to their bottling process.  
 Consulting Engineer Laurence S. Zimmermann, P. E.  
 Gannett Flemming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Permit to Construct Issued: 10/20/2005

**Permit No. 2805505 MA, Minor Amendment, Public Water Supply.**

Applicant **Shippensburg Borough Authority**  
 Municipality Letterkenny Township  
 County **Cumberland**  
 Type of Facility Interconnection with Franklin County General Authority's Letterkenny Reservoir including metering buildings.  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112  
 Permit to Construct Issued: 10/20/2005

**Permit No. 0705501 MA, Minor Amendment, Public Water Supply.**

Applicant **Roaring Spring Municipal Authority**  
 Municipality Roaring Spring Borough  
 County **Blair**  
 Type of Facility Removal of the existing gas chlorination system and the installation of a sodium hypochlorite feed system.  
 Consulting Engineer Steven R. McGraw, P. E.  
 Stiffler, McGraw & Associates Inc.  
 19 N. Juniata Street  
 Hollidaysburg, PA 16648  
 Permit to Construct Issued: 9/14/2005

**Permit No. 6705506 MA, Minor Amendment, Public Water Supply.**

Applicant **The York Water Company**  
 Municipality East Manchester Township  
 County **York**  
 Type of Facility Starview glassed-lined, finished water storage tank.

Consulting Engineer Ryan M. Ural, P. E.  
 The York Water Company  
 130 East Market Street  
 P. O. Box 15089  
 York, PA 17405-7089

Permit to Construct Issued: 10/11/2005

**Operations Permit** issued to **Littlestown Borough Authority**, 7010022, Littlestown Borough, **Adams County** on 11/2/2005 for the operation of facilities approved under Construction Permit No. 0198502.

**Operations Permit** issued to **Lake Meade Municipal Authority**, 7010036, Latimore Township, **Adams County** on 11/1/2005 for the operation of facilities approved under Construction Permit No. 0104503 MA.

**Operations Permit** issued to **Bonneauville Borough Municipal Authority**, 7010012, Bonneauville Borough, **Adams County** on 11/1/2005 for the operation of facilities approved under Construction Permit No. 0104202.

**Operations Permit** issued to **Freedom Township Water & Sewer Authority**, 4070002, Allegheny, Blair and Freedom Townships, **Blair County** on 10/4/2005 for the operation of facilities approved under Construction Permit No. 0703501.

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

**Permit No. 5302502—Temporary Operation Public Water Supply.**

Applicant **Coudersport Borough Authority**  
 Township or Borough Coudersport Borough  
 County **Potter**  
 Responsible Official William Krog, Chairperson  
 Coudersport Borough Authority  
 201 South West Street  
 Coudersport, PA 16915  
 Type of Facility Public Water Supply—Temporary Operation  
 Consulting Engineer Uni-Tec Consulting Engineers, Inc.  
 2007 Cato Avenue  
 State College, PA 16801  
 Permit Issued Date 11/01/2005  
 Description of Action Temporary operation of North Well Nos. 2 and 3, North Treatment Plant, South Finished Water Storage Tank, rehabilitation of the North and East Finished Water Storage Tanks.

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

Applicant **Aqua PA, Inc.**  
 Township or Borough Coal Township  
 County **Northumberland**

Responsible Official Richard T. Subasic  
Executive Vice President/General  
Manager  
Aqua PA, Inc.  
204 East Sunbury Street  
Shamokin, PA 17872-4859

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date 11/08/2005

Description of Action Operation of the soda ash feed  
system at the Roaring Creek  
water treatment facility.

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

**Permit No. 2603501-A1, Public Water Supply.**

Applicant **National Pike Water  
Authority**  
4888 National Pike  
Markleysburg, PA 15459

Borough or Township Henry Clay Township  
County **Fayette**

Type of Facility Polyphosphate feed system

Consulting Engineer McMillen Engineering  
115 Wayland Smith Drive  
Uniontown, PA 15401

Permit to Construct November 2, 2005  
Issued

**Permit No. 1104501-A1, Public Water Supply.**

Applicant **Country Living Estates, Inc.**  
313 Humbert Road  
Sidman, PA 15955

Borough or Township Croyle Township  
County **Cambria**

Type of Facility Manganese greensand filter and  
additional water storage tank

Consulting Engineer Keller Engineers, Inc.  
420 Allegheny Street  
P. O. Box 61  
Hollidaysburg, PA 16648

Permit to Construct October 26, 2005  
Issued

**Permit No. 1185501-A5, Public Water Supply.**

Applicant **Highland Sewer & Water  
Authority**  
120 Tank Drive  
Johnstown, PA 15904

Borough or Township Summerhill Township  
County **Cambria**

Type of Facility Prechlorination at the raw water  
line in the water treatment  
plant.

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
P. O. Box 837  
Somerset, PA 15501

Permit to Construct October 26, 2005  
Issued

**Operations Permit** issued to **Parker Area Author-  
ity**, P. O. Box 342, Parker City, PA 16049, (PWS ID  
5030011) Parker City, **Armstrong County** on November  
3, 2005, for the operation of facilities approved under  
Construction Permit No. 0303502.

**Operations Permit** issued to **Borough of Ambridge  
Water Authority**, P. O. Box 257, 600 11th Street,  
Ambridge, PA 15003, (PWS ID 5040008) Harmony Town-  
ship, **Beaver County** on November 3, 2005, for the  
operation of facilities approved under Construction Per-  
mit No. 0403501.

**Operations Permit** issued to **Borough of Ambridge  
Water Authority**, P. O. Box 257, 600 11th Street,  
Ambridge, PA 15003, (PWS ID 5040008) Ambridge Bor-  
ough, **Beaver County** on November 3, 2005, for the  
operation of facilities approved under Construction Per-  
mit No. 0479501-A1.

**Permit No. 5605502MA, Minor Amendment.** Public  
Water Supply.

Applicant **Indian Lake Borough**  
1301 Causeway Drive  
Central City, PA 15926

Borough or Township Indian Lake Borough  
County **Somerset**

Type of Facility Cherry Lane Water Storage Tank

Consulting Engineer Hatch, Mott, McDonald  
1600 West Carson Street  
Pittsburgh, PA 15219-1031

Permit to Construct October 26, 2005  
Issued

**WATER ALLOCATIONS**

**Actions taken on applications received under the  
act of June 24, 1939 (P. L. 842, No. 365) (35 P. S.  
§§ 631—641) relating to the acquisition of rights  
to divert waters of this Commonwealth**

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

**WA 28-1022, Water Allocations. Shippensburg Bor-  
ough Authority, Franklin County.** Subsidiary water  
allocation permit application for the right to purchase an  
average of 650,000 gallons of raw water per day, based on  
thirty days, from Franklin County General Authority.  
Consulting Engineer: Peter Lusardi, P. E., CET Engineer-  
ing Services. Permit Issued: 10/12/2005.

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

**WA4-1005, Water Allocations. Borough of Conway,  
1208 Third Avenue, Conway, PA 15027, Conway Borough,  
Beaver County.** The right to purchase 450,000 gpd,  
peak day, from the Beaver Falls Municipal Authority,  
located in Beaver County.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania  
Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethlehem Township	Municipal Building 4225 Easton Avenue Bethlehem, PA 18020	Northampton County

*Plan Description:* The approved plan provides for a residential development of a 245 acre tract. This project will revise the layout of an existing golf course and construct 286 dwelling units around the golf course. The development will include 59 single-family homes, 141 townhouse units and 86 carriage house units. A community center and existing clubhouse will be part of the project as well. An 8-inch PVC sanitary sewer line extension will connect the project to the existing Bethlehem Township Municipal Authority Sanitary Sewerage System at Manhole No. 216. Bethlehem Township Municipal Authority will provide collection and conveyance facilities to the project. The City of Bethlehem will provide conveyance and treatment facilities for the proposed 73,000 gpd of sewage flows. Easton Suburban Water authority will provide public water to the project. The proposed development, Green Pond Estates, is located on Farmersville Road and Church Road, Bethlehem Township, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Athens Township	184 Eric Avenue Sayre, PA 18840	Bradford
Athens Borough	2 South River Street Athens, PA 18810	Bradford

*Plan Description:* The approved plan provides for an 8,525 linear feet of gravity sewer extension, a new 2,845 linear feet of force main and the upgrading of two pump stations. This estimated \$1,412,685 project will result in the abandonment of the Queen Ester Estates sewage treatment plant.

The Department of Environmental Protection'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.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Clintonville Borough	P. O. Box 254 Clintonville, PA 16372	Venango

*Plan Description:* The approved plan provides for a new pump station and force main to convey filter backwash water from the CBSWA Water Treatment Plant to existing sewers and treatment at the CBSWA Wastewater Treatment Plant.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fox Township	116 Irishtown Road P. O. Box 184 Kersey, PA 15846	Elk

*Plan Description:* The approved plan provides for additional sanitary sewer to be constructed to serve six residential and two commercial connections to the Fox Township sewage collection system.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Edinboro	124 Meadville Street Edinboro, PA 16412	Erie
Washington Township	1800 Edinboro Road Edinboro, PA 16412	Erie

*Plan Description:* The approved plan provides for an expansion of the Angling Road STP to 0.6 mgd with discharge to a UNT of Conneauttee Creek. The Edinboro STP will remain at 1.2 mgd, however the Maple Drive portion of the collection system will be upgraded in accordance with a Department of Environmental Protection order.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in

the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Wissinoming Ind. Park**, City of Philadelphia, **Philadelphia County**. Cliff Harper, Harper Env. Assoc., 771 Highway Ln., Harleysville, PA 19438 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PHCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Alco Ind. Oaks Fac.**, Upper Providence Township, **Montgomery County**. Peter D. Beyer, P. G., ERM, 98 Highland Ave., Oaks, PA 19456 on behalf of John Neilson, Highland Oaks, LLC, 2620 Egypt Rd., Norristown, PA 19403, has submitted a Remedial Investigation, Risk Assessment and Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The reports are intended to document remediation of the site to meet the Site-Specific Health Standard.

**Roberts Res.**, Skippack Township, **Montgomery County**. Andrew K. Markoski, P. G., Patriot Env. Mgmt., P. O. Box 629, Douglassville, PA 19518 on behalf of Lisa Roberts, 3767 Mill Rd., Colledgeville, PA 19426 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Cantol, Inc.**, City of Philadelphia, **Philadelphia County**. Gilbert J. Marshall, P. G., Marshall Geosciences, Inc., 170 E. First Ave., Colledgeville, PA 19426 on behalf of Elmer Sneathen and Richard Petsche, Cantol, Inc., 2211 N. American St., Philadelphia, PA 19133-3396 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, No. 2 fuel oil and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Health Standard and Statewide Health Standard.

**Nace's Greenhouses**, Perkasio Borough, **Bucks County**. Samuel J. Kucia, ECI, 500 E. Washington St., Suite 375, Norristown, PA 19401 on behalf of Tom Calhoun, Moulton, Bldrs., 301 N. Broad St., Lansdale, PA 19446 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**James and Tamah Wicke Residence**, Silver Spring Township, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of James and Tamah Wicke, 83 Willow Mill Park Road, Mechanicsburg, PA 17050, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The Final Report intends to document remediation of the site to the residential Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Exxon RS 2-0493**, Horsham Township, **Montgomery County**. Stephanie L. Rose, GES, 410 Eagleview Blvd., Suite 110, Exton, PA 19341 on behalf of Daniel Lewis,



ExxonMobil Corp., 1121 N. Bethlehem Pike, Suite 60, No. 312, Spring House, PA 19477 has submitted a Remedial Investigation Report, Risk Assessment Report, Cleanup Plan and Final Report concerning the remediation of site soil and groundwater contaminated with BTEX. The Remedial Investigation Report, Risk Assessment Report, Cleanup Plan and Final Report demonstrated attainment of the Site-Specific Health Standard and were approved by the Department of Environmental Protection on October 20, 2005.

**Kilgannon Prop.**, East Coventry Township, **Chester County**. Joseph Diamadi, P. G., Marshall Geoscience, Inc., 170 E. First Ave., Collegetown, PA 19426 on behalf of David Kilgannon, P. O. Box 34, Parker Ford, PA 19457 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 20, 2005.

**Exxon SS No. 2-0454**, Lower Merion Township, **Montgomery County**. Stephanie L. Rose, GES, 410 Eagleview Blvd., Suite 110, Exton, PA 19341 on behalf of C. Wm. Kieser, 420 Conshohocken State Rd., Bala Cynwyd, PA has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with Site-Specific Health Standard and Statewide Health Standard. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department of Environmental Protection on October 26, 2005.

**Georgia-Pacific/Connelly Containers Fac.**, Lower Merion Township, **Montgomery County**. Jeffrey Goudward, Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Richard Heany, Righters Ferry Assoc., LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with unleaded gasoline, other organics and inorganics. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department on August 17, 2005.

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

**Kerr Group, Inc.**, City of Lancaster, **Lancaster County**. Gannett Fleming, Inc., P. O. Box 10185, Lancaster, PA 17605-0185, on behalf of Kerr Group, Inc., P. O. Box 959, Evansville, IN 47706-0959, submitted a Remedial Investigation and Risk Assessment concerning the remediation of site soils and groundwater contaminated with solvents and BTEX. The site was remediated to the Site Specific Standard and the Department of Environmental Protection approved the combined reports on November 2, 2005.

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

**New Castle Refractories**, City of New Castle, **Lawrence County**. John Walker, INTEX Environmental Group, 6205 Easton road, Pipersville PA 18947-1025 on behalf of New Castle Refractories and Dixon Ticonderoga Co., 195 International Parkway, Heathrow FL 32746 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, fuel oil No. 2, lead, other organics and PAHs. Public Notice was submitted and published in the *New Castle News* on September 30, 2005.

## HAZARDOUS WASTE TRANSPORTER LICENSE

### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### *Hazardous Waste Transporter License Issued*

**Reliable Environmental Transport, Inc.**, R. R. 4, P. O. Box 263, Bridgeport, WV 26330. License No. PA-AH 0721. Effective October 27, 2005.

#### *Hazardous Waste Transporter License Renewed*

**Vernon Milling Company, Inc.**, P. O. Box 1617, Vernon, AL 35592. License No. PA-AH 0640. Effective October 13, 2005.

**Action Resources, Inc.**, 40 Country Road 517, Hanceville, AL 35077. License No. PA-AH 0650. Effective October 20, 2005.

**Fortress Trucking Limited**, 4230 Fountain Street, North, Cambridge, ON (Canada) N3H 4R7. License No. PA-AH 0512. Effective October 27, 2005.

**Environmental Products & Services, Inc.**, P. O. Box 4620, Burlington, VT 05406. License No. PA-AH 0327. Effective November 1, 2005.

**Casie Ecology Oil Salvage, Inc.**, P. O. Box 92, Franklinville, NJ 08322. License No. PA-AH 0307. Effective November 1, 2005.

**The Environmental Service Group (NY)**, 177 Wales Avenue, Tonawanda, NY 14150. License No. PA-AH S144. Effective November 1, 2005.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

### Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### *Infectious and Chemotherapeutic Waste Transporter License Renewed*

**University of Pittsburgh**, 3700 Ohara Street, B-50 Benedum Hall, Pittsburgh, PA 15261. License No. PA-HC 0183. Effective October 27, 2005.

**JPS Equipment Company, Inc.**, P. O. Box 788, Edgemont, PA 19028. License No. PA-HC 0142. Effective November 2, 2005.

## RESIDUAL WASTE GENERAL PERMITS

**General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.*

**General Permit No. WMGR069. Cargill Meat Solutions Corp.,** P. O. Box 188, Rt. 706, Wyalusing, PA 18853.

General Permit No. WMGR069 was originally issued to Taylor Packing Co., Inc., P. O. Box 188, Wyalusing, PA 18853 for the beneficial use of wastewater treatment sludge generated from meat processing operations. The beneficial use is limited to land application on agricultural lands in this Commonwealth. The general permit was issued by Central Office on October 27, 2000.

Based on a notification of a change of ownership, the beneficial use of wastewater treatment sludge generated from meat processing operations produced at the Cargill Taylor Beef facility, located in Wyalusing Township, **Bradford County** is now under the ownership and management of Cargill Meat Solutions Corp. Notice is hereby given of the reissuance of the General Permit No. WMGR069 granting Cargill Meat Solutions Corp. the beneficial use of wastewater treatment sludge generated from meat processing operations at the Cargill Taylor Beef facility as specified in the general permit. Central Office approved the reissuance of this general permit on November 4, 2005.

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

### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a General Permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM024D001. Tamco Construction, Inc.,** 539 E. Dark Hollow Road, Pipersville, PA 18947.

General Permit No. WMGM024D001 is for the processing the processing of concrete and asphalt waste and beneficial use as: (1) an aggregate, a subbase or a subgrade for roadway construction; (2) a cold and hot mixed material for roadway and shoulder application; and (3) blended with other virgin aggregate as a subbase for

roadway construction, generated at the West Post Road facility located in Falls Township, **Bucks County**. The general permit was issued by Central Office on October 28, 2005.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a General Permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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

**General Permit No. WMGR081D008. Elemental Inc.,** 2371 Church St., Philadelphia, PA 19124. For the recycling of various uncontaminated and source-separated electronic equipment and components electronics equipment by sorting, disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only). The Department of Environmental Protection (Department) approved the determination of applicability on October 25, 2005.

Persons interested in reviewing the general permit may contact the Division of Municipal and Residual Waste, General Permits/Beneficial Use Section, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 100932. Environmental & Recycling Services, Inc.,** 1100 Union Street, Taylor, PA 18517. A Permit Renewal application, requesting approval to continue waste disposal activities to allow attainment of the final permit design elevations at this construction and demolition waste landfill located in Taylor Borough, **Lackawanna County**. No other changes are proposed by this request to modify either the disposal area or the conditions and terms established by the existing permit documentation. The permit was issued in the Regional Office on October 6, 2005 with an expiration date of March 31, 2006.

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

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

**Permit ID No. 100663. Kelly Run Landfill**, 1500 Hayden Boulevard, Elizabeth, PA 15037. Operation of a municipal waste landfill in Forward Township, **Allegheny County**. Permit issued in the Regional Office on November 8, 2005.

## 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.*

**54-310-033GP3: Schuylkill Reclamation Corp.** (10 Gilberton Road, Gilberton, PA 17934) on October 31, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at SR 901 and Phoenix Park Road, Branch Township, **Schuylkill County**.

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

**GP5-18-03: NCL Natural Resources, LLC** (25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380) on October 19, 2005, to construct and operate a 375 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter and a 150,000 Btu per hour triethylene glycol dehydrator under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Beech Creek Road facility in Noyes Township, **Clinton County**.

**GP5-14-02C: NCL Natural Resources, LLC** (25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380) on October 19, 2005, to construct and operate an 814 horsepower natural gas-fired reciprocating internal combustion compressor engine, a 400 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter and a 375,000 Btu per hour triethylene glycol dehydrator pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Red Buck Road facility in Snow Shoe Township, **Centre County**.

**GP5-14-01C: NCL Natural Resources, LLC** (25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380) on October 19, 2005, to construct and operate a 738 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter, an 814 horsepower natural gas-fired reciprocating internal combustion compressor engine, a 100 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter, a 295 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter and a 150,000 Btu per hour triethylene glycol dehydrator under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Dehass Road facility in Curtin Township, **Centre County**.

**GP5-18-02: NCL Natural Resources, LLC** (25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380) on October 19, 2005, to construct and operate a 200 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter and a 75,000 Btu per hour triethylene glycol dehydrator pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the TCI 165 facility in Grugan Township, **Clinton County**.

**GP5-18-04: NCL Natural Resources, LLC** (25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380) on October 19, 2005, to construct and operate a 200 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Tract 678 facility in Noyes Township, **Clinton County**.

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

**GP5-65-00934: Kriebel Minerals, Inc.** (P. O. Box 765, 633 Mayfield Drive, Clarion, PA 16255) on October 13, 2005, permit (GP-5) is effective to install and operate one 205 bhp Caterpillar Natural Gas-Fired Compressor Engine, Model No. 342NA, one Hatchback Catalytic Converter, Model No. DN/S 10/13WH5, and one 0.250 mmBtu/hr Natco Dehydrator, Model No. PN99550008 at the Lynn Compressor Station in East Huntington Township, **Westmoreland County**.

**GP5-65-00933: Kriebel Minerals, Inc.** (P. O. Box 765, 633 Mayfield Drive, Clarion, PA 16255) on October 13, 2005, permit (GP-5) is effective to install and operate one 145 bhp Caterpillar Natural Gas-Fired Compressor Engine, Model No. 3305NA, one Emission Reduction System Catalytic Converter, Model No. Denox 250-6, and one 0.250 mmBtu/hr Natco Dehydrator, Model No. PN99550008 at the Sony Compressor Station located in East Huntington Township, **Westmoreland County**.

**GP5-30-00159: CNX Gas Co., LLC** (1800 Washington Road, Pittsburgh PA 15241) on November 2, 2005, to construct and operate the coal bed methane gas station at site No. 9 in Freeport Township, **Greene County**.

**GP4-63-00649: Spartch Polycom** (470 Johnson Road, Washington, PA 15301) on November 2, 2005, to operate burn-off oven at Donora Plant No 1 in Donora Borough, **Washington County**.

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

**GP-42-174: Rustick LLC—McKean County Landfill** (19 Ness Lane, Kane, PA 16735) on October 31, 2005, to operate a portable mineral processing unit in Sergeant Township, **McKean County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**35-399-038A: Flexible Foam Products, Inc.** (P. O. Box 126, 220 Elizabeth Street, Spencerville, OH 45887) on November 1, 2005, to install three air cleaning devices in Archbald Borough, **Lackawanna County**.

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

**06-03063B: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyons Station, PA 19356) on November 1, 2005, to construct a small lead parts casting machine and associated lead pot controlled by an existing fabric collector and HEPA filter in the Kutztown Borough, **Berks County**.

**06-05002D: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522-8541) on October 31, 2005, to modify two Portland cement kilns each controlled by mid-kiln air injection, a cyclone, a spray dryer and a fabric collector in Maiden creek Township, **Berks County**.

**36-03157: Fertrell Co.** (P. O. Box 265, Bainbridge, PA 17502) on October 31, 2005, to install a new 7 mmBtu/hr rotary dryer at their Bainbridge plant in Conoy Township, **Lancaster County**.

**67-05007B: Adhesives Research, Inc.** (P. O. Box 100, Glen Rock, PA 17327-0100) on October 31, 2005, to install two new coating sources to be controlled together with an existing source by a new regenerative thermal oxidizer at their coating facility in Springfield Township, **York County**.

**67-05047A: Republic Service, Inc.** (4400 Mt. Pisgah Road, York, PA 17402) on October 28, 2005, for installation of a second enclosed flare in Windsor and Lower Windsor Townships, **York County**.

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

**41-318-049: Williamsport Steel Container Co., Inc.** (360 Arch Street, Williamsport, PA 17701) on October 11, 2005, to construct a metal drum surface coating operation, consisting of two spray booths and an associated curing oven, and a stamping lubricant flash-off oven in the City of Williamsport, **Lycoming County**.

**47-00001B: PPL Montour, LLC** (P. O. Box 128, Washingtonville, PA 17884) on October 12, 2005, to install two air cleaning devices, two flue gas desulfurization systems on two bituminous coal-fired electric utility boilers (Units 1 and 2), and to construct two 500 horsepower diesel-fired emergency generators, at the Montour Steam Electric Station in Derry Township, **Montour County**.

**18-00009C: Clinton County Solid Waste Authority** (P. O. Box 209, McElhattan, PA 17748) on October 13, 2005, to modify a municipal waste landfill by increasing the allowable average daily waste volume from 725 tons to 1,200 tons and to construct a landfill gas flare at Wayne Township Landfill in Wayne Township, **Clinton County**.

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

**24-083H: Carbone of America Industrial Corp.** (215 Stackpole Street, St. Marys, PA 15857) on October 28, 2005, to construct four additional mixers, two mills and a pulverizer in St. Marys City, **Elk County**. The mixers will be controlled by the existing scrubber. This is a Title V facility.

**43-308A: ERGON Trucking, Inc.** (944 New Castle Mercer Road, Mercer, PA 16137) on October 14, 2005, for post construction of a crude oil truck loading rack in the City of Mercer, **Mercer County**.

**61-004C: Electralloy—A G.O. Carlson, Inc., Co.** (175 Main Street, Oil City, PA 16301) on October 28, 2005, to modify the electric arc furnace in Oil City, **Venango County**.

**24-012E: CG Electrodes LLC** (800 Theresia Street, St. Marys, PA 15857) on September 19, 2005, to install on car bottom kilns in St. Marys, **Elk County**.

**25-337A: Custom Engineering Co.** (2800 McClelland Ave., Erie, PA 16510) on October 28, 2005, to install a paint booth in Erie, **Erie County**.

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

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

**23-0074: GS Roofing Product Co., Inc.** (800 West Front Street, Chester, PA 19013) on November 1, 2005, to operate a thermal oxidizer in City of Chester, **Delaware County**.

**09-0075A: Dunmore Corp.** (145 Wharton Road, Bristol, PA 19007) on November 4, 2005, to operate two coaters and mixing equipment in Bristol Township, **Bucks County**.

**23-0082: Liberty Electric Power, LLC** (1000 Industrial Highway, Route 291, Eddystone, PA 19022) on November 7, 2005, to operate a power plant—500 MW in Eddystone Borough, **Delaware County**.

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

**01-05029: Reliant Energy Wholesale Generation, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on October 31, 2005, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

**06-03096A: Lucas Lane, Inc.** (Ten Lucas Lane, Bernville, PA 19506) on October 23, 2005, to construct a thermal unit to recycle used oil filters at Bernville in Upper Tulpehocken Township, **Berks County**. This plan approval was extended.

**67-02004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on October 30, 2005, 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.

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

**53-0009D: National Fuel Gas Supply Corp.** (P. O. Box 2081, Erie, PA 16512) on October 28, 2005, to operate a 4,445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a

temporary basis until February 25, 2006, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval has been extended.

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

**33-055A: Glen Gery Corp** (Route 28, Summerville, PA 15864) on October 31, 2005, to construct a tunnel kiln in Summerville Borough, **Jefferson County**.

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

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*Northwest Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Michael Safko, Facilities Permitting Chief, (570) 826-2531.*

**39-00014: Keystone Sanitary Landfill, Inc.,** (249 Dunham Drive, Dunmore, PA 18512) on August 24, 2005, to renew their Title V operating permit for a landfill in Dunmore Borough, **Lackawanna County**.

**39-00024: Keystone Recovery, Inc.** (Marshwood Road, Throop, PA 18512) on August 24, 2005, to renew their Title V Operating Permit for a landfill gas recovery facility in Throop Borough, **Lackawanna County**.

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

**10-00079: BNZ Materials, Inc.** (191 Front Street, Zelienople, PA 16063-1088) on October 24, 2005, to re-issue the Title V Operating Permit in Zelienople Borough, **Butler County**. The facility manufactures clay refractories and its major emission sources include old clay silo and conveyor, new clay silo and conveyor, No. 1 sawdust conveying system, sawdust silo and conveyor, No. 2 sawdust grinder, No. 2 line sawdust conveyor, No. 2 line premix conveyor, molding process, No. 2 besley finishing machine, No. 2 besley machine feeder, No. 1 besley finishing machine, power shapes machine, special shapes machines, degreasers, miscellaneous natural gas usage, hot water heater, No. 3 dryer, No. 2 dryer, No. 3 kiln, No. 4 kiln and laboratory test kiln. The facility is a major facility due to its potential to emit CO. This facility is not subject to compliance assurance monitoring because the individual source's precontrolled emission does not exceed the Title V emission threshold.

**37-00243: INMETCO** (245 Portersville, Ellwood City, PA 16117) on October 28, 2005, to re-issue a Title V Operating Permit to operate a secondary nonferrous metals recovery facility in Ellwood City Borough, **Lawrence County**. This Title V Permit re-issuance also included the incorporation of Plan Approval Number 37-243C that authorized the installation of an eighth Cadmium Distillation Furnace.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**09-00068: Orchard Hill Memorial Park, Inc.** (75 Sterling Road, Warren, NJ 07059) on October 31, 2005, to operate an individual and bulk animal cremation service to the Synthetic Minor Operating Permit in Richland Township, **Bucks County**.

**09-00163: Blooming Glen Quarry—Division of Haines** (P. O. Box 196, 2-52 Lucon Road, Skippack, PA 19474) on November 4, 2005, to operate a facility Natural Minor Operating Permit in Hilltown Township, **Bucks County**.

**23-00048: Jefferson Smurfit Corp. (US)** (100 McDonald Blvd., Aston, PA 19014) on November 4, 2005, to operate a facility Synthetic Minor Operating Permit in City of Chester, **Delaware County**.

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

**40-00091: America's Body Co., Inc.** (275 West Union Street, Nanticoke, PA 18634) on October 18, 2005, for motor a vehicle and car painting plant in the City of Nanticoke, **Luzerne County**.

**35-00054: Bardane Manufacturing Co.** (P. O. Box 70, Delaware Street, Jermyn, PA 18433-0070) on June 8, 2005, to operate a metal castings facility in Jermyn Borough, **Lackawanna County**.

**40-00074: Altec Industries, Inc.** (250 Laird Street, Plains, PA 18705) on October 21, 2005, to operate four four spraybooths and associated accessories in Plains Township, **Luzerne County**.

**40-00087: Pride Mobility Products Corp.** (182 Susquehanna Avenue, Exeter, PA 18643) on October 21, 2005, to operate two 16.8 mmBtu/hr gas fired boilers and associated accessories in Duryea Borough, **Luzerne County**.

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

**18-00025: Moriarty-Dutcavich Funeral Home** (112 East Church Street, Lock Haven, PA 17745) on October 11, 2005, to operate a human remains crematory facility in the City of Lock Haven, **Clinton County**.

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

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

**46-00027: Johnson and Johnson Pharmaceutical Research and Development, LLC** (Welsh and McKean Roads, Spring House, PA 19477) on November 3, 2005, the facility's major emission points include manufacturing equipment designed for pharmaceutical preparations, which emits major levels of VOCs, in Lower Gwynedd Township, **Montgomery County**. Minor Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses the changes to the pressure drop range for the control device associated with Source ID 105 Clinical Supplies, Manufacturing, and Packaging. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

**39-00014: Keystone Sanitary Landfill, Inc.**, (249 Dunham Drive, Dunmore, PA. 18512), on August 24, 2005, to incorporate the requirements from Plan Approval 35-399-040 into the renewal Title V operating permit for their landfill in Dunmore Borough, **Lackawanna County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

### Coal Permits Actions

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

**30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** for clean coal batch weigh system as extension of existing loading facility, Surface Acres Proposed 11.50. No additional discharges. Permit issued November 2, 2005.

**32881301 and NPDES Permit No. PA0215538, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Penn Run Mine in Cherryhill Township, **Indiana County** and related NPDES permit from Mears Enterprises, Inc. No additional discharges. Permit issued November 2, 2005.

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

**56970301 and NPDES Permit No. PA0234362, Fieg Brothers Coal Company**, 3070 Stoystown Road, Stoystown, PA 15563, large noncoal (industrial minerals) permit transfer to Garrett Limestone Company, Inc., 451 Stoystown Road, Suite 104, Somerset, PA 15501, in Black and Summit Townships, **Somerset County**, affecting 174.4 acres. Receiving stream: Casselman River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 2, 2004. Permit issued: October 28, 2005.

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

**03050104 and NPDES Permit No. PA0250813. D. J. & W. Mining, Inc.** (Box 425, Indiana, PA 15701). Application for commencement, operation and reclamation of a bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 168.6 acres. Receiving streams: UNTs to Crooked Creek, classified for the

following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 26, 2005.

**30793024 and NPDES Permit No. PA 117650. Beazer East, Inc.** (c/o Three Rivers Management, Inc., One Oxford Center, Suite 3000, Pittsburgh, PA 15219). NPDES renewal for continued mine drainage treatment system, located in Morgan Township, **Greene County**, affecting 327.7 acres. Receiving streams: South Fork Ten Mile Creek and UNTs to South Fork Ten Mile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 26, 2005.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**33960108 and NPDES Permit No. PA0227315. Opal Industries, Inc.** (P. O. Box 980, Latrobe, PA 15650). Renewal of an existing bituminous surfaces strip operation in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: UNTs to Painter Run. Application received: August 29, 2005. Permit Issued: October 31, 2005.

**24930102 and NPDES Permit No. PA0211788. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip operation, auger, beneficial use of residual waste sludge, clay and shale removal, beneficial use of coal ash, and placement of sludge cake in Horton Township, **Elk County** affecting 236.7 acres. Receiving streams: UNT of Johnson Run and UNT of Brandy Camp Creek. Application received: August 16, 2005. Permit Issued: October 31, 2005.

**33030107. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201) Revision to an existing bituminous strip operation to change the postmining land use from forestland to unmanaged natural habitat on the Ronald E. Huntington, Lawrence and Shirley Billock and Gary and Eileen Drayer properties in Winslow Township, **Jefferson County** affecting 20.4 acres. Receiving stream: UNT to Soldier Run. Application received: June 27, 2005. Permit Issued: November 3, 2005.

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

**40763204R4. Northampton Fuel Supply Co., Inc.** (1 Horwith Drive, Northampton, PA 18067), renewal of an existing coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 61.2 acres. Receiving stream: none. Application received May 27, 2005. Renewal issued October 31, 2005.

**54851315R4 and NPDES Permit No. PA0224464. Summit Anthracite, Inc.** (196 Vista Road, Klingers-town, PA 17941), renewal of an existing anthracite underground mine operation and discharge of treated mine drainage in Schuylkill Township, **Schuylkill County** affecting 9.8 acres. Receiving stream: Big Creek. Application received June 15, 2005. Permit issued November 2, 2005.

### Noncoal Permits Actions

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 9621-3118.*

**19052801. Knorr Contracting, Inc.** (7295 Old Berwick Road, Bloomsburg, PA 17815), commencement, operation and restoration of a quarry operation in Montour Township, **Columbia County** affecting 5.0

acres. Receiving stream: none. Application received December 23, 2004. Permit issued November 1, 2005.

**06010301C2. Berks Products Corp.** (P. O. Box 421, Reading, PA 19603), correction to an existing quarry operation in Maxatawny Township, **Berks County** affecting 38.4 acres. Receiving stream: Maiden Creek. Application received July 26, 2005. Correction issued November 1, 2005.

**49050301. Central Builders Supply Co., Inc.** (125 Bridge Avenue, Sunbury, PA 17801), commencement, operation and restoration of a quarry operation in Point Township, **Northumberland County** affecting 54.0 acres. Receiving stream: none. Application received March 7, 2005. Permit issued November 1, 2005.

**40050803. Tom Piatt** (1271 SR 29, Hunlock PA 18621), commencement, operation and restoration of a quarry operation in Lake Township, **Luzerne County** affecting 2.0 acres. Receiving stream: none. Application received July 14, 2005. Permit issued November 1, 2005.

**58050816. P. Scott Baldwin** (R. R. 1, Box 340G, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received April 11, 2005. Permit issued November 2, 2005.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**28054162. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Nitterhouse Warehouse in Guilford Township, **Franklin County** with an expiration date of October 31, 2006. Permit issued October 31, 2005.

**45054150. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for single dwelling in Middle Smithfield Township, **Monroe County** with an expiration date of March 30, 2006. Permit issued October 31, 2005.

**67054146. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for Armstrong Swimming Pool in Warrington Township, **York County** with an expiration date of September 30, 2006. Permit issued October 31, 2005.

**36054167. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Griffith Residence in Lancaster Township, **Lancaster County** with a expiration date of October 28, 2006. Permit issued November 2, 2005.

**45054151. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Farms in Coolbaugh Township, **Monroe County** with an expiration date of November 20, 2006. Permit issued November 2, 2005.

**45054152. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Shawnee

Oakdale in Smithfield Township, **Monroe County** with an expiration date of November 21, 2006. Permit issued November 2, 2005.

**45054153. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of November 29, 2006. Permit issued November 2, 2005.

**45054154. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Wilderness Acres in Middle Smithfield Township, **Monroe County** with an expiration date of November 29, 2006. Permit issued November 2, 2005.

**45054155. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Franklin Hill Acres in Smithfield Township, **Monroe County** with an expiration date of November 30, 2006. Permit issued November 2, 2005.

**58054104. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Cobb Residence in Herrick Township, **Susquehanna County** with an expiration date of November 1, 2006. Permit issued November 2, 2005.

**36054168. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in East Earl Township, **Lancaster County** with an expiration date of December 30, 2005. Permit issued November 3, 2005.

**38054129. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for United Methodist Church in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2005. Permit issued November 3, 2005.

**54054104. DC Guelich Explosives, Inc.** (R. R. 3 Box 125A, Clearfield, PA 16830), construction blasting for OSM Reclamation Project Colket Buck Mountain Cropfall in Frailey Township, **Schuylkill County** with an expiration date of January 29, 2006. Permit issued November 3, 2005.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the



*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-881. Department of Transportation, District 6-0**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Bedminster Township, **Bucks County**, ACOE Philadelphia District.

To replace two arch structures along Deep Run Road with one box culvert and a bridge. The proposed bridge spans 36 feet and the box culvert spans 20 feet, both over the Deep Run (WWF) with an underclearance of 6.75 feet. The work will include the following activities:

Construction of temporary diversion devices within the stream:

1. Construction of temporary road crossing to accommodate material and equipment movement across the workspace perimeter.
2. Grading of streambed to compliment new stream alignment, removal of gravel bar and to increase hydraulic conveyance of the stream.
3. Removal of all abutments and construction of new ones to improve stream alignment.
4. Construction and placement of a total of approximately 357 cubic yards of riprap of sizes R-5 and R-8 for scour protection at critical segments along the abutments, exit and entry points of the two hydraulic structures.
5. Placement of approximately 410 cubic yards fill material for grading and to accommodate roadway approach widening and adjustment of vertical alignment to new structures.
6. To place and maintain fill in 0.0034 acre of wetland.
7. Modify stream alignment by increasing it by 6 feet on the south side running approximately 36 linear feet.

The project proposes to affect a total of approximately 202 linear feet of stream, of which 64 linear feet is permanent impact. This site is located approximately

1,350 feet northeast of the intersection of Deep Run and Keller Church Roads (Bedminster, PA Quadrangle N: 1.86 inches, W: 8.79 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-733. Kennett Square Borough**, Kennett Borough Hall, 120 North Broad Street, P. O. Box 5, Kennett Square, PA 19348, Kennett Square Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain an approximately 9,500 linear feet long trail consisting of several pedestrian bridges and a gravel walking path along the banks and floodplain of the East Branch of Red Clay Creek (TSF). The purpose of the project is to connect the existing recreational facilities within the Borough of Kennett Square including its parks, the YMCA, a picnic area, the museum and the community pool. The limit of the work begins at Anson B. Nixon Park, approximately 600 feet east of Broad Street (Kennett Square, PA, Quadrangle N: 18.4 inches; W: 11.9 inches) and ends at junction of Walnut Street and East Branch of Red Clay Creek (Kennett Square, PA, Quadrangle N: 16.6 inches; W: 10.9 inches).

The proposed work will include the following:

1. Bridge No. 1—to replace and maintain an existing 4-foot wide by 45-foot long metal pedestrian truss bridge with a 6-foot wide by 45-foot long pratt truss vehicular bridge over the East Branch of Red Clay Creek. This bridge is located at the north end of the site situated within Anson B. Nixon Park.
2. Bridge No. 2—to install a 6-foot wide by 45-foot long pratt truss vehicular bridge over the East Branch of Red Clay Creek. This bridge is located south of Cypress Street adjacent to the fire company property and will connect the existing trail on the east side of the creek to the proposed trail on the west side.
3. Bridge No. 3—to install a 6-foot wide by 30-foot long covered pedestrian bridge over the East Branch of Red Clay Creek. This bridge is located south of Bridge No. 2, adjacent to the fire company property and will connect the existing trail on the east side of the creek to the proposed picnic area on the island within the creek.
4. Bridge No. 4—to install a 4-foot wide by 45-foot long pedestrian bridge over the East Branch of Red Clay Creek. This bridge is located south of Bridge No. 3, north of the railroad tracks and will connect the proposed trail segments on both sides of the creek and will mark the end of the section of corridor where the trail exists on both sides.
5. Bridge No. 5—to install a 6-foot wide by 45-foot long pedestrian bridge over the East Branch of Red Clay Creek. This bridge is located south of the railroad tracks and Bridge No. 4 and will connect the proposed trail from the east side of the creek to west side of the creek.
6. To install a 15-inch diameter CMP culvert in and along a UNT at the confluence of the East Branch of Red Clay Creek under the proposed trail.

7. This permit will also authorize the maintenance of the portion of the trail and the pedestrian crossing beneath the Cypress Street Bridge, which were previously constructed with no permit.



The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E46-971. MRA, INC**, 500 West Lancaster Avenue, Stafford, PA 19087, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To place fill and to construct and maintain a retaining wall along the 100-year floodway if a UNT to Stony Creek for the purpose of constructing a car wash and parking lot facility. The site is located at 18-22 West Germantown Pike, on the corner of DeKalb Pike (US 202) and Germantown Pike (Lansdale, PA, USGS Quadrangle N: 3.18 inches, W: 8.25 inches).

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

**E18-403. Glenn M. Condo**, 2024 Long Run Road, Mill Hall, PA 17751. Condo River Lot, in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 4.6 inches; W: 12.2 inches).

To construct and maintain: 1) an open sided 24-foot by 24-foot pavilion over an at-grade 24-foot by 24-foot concrete slab; and 2) stabilize 56 linear feet of the left riverbank with 12-18 diameter native rock, in the left 100-year floodplain of the West Branch Susquehanna River located at the downstream end of the West Branch River Front Lots. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E19-248. Fishing Creek Township**, 3188 SR 487, Orangeville, PA 17859, Culvert, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Stillwater, PA Quadrangle N: 2.64 inches; W: 10.11 inches).

To construct and maintain adjacent 5 foot diameter and 6 foot diameter by 30 feet long RCP culvert pipes in Yost Run on Paperdale Road (T-631) about 1 mile from the intersection of T-631 and T-878. The project will not impact wetlands while impacting about 40 feet of waterway and less than 0.5 acre of earth disturbance. Yost Run is a CWF stream. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-551. Lycoming County Commissioners**, 48 West Third Street, Williamsport, PA 17701. Small Projects Water Obstruction and Encroachment Joint Permit, in the City of Williamsport and Borough of South Williamsport, **Lycoming County**, ACOE Susquehanna River Basin District (Williamsport, PA Quadrangle N: 22.3 inches; W: 13.9 inches).

To construct and maintain 4,200 linear feet of paved walkway measuring 14 feet wide along the Williamsport Levee system in the floodway of the West Branch of the Susquehanna River, located along the southern right-of-way of SR 0180 East, in the City of Williamsport and Borough of South Williamsport, Lycoming County. This permit was issued under Section 105.13(e) "Small Projects."

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

**E02-1511. Equitable Gas Company**, 225 North Shore Drive, Floor 2, Pittsburgh, PA 15212. To construct a service line over Girty's Run in Ross Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth,

PA Quadrangle N: 6.1 inches W: 2.7 inches and Latitude: 40° 32' 01"—Longitude: 80° 01' 07"). To construct and maintain approximately 33 LF of 6-inch steel natural gas service line over Girty's Run (WWF) located on the west side of Babcock Boulevard and adjacent to the Hillcrest Drive Bridge.

**E03-417. Allegheny Energy Supply Company, LLC**, 4350 Northern Pike, Monroeville, PA 15146-2841. To place fill in wetlands in Washington Township, **Armstrong County**, Pittsburgh ACOE District. (East Brady, PA Quadrangle N: 6.5 inches; W: 6.0 inches and Latitude: 40° 54' 10"—Longitude: 79° 32' 30"). To place and maintain fill in 3.05 acres of wetlands (PEM) as part of the reclamation of an abandoned strip mine. To compensate for loss of wetlands, the applicant proposes the construction of 3.4 acres of replacement wetlands (PEM) on site. The project is located off of T0-577, approximately 1.5 miles from its intersection with SR 4017.

**E26-329. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct a bridge as part of Section 51H of the Mon-Fayette Expressway in Luzerne Township, **Fayette County**, and Centerville Borough, **Washington County**, Pittsburgh ACOE District. (California, PA Quadrangle N: 1.7 inches; W: 8.18 inches and Latitude: 40° 00' 14"—Longitude: 79° 55' 57"). To construct and maintain a 9-span bridge having spans of 260 feet, 260 feet, 273 feet, 441.5 feet, 518 feet, 423 feet, 260 feet, 317.5 feet and 260 feet and a minimum underclearance of 191.5 feet over the Monongahela River (WWF) at milepost 59.11 located from mainline station 781+00 to 811+22. Temporary cofferdams will be used to construct piers 4 and 5. The project is a part of Section 51H of the Mon/Fayette Expressway.

**E26-330. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct and maintain the following structures as part of Mon-Fayette Expressway Section 51-A2 in Menallen and North Union Townships, **Fayette County**, Pittsburgh ACOE District.

1. An 85-foot long, 90-inch by 66-inch RC box culvert with baffles in a UNT to Jennings Run (WWF), Fan Hollow Road, Station 30+14 (Uniontown, PA Quadrangle N: 8.5 inches; W: 17.4 inches; Latitude: 39° 55' 19.32"; Longitude: 79° 44' 54"). This structure includes removal of 50 linear feet of existing pipe.

2. A 145-foot long, 84-inch by 42-inch RC box culvert in a UNT to Jennings Run, Fan Hollow Road, Station 11+97 (New Salem, PA Quadrangle N: 8.0 inches; W: 0.45 inches; Latitude: 39° 55' 7.85"; Longitude: 79° 45' 11.36"). The structure includes relocation of 214 linear feet of said stream.

3. A 32-foot long, 48-inch diameter RC pipe culvert extension in a UNT to Jennings Run, SR 40, Station 570+18 (New Salem, PA Quadrangle N: 7.9 inches; W: 0.42 inches; Latitude: 39° 55' 3.69"; Longitude: 79° 45' 10.5").

4. A 272-foot long, 48-inch diameter RC pipe stream enclosure in a UNT to Redstone Creek, proposed Ramp, S-119-N, Station 55+55 (Uniontown, PA Quadrangle N: 7.7 inches; W: 14.4 inches; Latitude: 39° 55' 3.36"; Longitude: 79° 43' 42.43"). This structure includes construction of 217 linear feet of channel.

5. Place and maintain fill in 0.02 acre of wetlands.

**E56-337. Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Holidaysburg, PA 16648. To construct a bridge in Jenner Township, **Somerset County**, Pittsburgh ACOE District.

(Boswell, PA Quadrangle N: 4.1 inches; W: 5.9 inches and Latitude: 40° 08' 51"—Longitude: 79° 02' 33"). To remove the existing structure and to construct and maintain a bridge having a normal clear span of 68.09 feet and an underclearance of 10.35 feet across Quemahoning Creek (CWF) located on SR 0030, Section 010, Segment 0110, Offset 0000. The project includes construction of a temporary bridge having a clear span of 76 feet and an underclearance of 13.9 feet.

**E63-576. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. To construct a box culvert in Fallowfield Township, **Washington County**, Pittsburgh ACOE District. (Monongahela, PA Quadrangle N: 9.9 inches; W: 17.3 inches and Latitude: 40° 10' 46"—Longitude: 79° 59' 56"). To remove the existing bridge and to construct and maintain a new box culvert having a span of 18.0 feet with an underclearance of 4.5 feet (1.0 foot depressed) in the channel of a UNT to Sawmill Creek (WWF) for the purpose of improving highway safety. The bridge is located on SR 0917, Section K00. Rock rip-rap will also be placed in the channel and along the left bank of said stream upstream of the proposed bridge and the project will impact 275.0 linear feet of stream channel.

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

**E24-240. Fox Township**, P. O. Box 184, Kersey, PA 15846. Foxhead Industrial Park Phase II Expansion Project, in Fox Township, **Elk County**, ACOE Pittsburgh District (Kersey, PA Quadrangle N: 19.9 inches; W: 11.68 inches).

To construct and maintain a passive treatment system for acid mine drainage while permanently impacting 0.27 acre of PEM wetlands and temporarily impacting 0.035 acre of PEM wetlands as part of the Phase II construction of the Foxhead Industrial Park and required utilities.

The permittee will provide 0.58 acre of replacement wetlands.

**E42-315. Catalyst Energy, Inc.**, 800 Cranberry Woods Drive, Cranberry Township, PA 16066. UNT to Railroad Run Natural Gas Pipeline Crossing, in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Cyclone, PA Quadrangle Latitude: 41° 51' 52"; Longitude: 78° 37' 24").

To construct and maintain a 2-inch diameter natural gas stream crossing of a UNT to Railroad Run (EV) at a point approximately 2,500 feet NNE of the intersection of Droney Road and the Baltimore and Ohio Railroad.

**E43-317. Hermitage Municipal Authority**, 800 Hermitage Road, Hermitage, Pa 16148-3220. Bobby Run Stream Restoration Project, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 4.7 inches; W: 12.2 inches).

To operate and maintain a stream restoration and realignment project utilizing natural channel design principals along a total reach of approximately 1,045 linear feet of the channel of Bobby Run beginning at Broadway Avenue and extending upstream to Lynnwood Road adjacent to the east side of the Hermitage Municipal Authority Water Pollution Control Plant. Construction was authorized by DEP Permit No. EP4304602 issued on September 22, 2004.

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## SPECIAL NOTICES

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### Certification to Perform Radon-Related Activities in this Commonwealth

In the month of October 2005 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
AmeriSpec of Central PA, Inc.	516 Broad Street Montoursville, PA 17754	Testing
Parris Bradley House Inspect	601 North Olive Street Media, PA 19063	Testing
Michael Collins	1829 Fairview Avenue Easton, PA 18042	Testing
Kenneth Cush	P. O. Box 273 Gilbert, PA 18331	Testing
Patrick Dean	44 West Lancaster Avenue Suite 220 Ardmore, PA 19003	Testing
Christopher Ford	2450 Brookdale Avenue Abington, PA 19001	Testing
Timothy Gentry	474 Easton Road Horsham, PA 19004	Testing
Albert Gordon	1432 Heron Way Chalfont, PA 18914	Testing
Bo Hopkins	3692 Sheramy Drive Fairview, PA 16415	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Daniel Howard	251 River Landing Freeport, PA 16229	Testing
Christopher Hunt	2115 Dunhill Drive Wilmington, DE 19810	Testing
Greg Kopenhaver	P. O. Box 902 Blue Bell, PA 19422	Testing
John McDermott	1899 Lititz Pike Lancaster, PA 17601	Testing
William McKelvey	1301 Old Lincoln Highway Langhorne, PA 17047	Testing
Joseph Miloser, Jr. Air Quality Control—Pittsburgh Div.	134 Woodrow Drive Ellwood City, PA 16117	Mitigation
James Painter	4885 A. McKnight Road No. 505 Pittsburgh, PA 15237	Testing
Dominic Passante	473 Birch Road Wapwallopen, PA 18660	Testing
Mark Runge	220 Reider Road Robesonia, PA 19551	Testing and Mitigation
Brendan Ryan ENVIROCARE	216 Logan Road Valencia, PA 16059	Testing
Rebecca Lane Selko	1276 Bethel Green Drive Bethel Park, PA 15102	Testing
Donald Stoltenberg	10522 High Rock Road Airville, PA 17302	Testing
Kenneth Struder	P. O. Box 72722 Thorndale, PA 18372	Laboratory
Wayne Treible	19108 Spring Run Road Spring Run, PA 17262	Testing
John Trusa	454 Dana Street Wilkes-Barre, PA 18702	Testing and Mitigation
Gary Winterrowd	1765 Cambridge Drive State College, PA 16803	Testing

#### **NPDES Permit No. PAI023505002 Public Hearing**

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on individual National Pollutant Discharge Elimination System (NPDES) Permit No. PAI023505002 for discharge of stormwater from construction activities at the proposed Hemingway Development, LP Retail Shops in Moosic Borough, Lackawanna County.

On September 6, 2005, the Department issued NPDES Permit No. PAI023505002 to Hemingway Development Limited Partnership for the discharge of stormwater from construction activities at its proposed project site in Moosic Borough, Lackawanna County. A public hearing on the original permit application was held on August 11, 2005. Subsequent to the public hearing and prior to permit issuance, the applicant revised its permit application so that the project discharges stormwater to Stafford-Meadow Brook and Spring Brook rather than only Stafford-Meadow Brook as originally noticed. On September 21, 2005, PRIZM Asset Management Company (PRIZM), Preit Services, LCC (PREIT) and Diann Van Louvender filed an appeal with the Environmental Hearing Board (Board) challenging the Department's issuance of NPDES Permit No. PAI023505002. On September 27, 2005, PRIZM, PREIT and Diann Van Louvender filed a Petition for Supersedeas asking the Board to supersede

NPDES Permit No. PAI023505002 until a time as the underlying appeal is finally decided. On October 24, 2005, after hearing, the Board issued an Opinion and Order stating that the Petition for Supersedeas is granted in part and denied in part. The Board's order required the Department to renotice the permit application as revised.

The Department shall consider all comments submitted at the public hearing in deciding whether it wishes to suspend or revoke the Permit, to require Hemingway to provide additional information or to take no action with respect to the Permit. The permit remains in effect during the time that the Department renounces the revised application, accepts comments and considers them.

The public hearing will be conducted on Tuesday, December 20, 2005, at 7 p.m. in the Moosic Borough Municipal Building, 715 Main Street, Moosic, PA 18507 by the Department of Environmental Protection, Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. The NPDES permit proposes the discharge of stormwater from construction activities to Stafford-Meadow Brook and Spring Brook.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Hemingway Development LP Retail Shops Public Hearing, Department of Environmental Protection, Watershed

Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to ten minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES permit application.

Written copies of oral testimony are requested. Relinquishing of time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski of the Department at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit is available for review at the Department's Northeast Regional Office in Wilkes-Barre. Contact the Records Management Section at (570) 826-2511 to schedule an appointment to review the application. The permit is also available for review at the Lackawanna County Conservation District offices at (570) 281-9495.

For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

**NPDES Permit Application No. PAI024805023  
Public Hearing**

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on individual National Pollutant Discharge Elimination System (NPDES) Permit Application No. PAI024805023 for the discharge of stormwater from construction activities at the proposed Bushkill Terrace II, Phase II residential subdivision in Bushkill Township, Northampton County.

The public hearing will be conducted on January 11, 2006, at 7 p.m. in the Bushkill Township Municipal Building, 1114 Bushkill Center Road, Nazareth, PA 18064-9557 by the Department of Environmental Protection, Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511). The hearing is in response to an application submitted by Nazareth Development, LLC, 25 South Main Street, Nazareth, PA 18064. The NPDES permit application proposes the discharge of stormwater from construction activities to Bushkill Creek (HQ-CWF).

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Bushkill Terrace II, Phase II Public Hearing, Department of Environmental Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI024805023. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski of the Department at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Northampton County Conservation District office at the Gracedale Complex in Nazareth, PA 18064, (610) 746-1971.

For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

**Categorical Exclusion**

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

*Location: South Abington Township, Lackawanna County; Clarks Summit-South Abington Joint Sewer Authority, P. O. Box 199, Chinchilla, PA 18410.*

*Description:* The Clarks Summit-South Abington Joint Sewer Authority is planning to conduct a sanitary sewer evaluation and rehabilitation project within selected areas of Clarks Green Borough and South Abington Township. The project will include survey and testing of existing sewers for excess infiltration and inflow, along with sewer line joint sealing where necessary. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this proposed project. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department of Environmental Protection hereby categorically excludes this project from the State Environmental Review Process.

**102/NPDES/Stormwater Construction/General Permit; Public Hearing**

**Pulte Homes of PA, Limited Partnership; Sentinel Ridge, Delaware County**

The Department of Environmental Protection (Department) Watershed Management Program will be holding a factfinding hearing on the following Stormwater NPDES permit application:

Pulte Homes of PA, Limited Partnership; Sentinel Ridge; PAG2002305028

The hearing is scheduled for Tuesday, December 20, 2005, at 6:30 p.m. at Delaware County Community College, Marple Campus, Room 2225, 901 South Media Line Road, Media, PA 19063-1094, Delaware County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to Crum Creek. A copy of this application is available for review at the Delaware County Conservation District Office, Rose Tree Park—Hunt Club, 1521 North Providence Road, Media, PA 19063, (610) 892-9484. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is Pulte Homes of PA, Limited Partnership, 1100 Northbrook Drive, Suite 200, Trevose, PA 19053

Comments received will be considered by the Department and the Conservation District in completing their review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

Persons intending to make a presentation at the hearing should submit written notice to the Regional Manager, Watershed Management Program, 2 East Main Street, Norristown, PA 19401. The notice should include name, address and phone number, whether the person is opposed or in favor of the project and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. When groups are represented, a spokesperson is requested to present the group's concerns. Persons wishing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Sharon Moore at (484) 250-5821. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

[Pa.B. Doc. No. 05-2127. Filed for public inspection November 18, 2005, 9:00 a.m.]

## Availability of List of Pennsylvania Industry-Wide Coproducts to Include Reclaimed Asphalt Pavement (RAP)

### Industry-Wide Coproduct No. 1

The Department of Environmental Protection (Department) is proposing the first industry-wide coproduct determination. The Department has determined that reclaimed asphalt pavement (RAP), including mixtures of RAP and clean fill from the milling of the edge of roadway shoulders, that is reused for roadway construction should be included on the list of industry-wide coproducts to be established by the Department under the regulatory authority of 25 Pa. Code § 287.9 (relating to industry-wide coproduct determinations) of the residual waste regulations and the statutory authority of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

For the purpose of this industry-wide coproduct determination, RAP is defined as small particles (typically up to 1 inch in size) of bitumen and inorganic materials produced by the mechanical grinding of bituminous pavement surfaces that have not been subject to a spill or release of regulated substances. RAP is not the equivalent of used asphalt (typically in chunks greater than 1 inch in size) and thus is not considered to be clean fill under the Department's Management of Fill Policy.

The Department is authorized under the Solid Waste Management Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and 25 Pa. Code § 91.27 (relating to general water quality management permit) and § 287.9 to establish a list of classes of materials as industry-wide coproducts for specific uses if the following conditions are met:

1. Chemical and physical characteristics of the material generated do not vary over time.

RAP is made up of asphalt emulsion and stone aggregate. The materials vary little in the production of asphalt pavement. RAP's chemical and physical composition does not vary over time.

2. Historical use of the material complies with industry standards and specifications.

RAP has been effectively reused for decades as an ingredient in new asphalt pavement and as a roadway aggregate. RAP complies with asphalt industry standards and specifications.

3. Historical use of the material over an extended time period has demonstrated that the material, when used as specified, performs as an effective substitute for an intentionally manufactured product or produced raw material.

RAP has been demonstrated to be an effective substitute for virgin asphalt pavement ingredients and is commonly reused by the asphalt paving industry. This is evident by RAP's conformance with asphalt industry standards and specifications for the production and use of asphalt pavement materials.

4. There is historical documentation that a market for the material and its use exists.

RAP has been historically and effectively reused in the asphalt paving industry. Due to the increasing cost of asphalt emulsions, its use is expected to increase even beyond the current reuse rate.

5. Historical use of the material does not violate the environmental protection acts or regulations thereunder and does not harm or present a threat of harm to public health, safety, welfare or the environment based on an evaluation under 25 Pa. Code § 287.8 (relating to coproduct determinations).

If RAP materials are reused in accordance with the industry-wide coproduct specifications as outlined in the industry-wide coproduct determination, no public health or environmental harm should occur.

The Department has determined on an industry-wide basis that RAP, including mixtures of RAP and clean fill from the milling of the edge of roadway shoulders, is a coproduct in accordance with 25 Pa. Code § 287.9 when used as follows:

1. As an aggregate, a subgrade or a subbase material for roadway construction, when used alone or blended with other materials in a manner that complies with Department of Transportation specifications as outlined in Publication No. 408 for roadway construction directly beneath and contained by a road surface paved with Portland cement concrete or bituminous pavement.

2. As a construction material for compacted roadway shoulder applications, including compacted shoulder backup or compacted shoulder pothole patching material in roadway or driveway apron applications covered with a thin bituminous coating (sealer) that complies with Department of Transportation specifications as outlined in Publication No. 408.

3. As a construction material to construct or repave needed roadway or vehicle use areas such as parking lots or driveways if the application is performed when the RAP contains enough asphalt or additional binder to keep the material in place after compaction by mechanized rolling;

4. In a manner that does not violate the Air Pollution Control Act (35 P. S. §§ 4001—4015) and The Clean Streams Law and the regulations promulgated thereunder.

5. In a manner that does not create a nuisance or is harmful or presents a threat of harm to the public health, safety or the environment.

The use of RAP, including mixtures of RAP and clean fill from the milling of the edge of roadway shoulders, as

a coproduct in accordance with this industry-wide coproduct determination includes its transportation and placement. This proposed industry-wide coproduct determination would allow the reuse of RAP without a permit.

This proposed RAP industry-wide coproduct determination document is available for public comment. Public comments must be submitted by December 19, 2005, and may recommend additional requirements or revisions to the proposed industry-wide coproduct determination. Comments concerning the industry-wide coproduct determination should be directed to Daniel Lapato, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381.

Persons interested in obtaining more information or obtaining a paper copy of the proposed industry-wide coproduct determination should contact Peter Arnt, Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. The proposed RAP industry-wide coproduct determination document is also accessible on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword "Public Participation"; then "Proposals Open for Comment" or DEP Keyword "Residual Waste").

After the close of the 30-day comment period, the Department will publish the final Industry-Wide Coproduct Determination list in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2128. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance*

DEP ID: 383-3301-306. Title: Laboratory Reporting Instructions for Disinfectants, Disinfectant Byproducts and Precursors. Description: This guidance provides instructions to all public water systems and certified laboratories for the reporting of drinking water disinfectant residual, chlorite, bromate, bromide, total trihalo-methanes, haloacetic acids, UV254, dissolved organic carbon, specific ultraviolet absorbance, total organic carbon and alkalinity monitoring results as required by the Federal Surface Water Treatment Rule and the Disinfectants/Disinfection Byproducts Rule (D/DBPR) and as implemented under the Pennsylvania Filter Rule and the D/DBPR in 25 Pa. Code Chapter 109 (relating to safe drinking water). The D/DBPR and revisions to the Pennsylvania Filter Rule became effective on July 21, 2001. This draft guidance was developed to establish uniform instructions and protocol for implementing reporting requirements for the contaminants regulated under these rules. Written Comments: Interested persons may submit written comments on this draft technical guidance document by December 19, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Dawn Hissner, Department of Environmental Protection, 11th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, [dhissner@state.pa.us](mailto:dhissner@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Dawn Hissner, (717) 787-0130, [dhissner@state.pa.us](mailto:dhissner@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2129. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the bond rate guidelines for 2006 for anthracite and bituminous coal mining operations. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66) and the regulations promulgated thereunder at 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations. The procedures for calculating land reclamation bonds are described in Technical Guidance 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Department's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) on the Public Participation Center page.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any

time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

The bond rate guidelines do not apply to bonds assuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.3a(c)) or to bonds ensuring compliance with the requirements of the Bituminous Mine Subsidence and Land Conservation Act.

#### *General Methodology*

The Department developed the bond rate guidelines for 2006 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998-2004. For most categories, a 3-year (2002-2004) average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2004 that included R-3 rock used for channel lining. Therefore the previously calculated guideline was used.

In general, the bond rate for a given unit operation is the weighted average of the three lowest total bids for each contract. However, grading costs are calculated using a weighted frequency distribution in combination with the averages and trend analysis.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Table 1, any additional cost information available will be used. If

enough data is still not available, the rate will be set from a standard reference such as *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*.

Recent mine reclamation projects have included the removal and disposal of large equipment tires and electrical transformers. The tires were removed by "piggy-backing" with an existing contract with the Department's, Bureau of Waste Management. The cost under this contract is \$300 per tire. The removal of the electrical transformers was competitively bid. These bids were quite complicated based on the size and age of the transformer and the travel distance to an approved disposal location. Therefore a bond rate guideline for transformers has not been calculated. However, the calculated bond for a mine site with transformers will be determined by a site-specific calculation.

The fees associated with the Land Maintenance Bond Program are presented in Table 2. There has been no change in these rates for 2006.

The bond rate guidelines are available electronically at [www.dep.state.pa.us/dep/deputate/minres/BMR/BMR\\_home.htm](http://www.dep.state.pa.us/dep/deputate/minres/BMR/BMR_home.htm). For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### *Effective Date*

The bond rate guidelines in this notice become effective January 1, 2006.

**TABLE 1**  
**Bond Rate Guidelines For Year 2006**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
<i>Mobilization/demobilization</i>	<i>Job</i>	<i>4% of direct costs or \$40,000, whichever is less</i>
Grading (< 500-foot push)	cubic yard	0.60
Grading (≥500-foot push/haul)	cubic yard	0.90
Selective Grading	Acre	1,100.00
Revegetation	Acre	1,300.00
Tree Planting	Tree	0.15
Ditch Excavation	cubic yard	4.50
Jute Matting	square yard	2.20
High Velocity Erosion Control	square yard	2.00
R3 Rock Lining	square yard	18.00
R4 Rock Lining	square yard	23.75
R5 Rock Lining	square yard	17.00
Geotextile/Filter Fabric	square yard	2.00
PVC Lining <sup>1</sup>	square yard	9.50
Subsurface Drain	lineal foot	10.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)
Pond Removal Active Phase <sup>2</sup>	Pond	3,500.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)
Stage 3 Maintenance Bond Noncropland Areas (Land uses where crop yields are not required)	Acre	100.00

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
<i>Mobilization/demobilization</i>	<i>Job</i>	<i>4% of direct costs or \$40,000, whichever is less</i>
Stage 3 Maintenance Bond Cropland (not row crops) Pastureland or Land occasionally cut for hay (excludes seed cost)	Acre	500.00
Stage 3 Maintenance Bond Cropland Area-Row Crops (includes seed cost)	Acre	700.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal—Stage 3	Cubic yards (Embankment volume) plus topsoiling and revegetation cost	Use <500 grading for pond embankment volume plus topsoiling and revegetation cost for the area disturbed
Ditch Removal—Stage 3	Lineal Foot	0.60
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition	Costs will be calculated using costs listed in the construction industry's latest annual cost publications, such as <i>Means Building Construction Cost Data</i> .	
Mine Sealing <sup>3</sup> Nonhydraulic shaft seal—inert fill	shaft (10 ft. or less diameter)	1,400.00
	shaft (11 to 15 ft. diameter)	3,000.00
	shaft (16 to 20 ft. diameter)	4,500.00
	shaft (21 to 25 ft. diameter)	8,000.00
Mine Sealing <sup>3</sup> Hydraulic shaft seal w/bulkhead	shaft (10 ft. or less diameter)	7,600.00
	shaft (11 to 15 ft. diameter)	9,200.00
	shaft (16 to 20 ft. diameter)	10,700.00
	shaft (21 to 25 ft. diameter)	14,200.00
Mine Sealing <sup>3</sup> Nonhydraulic drift/slope seal	drift/slope	3,900.00
Mine Sealing <sup>3</sup> Hydraulic drift/slope seal w/bulkhead	drift/slope	6,200.00

1. Typically used for lining of ponds or ditches crossing fill material.
2. Unit cost not from BAMR bids, includes dewatering, grading, topsoil placement and revegetation.
3. Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

TABLE 2

## Land Maintenance Financial Guarantee Fees For Year 2006

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	\$1,000.00
Administrative	\$ 300.00

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2130. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Radiation Protection Advisory Committee Special Meeting

The Radiation Protection Advisory Committee will hold a special meeting on December 6, 2005, from 9 a.m. to 3 p.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is a continuation of the meeting held on October 27, 2005. Draft proposed changes to the Radiological Health regulations will be discussed along with plans for implementation of the Nuclear Regulatory Commission Agreement State program.

The agenda and meeting materials for the December 6, 2005, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). Questions concerning the change of meeting can be directed to Ray Urciuolo at (717) 783-9730 or [lurciuolo@state.pa.us](mailto:lurciuolo@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Donielle Skelton at (717) 787-3720 or through the



Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 05-2131. Filed for public inspection November 18, 2005, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Mercy Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Hospital of Pittsburgh 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7A and 7.7A2 (relating to special procedure rooms).

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, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2132. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Application of The Washington Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Washington Hospital 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4, 10.15.A5 and 10.15.B8 (relating to handwashing stations; and exam/treatment room).

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, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2133. Filed for public inspection November 18, 2005, 9:00 a.m.]

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

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

Masonic Village at Lafayette Hill  
801 Ridge Pike  
Lafayette Hill, PA 19444  
FAC ID 137102

St. Monica Manor  
2509 South 4th Street  
Philadelphia, PA 19148  
FAC ID 232602

Masonic Eastern Star Home—East  
850 Norristown Road  
Warminster, PA 18974  
FAC ID 310102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.36(e) and (g) and 205.67(e) (relating to bathing facilities; and electric requirements for existing and new construction):

West Shore Health and Rehabilitation Center  
770 Poplar Church Road  
Camp Hill, PA 17011  
FAC ID 280202

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, ra-paexcept@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 listed previously.

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division of Nursing Care Facilities at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2134. Filed for public inspection November 18, 2005, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Rogers Electric Inc. and Bradley J. Rogers, individually, and Deborah J. Rogers, individually (Fed. ER Tax I.D. No. 23-2225268)	HCR 71 Box 40 Orbisonia, PA 17243	October 3, 2005

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 05-2135. Filed for public inspection November 18, 2005, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Establishment of an Additional Class of Disproportionate Share Payments

This notice announces the Department of Public Welfare's (Department) intent to establish an additional class of disproportionate share payments for certain qualifying hospitals.

The Department intends to make this payment, in addition to the classes of disproportionate share payments already made under the Medical Assistance (MA) Program, to certain qualifying general acute care hospitals with excluded psychiatric units, which the Department has determined provide a high volume of services to the MA eligible population in this Commonwealth, including a high volume of psychiatric inpatient services, and incur significant uncompensated care costs. This payment is intended to assure the hospitals' continued participation in the MA Program.

The Department intends to consider a hospital eligible for this additional class of disproportionate share payments if the hospital meets all of the following criteria, based on the Fiscal Year (FY) 2002-2003 MA Cost Report, unless specified otherwise:

a) The hospital is enrolled in the MA Program as a general acute care hospital with an excluded psychiatric unit.

b) The hospital provides MA inpatient days of care in excess of the 85th percentile of MA inpatient days provided by all enrolled general acute care hospitals with an excluded psychiatric unit.

c) The hospital's number of MA admissions exceeds the 85th percentile of MA admissions of all enrolled general acute care hospitals with an excluded psychiatric unit.

d) The hospital provides inpatient psychiatric days of care to MA recipients in this Commonwealth in excess of the 90th percentile of these days provided by all enrolled acute care hospitals with an excluded psychiatric unit.

e) The hospital's percentage of uncompensated care to net patient revenue exceeds the 90th percentile of this percentage for all enrolled acute care hospitals with an excluded psychiatric unit based on the Pennsylvania Health Care Cost Containment Council (PHC4) *Financial Analysis 2004*.

f) The hospital's operating margin is less than the 15th percentile of the operating margins of all enrolled acute care hospitals with an excluded psychiatric unit based on PHC4 *Financial Analysis 2004*.

The Department intends to allocate funds from the State General Fund for this additional class of payments. The Department will divide payments proportionately between qualifying hospitals based on the percentage of each qualifying hospital's MA inpatient days to total MA inpatient days of all qualifying facilities. Payment limitations are still applicable, including those limitations that the Commonwealth may not exceed its aggregate annual disproportionate share allotment and that no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2005-2006 fiscal impact, as a result of this disproportionate share payments, is estimated at \$2.225 million (\$1 million in State funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be viewed and considered for any subsequent revision of this notice. Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-446. (1) General Fund; (2) Implementing year 2005-06 is \$1 million; (3) 1st Succeeding Year 2006-07 is \$1 million; 2nd Succeeding Year 2007-08 is \$1 million; 3rd Succeeding Year 2008-09 is \$1 million; 4th Succeeding Year 2009-10 is \$1 million; 5th Succeeding Year 2010-11 is \$1 million; (4) 2004-05 Program—\$531.785 million; 2003-04 Program—\$411.042 million;

2002-03 Program—\$407.104 million; (7) Medical Assistance—Inpatient; (8) recommends adoption. Funds have been included in the Department’s budget to cover this increase.

[Pa.B. Doc. No. 05-2136. Filed for public inspection November 18, 2005, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Beginner’s Luck 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 Beginner’s Luck.

2. *Price:* The Pennsylvania Beginner’s Luck instant lottery game ticket is a promotional item and has no sale price.

3. *Promotional Game Details:* Pennsylvania Beginner’s Luck instant lottery game tickets will be provided to retailers to use to augment retailer promotions and to other persons for promotional purposes as approved by the Director.

4. *Play Symbols:*

(a) Each Pennsylvania Beginner’s Luck instant lottery game ticket will contain a play area containing nine prize amounts and a separate “FAST CASH BONUS” area containing one prize play symbol or play symbol. The prize amounts and their captions located in the play area are: Free Ticket (TICKET), \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$3<sup>.00</sup> (THR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY) and \$100 (ONE HUN). The prize play and play symbols and their captions located in the “FAST CASH BONUS” area are: \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$3<sup>.00</sup> (THR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY) and No Bonus (TRY AGAIN). The “FAST CASH BONUS” is played separately from the rest of the game.

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$3, \$5, \$10, \$15, \$20 and \$100. The prizes that can be won in “FAST CASH BONUS” are limited to: \$1, \$2, \$3, \$5, \$10, \$15 and \$20.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 960,000 tickets will be printed for the Pennsylvania Beginner’s Luck instant lottery game.

7. *Determination of Prize Winners:*

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

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

(c) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) appearing in the “FAST CASH BONUS” area, on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets with three like prize amounts of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(e) Holders of tickets with a prize play symbol \$15\$ (FIFTN) appearing in the “FAST CASH BONUS” area, on a single ticket, shall be entitled to a prize of \$15.

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

(g) Holders of tickets with a prize play symbol \$10<sup>.00</sup> (TEN DOL) appearing in the “FAST CASH BONUS” area, on a single ticket, shall be entitled to a prize of \$10.

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

(i) Holders of tickets with a prize play symbol \$5<sup>.00</sup> (FIV DOL) appearing in the “FAST CASH BONUS” area, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with three like prize amounts of \$3<sup>.00</sup> (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets with a prize play symbol \$3<sup>.00</sup> (THR DOL) appearing in the “FAST CASH BONUS” area, on a single ticket, shall be entitled to a prize of \$3.

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

(m) Holders of tickets with a prize play symbol \$2<sup>.00</sup> (TWO DOL) appearing in the “FAST CASH BONUS” area, on a single ticket, shall be entitled to a prize of \$2.

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

(o) Holders of tickets with a prize play symbol \$1<sup>.00</sup> (ONE DOL) appearing in the “FAST CASH BONUS” area, on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets with three matching symbols of Free (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Beginner’s Luck instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

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

<i>Get 3 Like Amounts Win With Prizes of:</i>	<i>Win</i>	<i>Approximate Odds 1 in:</i>	<i>Approximate No. of Winners Per 960,000 Tickets</i>
3—FREE’s	TICKET	8.33	115,200
3—\$1’s	\$1	20	48,000
\$1 in BONUS BOX	\$1	20	48,000

<i>Get 3 Like Amounts Win With Prizes of:</i>	<i>Win</i>	<i>Approximate Odds 1 in:</i>	<i>Approximate No. of Winners Per 960,000 Tickets</i>
3—\$2's	\$2	30	32,000
\$2 in BONUS BOX	\$2	30	32,000
3—\$3's	\$3	150	6,400
\$3 in BONUS BOX	\$3	150	6,400
3—\$5's	\$5	150	6,400
\$5 in BONUS BOX	\$5	150	6,400
3—\$10's	\$10	600	1,600
\$10 in BONUS BOX	\$10	600	1,600
3—\$15's	\$15	600	1,600
\$15 in BONUS BOX	\$15	600	1,600
3—\$20's	\$20	600	1,600
\$20 in BONUS BOX	\$20	600	1,600
3—\$100's	\$100	4,898	196

BONUS BOX = Win amount automatically.

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

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Beginner's Luck, prize money from winning Pennsylvania Beginner's Luck 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 Beginner's Luck 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, 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 Beginner's Luck or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 05-2137. Filed for public inspection November 18, 2005, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2005

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, 2005.

Each year under 74 Pa.C.S. Chapter 61, Subchapter B (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 is eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted 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 any grant, the covenant shall be deemed extended for 1 additional year. Any 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 shall 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, 2005, is the close of business on February 1, 2006. 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 ebuczeskie@state.pa.us or (717) 705-1223.

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

[Pa.B. Doc. No. 05-2138. Filed for public inspection November 18, 2005, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**City of Philadelphia v. DEP; EHB Doc. No. 2005-308-MG**

The City of Philadelphia has appealed the issuance by the Department of Environmental Protection of an NPDES permit to the City of Philadelphia for a facility in the City of Philadelphia, Philadelphia Township.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-2139. Filed for public inspection November 18, 2005, 9:00 a.m.]

**Koppel Steel Corporation v. DEP; EHB Doc. No. 2005-317-R**

Koppel Steel Corporation has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in the Borough of Koppel, Beaver County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's

rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-2140. Filed for public inspection November 18, 2005, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 3, 2005, and announced the following:

*Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective November 2, 2005*

State Real Estate Commission #16A-5612: Biennial Renewal Fee Increases (amends 49 Pa. Code § 35.203)

State Board of Pharmacy #16A-5414: Biennial Renewal Fees (amends 49 Pa. Code Chapter 27)

*Regulations Approved*

State Board of Cosmetology #16A-4512: Biennial Renewal Fee Increase (amends 49 Pa. Code Chapter 7)

State Board of Nursing #16A-5118: Approval of Diploma Programs in Transition to Degree-Granting Status (amends 49 Pa. Code § 21.51)

State Board of Nursing #16A-5116: CRNP Prescriptive Authority Fees (amends 49 Pa. Code § 21.253)

State Board of Funeral Directors #16A-489: Continuing Education (amends 49 Pa. Code Chapter 13)

Department of Agriculture #2-147: Nutrient Management Certification (amends 7 Pa. Code Chapter 130b)

### Approval Order

Public Meeting held  
November 3, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson by phone; Arthur Coccodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq. by phone

*State Board of Cosmetology—Biennial Renewal Fee Increase; Regulation No. 16A-4512*

On April 13, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Cosmetology (Board). This rulemaking amends 49 Pa. Code Chapter 7. The proposed regulation was published in the April 23, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The

final-form regulation was submitted to the Commission on September 30, 2005.

This regulation increases the biennial renewal fees for Board licenses. The current fees, established between 1986 and 1991, no longer meet the needs of the Board. In addition, the fee for a cosmetology shop manager has been deleted.

We have determined this regulation is consistent with the statutory authority of the State Board of Cosmetology (63 P.S. § 522(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 3, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson by phone; Arthur Coccodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq. by phone

*State Board of Nursing—Approval of Diploma Programs in Transition to Degree-Granting Status; Regulation No. 16A-5118*

On February 2, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code § 21.51. 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 September 30, 2005.

This regulation establishes the framework for the transition of nursing diploma programs to nursing degree programs.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 212.1(k), 216(a) and 216.1) 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.

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### Approval Order

Public Meeting held  
November 3, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson by phone; Arthur Coccodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq. by phone

*State Board of Nursing—CRNP Prescriptive Authority Fees; Regulation No. 16A-5116*

On August 26, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code Section 21.253. The proposed regulation was published in the September 6, 2003 *Pennsylvania Bulletin* with a 30-day public comment

period. The final-form regulation was submitted to the Commission on September 30, 2005.

This final-form regulation implements fees to recover the costs that the Board incurs in reviewing and approving prescriptive authority applications for certified registered nurse practitioners.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 221.2(a) and (d)) 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 3, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson by phone; Arthur Coccodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq. by phone

*State Board of Funeral Directors—Continuing Education; Regulation No. 16A-489*

On September 3, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking amends 49 Pa. Code Chapter 13. 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 March 11, 2005 and withdrawn on March 23, 2005. The final-form regulation was resubmitted on September 30, 2005.

This rulemaking implements continuing education requirements for funeral directors as mandated by Act 48 of 2000.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 479.10 (b)(1) and 479.16(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.

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### Approval Order

Public Meeting held  
November 3, 2005

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson by phone; Arthur Coccodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq. by phone

*Department of Agriculture—Nutrient Management Certification; Regulation No. 2-147*

On March 30, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code Chapter 130b. The proposed regulation was published in the April 9, 2005 *Pennsylvania Bulletin* with a 30-day public comment

period. The final-form regulation was submitted to the Commission on September 28, 2005.

This regulation updates and revises the Department's nutrient management certification program which trains and certifies individuals to develop and review nutrient management plans.

We have determined this regulation is consistent with the statutory authority of the Department (3 Pa.C.S.A. § 508(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.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-2141. Filed for public inspection November 18, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control

Columbian Mutual Life Insurance Company has filed an application to acquire control of Philanthropic Mutual Fire Insurance Company, a Pennsylvania domiciled stock life insurance company. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2142. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Application for Approval to Merge

Columbian Mutual Life Insurance Company, a New York domiciled mutual life insurance company, has submitted a Plan of Merger, whereby it proposes to merge with The Philanthropic Mutual Life Insurance Company, a Pennsylvania domiciled mutual life insurance company. The survivor of the merger would be Columbian Mutual Life Insurance Company. The initial filing was made under 15 Pa.C.S. §§ 1101—4162 (relating to Business Corporation Law of 1988), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets), the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21404) and the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in

this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2143. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Financial Statement Filing Requirements for 2006; No. 2005-11

Under section 320 of The Insurance Company Law ( 40 P. S. § 443) insurers licensed to transact business in this Commonwealth are required to file financial statements with the Insurance Department (Department) using the statement blanks, instructions and accounting practices and procedures prescribed by the National Association of Insurance Commissioners (NAIC). This notice is being issued to alert all domestic insurers of this Commonwealth to the following developments in financial statement filing requirements that will become effective beginning with statements reporting an insurer's financial condition as of December 31, 2005.

#### 1. *Property and Casualty Actuarial Opinions*

Changes to the NAIC Property/Casualty Annual Statement Instructions (Instructions) for reporting year 2005 include new requirements for actuarial opinions. In addition to Statements of Actuarial Opinion filed with annual financial statements on or before March 1 each year, the new Instructions require, among other things, the filing of an Actuarial Opinion Summary (AOS) by March 15 each year. The AOS must be prepared as prescribed by the Instructions, including, but not limited to:

- The actuary's range of reasonable estimates and/or point estimates for loss and loss adjustment expense reserves.
- The difference between the insurer's carried reserves and the point estimate and/or range of reasonable estimates.
- An explanation of any exceptional adverse development.

Further, the new Instructions require an insurer to notify the Department if its appointed actuary is replaced, including notice of disagreements with the former appointed actuary regarding the content of the actuarial opinion.

Property/casualty insurers will be required to file two copies of the AOS with the Department by March 15, 2006. Because the AOS will be filed separate from the Statement of Actuarial.

Opinion that is due by March 1, the NAIC has developed the following recommended format for the actuary's cover note to the AOS:

Date:  
 Subject: Actuarial Opinion Summary  
 Company: XYZ Insurance Company  
 NAIC#:  
 Appointed Actuary: Janet Actuary

I have attached a copy of the Statement of Actuarial Opinion that I signed on XXX to this Actuarial Opinion Summary. These two documents are closely linked; the Actuarial Opinion Summary is an extension of the Statement of Actuarial Opinion. Therefore, all limitations, caveats and reliances in the Statement of Actuarial Opinion should also be applied to the Actuarial Opinion Summary. Moreover, it is my understanding that, consistent with the Annual Statement Instructions, the Actuarial Opinion Summary will be held confidential by state regulators and is not intended for public inspection.

As with documents, materials or other information in the possession or control of the Department that are considered actuarial reports, workpapers or other materials provided in support of Statements of Actuarial Opinion, the AOS will be maintained as confidential by the Department under 40 P. S. § 443(d).

## 2. *Timely Filings of Annual Audited Financial Reports*

Chapter 147 of 31 Pa. Code (relating to annual audited insurers' financial report required), commonly referred to as the "CPA Audit Rule," requires insurers to have annual audits of their year-end statutory financial statements performed by independent certified public accountants. The annual audited financial reports are required to be filed with the Department by June 1 each year. In 2005, the Department received an unusually high number of requests for 30-day extensions of the filing date under 31 Pa. Code § 147.3(b) (relating to filing and extensions for filing of annual audited financial report). Therefore, beginning in 2006, if any extensions are warranted, the Department intends to limit the number of extensions granted to one 30-day request. Failure to file annual audited financial reports within the time provided will subject insurers to late filing penalties of up to \$200 each day under 40 P. S. § 443(e)(1). The Department encourages all chief executive officers or presidents of domestic insurers in this Commonwealth to meet with the insurer's independent certified public accountant early in the engagement and regularly thereafter to monitor the progress of the annual audit and take whatever steps may be necessary to assure the submission of a timely filing.

Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142, fax (717) 787-8557, stjohanson@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2144. Filed for public inspection November 18, 2005, 9:00 a.m.]

## **Nationwide Mutual Fire Insurance Company; Non-standard Automobile Rate Revision; Rate Filing**

On October 17, 2005, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 1.1% increase amounting to \$941,000 annually, to be effective January 10, 2006, for new business and renewal business.

Unless formal administrative action is taken prior to December 16, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2145. Filed for public inspection November 18, 2005, 9:00 a.m.]

## **Progressive Halcyon Insurance Company; Private Passenger Automobile Rate and Rule Revisions; Rate Filing**

On October 24, 2005, the Insurance Department (Department) received from Progressive Halcyon Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 3.2% increase amounting to \$3.7 million annually, to be effective February 15, 2006, for new business and March 27, 2006, for renewal business.

Unless formal administrative action is taken prior to December 23, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.



Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2146. Filed for public inspection November 18, 2005, 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 documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-05-262, Dated October 7, 2005. Authorizes the Collective Bargaining Agreement between the Commonwealth, the State System of Higher Education and the Pennsylvania Doctors Alliance (PDA) effective July 1, 2005, through June 30, 2009. It encompasses approximately 175 professional employees in the Nonsupervisory Physicians and Related Occupational Unit.

Resolution #CB-05-263, Dated October 7, 2005. Authorizes the Memorandum of Understanding between the Commonwealth, the State System of Higher Education and the PDA effective July 1, 2005, through June 30, 2009. It encompasses approximately 21 professional employees in the Supervisory Physicians and Related Occupational Unit.

Resolution #CB-05-292, Dated October 27, 2005. Authorizes the side letter between the Commonwealth and AFSCME concerning the salary, working conditions and the Articles of the Master Agreement which are applicable to all temporary clerical pool employees and temporary adjunct custodial pool employees.

#### *Governor's Office*

Management Directive No. 245.17—Commonwealth of Pennsylvania Public Safety Communications Council, Dated October 20, 2005.

Management Directive No. 260.1—Organization Requests, Amended October 17, 2005.

Management Directive No. 305.21—Payments to Local Governments and Other Subrecipients, Amended September 13, 2005.

Management Directive No. 505.28—Family Care Account Program, Amended October 11, 2005.

Management Directive No. 615.7—Repair, Maintenance and Payments for Services, Amended October 12, 2005.

Management Directive No. 615.9—Permanent Assignment of Commonwealth Automotive Fleet Vehicles, Amended October 12, 2005.

Management Directive No. 620.1—Coal Sampling and Reporting, Amended October 4, 2005.

Management Directive No. 720.6—Call Trace Procedures for Threatening, Harassing and Nuisance Telephone Calls, Amended September 28, 2005.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 05-2147. Filed for public inspection November 18, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Delaware County, Wine & Spirits Shoppe #2304, 4849 West Chester Pike, Newtown Square, PA 19073.

*Lease Expiration Date:* October 31, 2006

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 along West Chester Pike in the Edgemont Township area.

*Proposals due:* December 9, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4603, 416 Old York Road, Jenkintown, PA 19046.

*Lease Expiration Date:* 90-day status since October 1, 2004

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 within a 1-mile radius of Route 611 and Washington Lane, Jenkintown Borough.

*Proposals due:* December 9, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Henry Blocker, Jr., (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4606, 1925 Norristown Road, Maple Glen, PA 19002.

*Lease Expiration Date:* 90-day status since April 1, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of Route 63 and Norristown Road, Horsham Township.

*Proposals due:* December 9, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5184, 2100 Ridge Avenue, Philadelphia, PA 19121.

*Lease Expiration Date:* March 31, 2006

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 within a 1/2-mile radius of the intersection of 20th and Ridge Avenue, Philadelphia.

*Proposals due:* December 9, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5195, 7702 City Avenue, Philadelphia, PA 19151.

*Lease Expiration Date:* June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of City Line Avenue and Haverford Avenue, Philadelphia.

*Proposals due:* December 9, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Henry Blocker, Jr., (215) 482-9671  
 JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 05-2148. Filed for public inspection November 18, 2005, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for Milk Marketing Area No. 6; Establishment of a Dock Pickup Discount

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on January 4, 2006, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits regarding the establishment of a dock pickup discount in Milk Marketing Area 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on December 16, 2005, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on December 16, 2005, notification of their wish to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that

fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on December 23, 2005, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on December 30, 2005, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on December 9, 2005.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 05-2149. Filed for public inspection November 18, 2005, 9:00 a.m.]

## PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

### Interest Rates and Participation Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the change in interest rates and participation rates for loans approved by the PIDA Board of Directors (Board). Loan applications submitted after December 1, 2005, and until further notice will be subject to the interest rate and participation rate schedule that follows in the respective counties as determined by the most recent applicable unemployment statistics and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

The PIDA Board retains the right to waive or modify the interest rates on a case by case basis for good cause shown.

*Note:* Loan applications are subject to the schedule of interest rates in effect at the time the application is received by the Department of Community and Economic Development. A loan application that is deferred shall be subject to the schedule of interest rates in effect on the date of the Board meeting at which the application is considered, regardless of when the application was originally submitted.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 787-6245.

DENNIS YABLONSKY,  
*Chairperson*

*Financially Distressed Municipalities under Act 47\**

- Aliquippa City  
Beaver County
- Braddock Borough  
Allegheny County
- Chester City  
Delaware County
- Clairton City  
Allegheny County
- Duquesne City  
Allegheny County
- Farrell City  
Mercer County
- Franklin Borough  
Cambria County
- Greenville Borough  
Mercer County
- Homestead Borough  
Allegheny County
- Johnstown City  
Cambria County
- Millbourne Borough  
Delaware County
- Pittsburgh City  
Allegheny County
- Rankin Borough  
Allegheny County
- Scranton City  
Lackawanna County
- West Hazleton  
Luzerne County

*Federal Empowerment Zones\**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities\**

Portions of Harrisburg, Dauphin County  
Portions of Lock Haven, Clinton County

\*Eligible for 4.25% Interest Rate

**Effective December 2005**

**PIDA Participation and Interest Rates  
For Counties and Municipalities\*  
Over 25,000 Population**

	<i>Maximum Pida Participation</i>		<i>Interest Rate**</i> %
	<i>(S)</i>	<i>(L)</i>	
ADAMS	40 * * *	30 * * * *	5.25
ALLEGHENY	50	40 * * *	4.25
ARMSTRONG	50	40 * * *	4.25
BEAVER	40 * * *	30 * * * *	4.25
BEDFORD	50	40 * * *	4.25
BERKS	40 * * *	30 * * * *	5.25
Reading City	60	50	4.25
BLAIR	50	40 * * *	4.25
BRADFORD	40 * * *	40 * * *	4.25
BUCKS	40 * * *	30 * * * *	5.25
Bristol Township	50	30 * * * *	4.25
BUTLER	50	40 * * *	4.25
CAMBRIA	50	40 * * *	4.25
CAMERON	50	40 * * *	4.25
CARBON	50	40 * * *	4.25
CENTRE	50	40 * * *	4.25
CHESTER	40 * * *	30 * * * *	5.25
CLARION	40 * * *	40 * * *	4.25
CLEARFIELD	50	40 * * *	4.25
CLINTON	50	40 * * *	4.25
COLUMBIA	50	40 * * *	4.25
CRAWFORD	50	40 * * *	4.25
CUMBERLAND	40 * * *	30 * * * *	5.25
DAUPHIN	40 * * *	30 * * * *	5.25
Harrisburg City	50	30 * * * *	4.25
DELAWARE	40 * * *	30 * * * *	5.25
Chester City	60	50	4.25
Upper Darby Township	40 * * *	30 * * * *	4.25
ELK	50	40 * * *	4.25
ERIE	50	40 * * *	4.25
FAYETTE	50	40 * * *	4.25
FOREST	70	60	4.25
FRANKLIN	40 * * *	30 * * * *	5.25
FULTON	50	40 * * *	4.25
GREENE	50	40 * * *	4.25
HUNTINGDON	50	40 * * *	4.25
INDIANA	50	40 * * *	4.25
JEFFERSON	50	40 * * *	4.25
JUNIATA	40 * * *	40 * * *	5.25
LACKAWANNA	50	40 * * *	4.25
LANCASTER	40 * * *	30 * * * *	5.25
Lancaster City	50	30 * * * *	4.25
LAWRENCE	50	40 * * *	4.25
New Castle City	60	50	4.25

	Maximum Pida Participation		Interest Rate** %
	(S)	(L)	
LEBANON	40 * * *	30 * * * *	5.25
LEHIGH	40 * * *	30 * * * *	5.25
Allentown City	50	30 * * * *	4.25
Bethlehem City	50	30 * * * *	4.25
LUZERNE	50	40 * * *	4.25
LYCOMING	50	40 * * *	4.25
McKEAN	50	40 * * *	4.25
MERCER	50	30 * * * *	4.25
MIFFLIN	50	40 * * *	4.25
MONROE	40 * * *	40 * * *	4.25
MONTGOMERY	40 * * *	30 * * * *	5.25
Norristown Borough	50	30 * * * *	4.25
MONTOUR	50	40 * * *	4.25
NORTHAMPTON	40 * * *	30 * * * *	5.25
Bethlehem City	50	30 * * * *	4.25
Easton City	50	30 * * * *	4.25
NORTHUMBERLAND	50	40 * * *	4.25
PERRY	40 * * *	30 * * * *	5.25
PHILADELPHIA	50	40 * * *	4.25
PIKE	40 * * *	30 * * * *	4.25
POTTER	50	40 * * *	4.25
SCHUYLKILL	50	40 * * *	4.25
SNYDER	40 * * *	40 * * *	5.25
SOMERSET	50	40 * * *	4.25
SULLIVAN	40 * * *	40 * * *	4.25
SUSQUEHANNA	40 * * *	40 * * *	4.25
TIOGA	40 * * *	40 * * *	4.25
UNION	40 * * *	30 * * * *	4.25
VENANGO	50	40 * * *	4.25
WARREN	50	40 * * *	4.25
WASHINGTON	50	40 * * *	4.25
WAYNE	40 * * *	40 * * *	4.25
WESTMORELAND	50	40 * * *	4.25
WYOMING	50	40 * * *	4.25
YORK	40 * * *	30 * * * *	5.25
York City	50	30 * * * *	4.25

\* Municipalities are listed only if PIDA rate differs from County rate.

\*\* Based on calendar year 2004 unemployment rate. Subject to change at discretion of the PIDA Board.

(S) Small Business (Less than 50 existing employees, including parent, subsidiaries and affiliates.)

(L) Large Business.

*Special Note:* Projects located in Designated Enterprise Zones, Financially Distressed Municipalities under Act 47, Federal Empowerment Zones, Federal Enterprise Communities, Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, Brownfield Sites and companies designated as Advanced Tech Firms will receive an interest rate of 4.25%.

\*\*\* 10% Equity required

\*\*\*\* 20% Equity required

[Pa.B. Doc. No. 05-2150. Filed for public inspection November 18, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Implementation of 811 Abbreviated Dialing Access to the One Call Notification System; Doc. No. M-00051921

Public Meeting held  
October 27, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

#### Interim Implementation Order

*By the Commission:*

On March 14, 2005, the Federal Communications Commission (FCC) issued its *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements Sixth Report and Order*, FCC 05-59, CC Docket No. 92-105 (*Sixth Report and Order*) that, inter alia, designated 811 as the national abbreviated dialing code to be used by state One Call notification systems for providing advanced notice of excavation activities to underground facility operators in compliance with the federal Pipeline Safety Improvement Act of 2002 (Pipeline Safety Act)<sup>1</sup>. By this Order, the Commission requests comments for developing an implementation plan for 811 abbreviated dialing access to the Pennsylvania One Call notification system. We will establish a 30-day Comment period and 10-day Reply Comment period on this matter.

In 1974, the Pennsylvania General Assembly established the One Call system as a way to provide for public safety by preventing damage to buried utilities. One Call provides a single telephone number for contractors, designers or any other person covered by the enacting legislation to call to notify owners of underground utility lines and pipes of the caller's intent to use powered equipment for excavating, tunneling, demolition or similar work. *Underground Utility Line Protection Act*, Act 287 of 1974, as amended by Act 199 of 2004, 73 P. S. §§ 176, et seq.

The Pennsylvania One Call system handles five different types of calls—design calls, emergency calls, routine location requests, demolition work calls and appointment calls. “Design calls” are calls regarding drawings that are prepared for excavations that require design notification; a design notice is meant to allow the designer to plan the new work around existing facilities in compliance with the law. “Emergency calls” address those sudden or unforeseen occurrences involving a clear and immediate danger to life or property, including but not limited to, serious breaks or defects in a facility owner's lines. (see 73 P. S. § 176); emergency calls include damage reporting calls and reports of an odor of natural gas, even if they are non-excavation related calls. Routine location request calls are calls of notification for excavation work at a

<sup>1</sup> Pipeline Safety Improvement Act of 2002, Pub. L. No. 107-355, § 17, 116 Stat. 2985, 3008 (2002).

designated work location and where the request is limited to the area described in the notification call. Demolition work calls are calls regarding notification for demolition work. Appointment calls are calls by excavators for job site meetings with facility owners in order to show the limits and schedule of the work when there is difficulty in describing the proposed excavation area or when the excavator chooses to call a preconstruction meeting with facility owners.

The United States Department of Transportation (DOT), pursuant to the Transportation Equity Act for the 21st Century, *Transportation Equity Act for the 21st Century*, Pub. L. No. 105-178, § 6105, 112 Stat. 107 (1998),<sup>2</sup> established a national One Call notification program. On December 17, 2002, President Bush signed the Pipeline Safety Act into law. The Pipeline Safety Act, *inter alia*, is designed to strengthen the federal government's support for the One Call programs and requires the DOT, in consultation with the FCC, to "provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems."<sup>3</sup>

During January 2003, the North American Numbering Council (NANC) formed the abbreviated Dialing for One Call Notification Issue Management Group (DIG IMG) to identify and analyze the impact of employing the various abbreviated dialing options to implement the Pipeline Safety Act. The DIG IMG considered three possible alternatives for a 3-digit code to access One Call centers: N11 codes, codes using a leading star or number sign, and easily recognizable codes, and presented NANC with a report addressing these options. Upon reviewing the report, the NANC concluded that the best solution, within the framework of the existing statute, would be to assign an N11 code, specifically 811, to access One Call centers.<sup>4</sup>

On August 28, 2003, to initiate implementation of the Pipeline Safety Act, the DOT filed a Petition for Rulemaking at the FCC requesting the assignment of a 3-digit toll-free telephone number to access One Call centers throughout the country. On May 14, 2004, the FCC released a Notice of Proposed Rulemaking (NOPR) seeking comment on various abbreviated dialing arrangements, including those considered and recommended by the NANC, that could be used by state One Call notification systems in compliance with the Pipeline Safety Act. The FCC sought comments on the following: (1) whether an N11 code, a code using a leading star or number sign, or another 3-digit number should be assigned to comply with the Pipeline Safety Act, and (2) implementation issues such as the integration of existing One Call center numbers, an appropriate implementation timeframe for each proposed abbreviated dialing arrangement, and whether the FCC should delegate authority to state commissions to address implementation issues.

On March 14, 2005, the FCC released the Sixth Report and Order <http://hraunfoss.fcc.gov/edocs/public/attachmatch/FCC-05-59A1.doc> and <http://hraunfoss.fcc.gov/edocs/public/attachmatch/FCC-05-59A2.doc>. In the *Sixth Report and Order*, the FCC concluded that an N11 code was the best solution, within the framework of the federal statute, for access to the One Call centers. It

<sup>2</sup> Under this program, grants are made to states to establish or improve One Call notification systems. *Id.* at § 6105(c).

<sup>3</sup> Pipeline Safety Act, § 17.

<sup>4</sup> NANC Recommendation at pp. 1-2; Letter to William Maher, Chief, Wireline Competition Bureau, from Robert C. Atkinson, Chair, North American Numbering Council, dated May 27, 2004. In that letter the NANC indicated, however, that its preferred solution would be for Congress to amend the statute to provide for the establishment of a toll-free number rather than an abbreviated dialing code to access One Call Centers.

designated 811 as the national abbreviated dialing code to be used by state One Call notification systems for providing advanced notice of excavation activities to underground facility operators in compliance with the Pipeline Safety Act. By selecting the N11 designation, the FCC rejected other options including codes using a leading star or number sign, and an easily recognizable code as these alternatives were impractical, costly to implement and could delay for years the availability of a national One Call number. In addition, the FCC rejected the option of sharing an existing N11 code, such as 911, for the purpose of One Call. The FCC noted that shared use could result in customer confusion and misrouting when dialing a shared N11 Code, and that the confusion could increase the potential of deterring excavators from using the notification system and resulting in reducing the effectiveness of the One Call centers. The FCC found that the use of a national abbreviated dialing code will enhance public safety and strengthen homeland security by streamlining the advance notification of excavation activities and emergency notification procedures. The FCC also held that an abbreviated dialing code for providing advanced notice of excavation activities to underground facility operators will eliminate the need for each state One Call notification system to utilize different numbers, and that a single nationwide abbreviated dialing code would increase public awareness and the use of One Call services.

The FCC also addressed implementation issues, which included integration of existing One Call center numbers, originating switch location, the implementation period, and the role of state commissions. On the issue of existing One Call center number integration, the FCC wanted to ensure that calls to One Call centers are toll-free. In order to ensure that the call would be toll free, the FCC concluded that One Call centers should provide carriers with a toll-free number, which can be an 8YY number or any number that is not an IntraLATA toll call, from the area to be served for use in implementing 811. Thus, when a caller dials 811, the carriers will translate 811 into the correct 7- or 10-digit number to reach the appropriate One Call center. The FCC concluded that by implementing this requirement it will both simplify call routing and ensure that callers do not incur toll charges as mandated by the statute.

Regarding the switch location, the FCC directed carriers to use either the NPA-NXX or the originating switch to determine the appropriate One Call center to which a call should be routed. The FCC addressed wireline and wireless originating calls. For the wireline-originated calls, the originating switch location or the NPA-NXX will determine the One Call center to which the call is sent. For the wireless-originated calls, the originating Mobile Switch Center will determine the One Call center to which the call is sent. The FCC reasoned that by adopting this approach it gave all carriers the flexibility to utilize the most efficient and cost-effective method for routing calls to appropriate state One Call centers and the approach was competitively neutral.

The FCC also determined that based on the record a reasonable implementation period would be two years from publication of the order in the *Federal Register*. In addition, the FCC deferred to the expertise of the carriers, in cooperation with the individual states, to develop and determine the most appropriate technological means of implementing 811 access to One Call services, as determined by the carriers' particular network architecture.

The FCC's *Sixth Report and Order* held that the 811 abbreviated dialing code shall be deployed ubiquitously by carriers throughout the United States for use by all telecommunications carriers, including wireline, wireless and payphone service providers that provide access to state One Call centers. The FCC also held state commissions to be in the best position to address issues associated with implementing the abbreviated dialing arrangement because many of the One Call centers were developed by, or under the auspices of, the state commissions. Thus, pursuant to section 251(e) of the Telecommunications Act of 1996, the FCC delegated authority to the state commissions to address technical and operational issues associated with the implementation of nationwide 811.<sup>5</sup>

Implementing 811 abbreviated dialing in Pennsylvania will enable individuals and entities to dial only three digits to access our One Call system. The proposed simplified dialing will make the public more inclined to use the One Call system. For these reasons as well as for those addressed in the FCC's analysis in the *Sixth Report and Order*, implementing the 811 abbreviated dialing is in the public interest.

To assist us with 811 implementation in Pennsylvania, we are hereby requesting comments on the following issues in addition to any others commenters may consider pertinent: (1) guidelines for processes required to implement of 811; (2) attributive methods for cost recovery, if necessary; (3) the best method(s) of notification of the abbreviated dialing code for applicable businesses, industry and utilities (e.g., trade/industry publications in the utility and construction sectors); (4) development of a public/consumer notification program (press releases, directory changes, bill inserts, etc.); (5) requirements regarding input to the Local Exchange Routing Guide (LERG); (6) the need for system testing and/or trial period; and (7) what can and should be done, if anything, about misdials.

Based on comments received the Commission will develop a tentative implementation plan. We request comments and suggestions from interested parties including business and industry, the general public and the statutory advocates;

Therefore,

*It Is Ordered That:*

1. An original and eight copies of comments regarding Pennsylvania's implementation of national 811 dialing for access to our existing underground facility location system (One Call) shall be filed within 30 days from the date of publication in the *Pennsylvania Bulletin*. Reply comments shall be filed within 10 days from the close of the comment period. Comments and reply comments should reference the above docket number and be addressed to: Secretary James J. McNulty, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

2. This Interim Implementation Order be published in the *Pennsylvania Bulletin* and a copy be served on all Incumbent Local Exchange Companies (ILECs) and Competitive Local Exchange Companies (CLECs) operating in

<sup>5</sup> *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements Sixth Report and Order*, FCC 05-59, CC Docket No. 92-105 (*Sixth Report and Order*), March 14, 2005, para. 35. Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), amending the Communications Act of 1934, codified at 47 U.S.C. § 251(e).

the Commonwealth, the Pennsylvania Telephone Association, the Central Atlantic Payphone Association, Cellular Telecommunications Industry Association, the Office of Consumer Advocate, and the Office of Small Business Advocate and Pennsylvania One Call, Inc.

3. The contact persons for this proceeding are Kimberly Hafner, Assistant Counsel, Law Bureau, (717) 787-5000 and Anthony Rametta, Bureau of Fixed Utility Services, (717) 787-2359.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 05-2151. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 12, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00122208, Harrisburg City Cab, Inc.** (1601 Paxton Street, Harrisburg, Dauphin County, PA 17104), a corporation of the Commonwealth—persons, upon call or demand, in the Counties of Dauphin and York. *Attorney:* J. Bruce Walter, One South Market Square, 12th Floor, P. O. Box 1146, Harrisburg, PA 17108-1146.

**A-00121500, Folder 2, Ameer Malik t/d/b/a Malik Coach** (152 Sproul Road, Malvern, Chester County, PA 19355)—persons upon call or demand in the Borough of Malvern and the Townships of Willistown, Tredyffrin, East Whiteland, West Whiteland, all located in Chester County.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of household goods in use as described under the application.**

**A-00119720, Folder 5, Movin' Murdy, Inc.** (392 Whittier Drive, Pittsburgh, Allegheny County, PA 15235), a corporation of the Commonwealth, for the additional right to transport, as a common carrier, by motor vehicle, household goods in use, from points in the County of Allegheny, to points in Pennsylvania, and vice versa; which is to be a transfer of all the right authorized under the certificate issued at A-00094111, F.1, Am-C to Pioneer

Movers, Inc., subject to the same limitations and conditions. *Attorney:* Brad N. Sommer, 21st Floor, Lawyers Building, 428 Forbes Avenue, Pittsburgh, PA 15219-1603.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2152. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Telecommunications

**A-310898F7001. Verizon North Inc. and Navigator Telecommunications, LLC.** Joint petition of Verizon North Inc. and Navigator Telecommunications, LLC for approval of an interconnection agreement and amendments no. 1 and 2 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Navigator Telecommunications, LLC, by its counsel, filed on October 27, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an interconnection agreement and amendments no. 1 and 2 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Navigator Telecommunications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2153. Filed for public inspection November 18, 2005, 9:00 a.m.]

### Wastewater Service

**A-230068F0003. Timberlee Valley Sanitation Company, Inc.** Application of Timberlee Valley Sanitation Company, Inc. for approval of the right to begin to offer, render, furnish or supply wastewater service to the public in a portion of Connequenessing and Lancaster Townships, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Timberlee Valley Sanitation Company, Inc.

*Through and By Counsel:* James P. Melia, Esquire, Kirkpatrick & Lockhart Nicholson Graham LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2154. Filed for public inspection November 18, 2005, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-108.S, Design of Berth 1 Crane Rail Extension at Packer Avenue Marine Terminal (PAMT) until 2 p.m. on Thursday, December 22, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 29, 2005. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on December 8, 2005, at 11 a.m. at PAMT, Columbus Boulevard and Packer Avenue (use Service Road to enter), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 05-2155. Filed for public inspection November 18, 2005, 9:00 a.m.]

## STATE ATHLETIC COMMISSION

### Public Meetings for 2006

The State Athletic Commission of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2005 under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

February 27, 2006  
April 24, 2006  
June 26, 2006  
August 21, 2006  
October 30, 2006  
December 18, 2006

Individuals having questions regarding these meetings should contact the State Athletic Commission at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 05-2156. Filed for public inspection November 18, 2005, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

December 14, 2005	Teresa M. Vine (Change Retirement Option Selection)	1 p.m.
December 16, 2005	Joseph Allen Jaffe (Agency Debt/Disability Eligibility/ Domestic Relations Issues)	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 05-2157. Filed for public inspection November 18, 2005, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services	③ Contract Information
Location:	Harrisburg, Pa.	④ Department
Duration:	12/1/93-12/30/93	⑤ Location
Contact:	Procurement Division 787-0000	⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

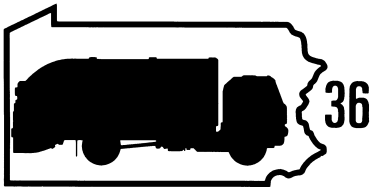
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreasury.org](http://www.patreasury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

## SERVICES



### Sanitation

**CN00017570** Rental of Sewer Cleaning Equipment and labor to operate. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendor-registration.state.pa.us](http://www.vendor-registration.state.pa.us). DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contain IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. To request a bid package, please fax your letterhead which includes your name, address, telephone and fax numbers, federal ID number and PA State Vendor number. FAX: 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** January 1, 2006 - December 31, 2008.  
**Contact:** Stanley Rygelski, 570-587-7291

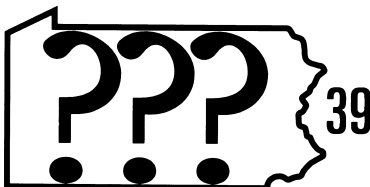
**120464** Highway Advisory Radio (HAR) Maintenance - PennDOT is requesting proposals for a vendor to repair and maintain four (4) HAR Systems located in three counties of Engineering District 12-0 (Washington, Greene, and Westmoreland Counties). The vendor will provide an initial inspection and repair of the four (4) HAR's Systems within the District. Also, bi-annual preventative inspections and maintenance as well as response maintenance will be required as part of the contract. The vendor will be responsible for providing parts and labor upon representative approval.

**Department:** Transportation  
**Location:** Pa. Department of Transportation, 825 North Gallatin Avenue, P. O. Box 459, Uniontown, PA 15401  
**Duration:** One four year renewal. Letter of Renewal will be at PennDOT discretion.  
**Contact:** Robb Dean, 724-415-1026

**120465** Dynamic Message Sign (DMS) Maintenance - PennDOT is requesting proposals for a vendor to maintain one DMS located in Engineering District 12-0 (Washington County). The vendor will provide an initial inspection and maintenance of the DMS located on I-70. Also, bi-annual preventative inspections and maintenance as well as response maintenance will be required as part of the contract. The vendor will be responsible for providing parts and labor upon representative approval.

**Department:** Transportation  
**Location:** Pa. Department of Transportation, 825 North Gallatin Avenue Extension, P. O. Box 459, Uniontown, PA 15401  
**Duration:** One four year renewal. Letter of renewal will be at PennDOT discretion.  
**Contact:** Robb Dean, 724-415-1026

[Pa.B. Doc. No. 05-2158. Filed for public inspection November 18, 2005, 9:00 a.m.]



### Miscellaneous

**61-0038.S** Fabricate and install a modular interior architectural signage system that is ADA compliant for the new School of Music and Performing Arts Center.

**Department:** State System of Higher Education  
**Location:** West Chester University, S. High Street, West Chester, PA. West Goshen Township  
**Duration:** Completion Date: June 30, 2006.  
**Contact:** Barb Cooper, 610-436-2706

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## DESCRIPTION OF LEGEND

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|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*

# Title 58—RECREATION

## PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 405, 441 AND 443]

### Final Temporary Regulations; Category 2 and 3 Slot Machine Licenses

The Pennsylvania Gaming Control Board (Board), under the authority of 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Chapter 405, entitled Bureau of Investigations and Enforcement, is added to Subpart A, General Provisions. Sections 441.13 and 441.14, entitled notification of anticipated or actual changes in key employee qualifiers or key employees and notification of new financial sources, are added to Chapter 441, Slot Machine Licenses, of Subpart C, entitled Slot Machine Licensing. Sections 443.4 and 443.5, entitled Category 2 slot machine licenses and Category 3 slot machine licenses are added to Chapter 443, Categories of Licensure, of Subpart C, entitled Slot Machine Licensing.

#### *Purpose and Background*

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board is required to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment in this Commonwealth and to carry out the policy and purposes of the Board. In adopting these temporary regulations, the Board has considered the public comments submitted to the Board, including comments from various State agencies, legislators and other interested parties. The Board has also reviewed the regulatory practices of other Commonwealth agencies and other gaming jurisdictions.

To promulgate the temporary regulations in accordance with customary rulemaking procedure, the Board published draft regulations at 35 Pa.B. 4699 (August 13, 2005). A 30-day public comment period was provided.

Under 4 Pa.C.S. § 1203, the temporary regulations adopted by the Board will expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

#### *Comment*

The Board received public comment from approximately 12 interested parties, including State and local government officials, industry representatives and citizens. The Board thoroughly reviewed and considered all comments submitted. All public comments received by the Board are available for review on the Board's website, [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us). To respond to the comments in the most efficient manner, the Board has selected representative comments and formulated responses to these comments. These comments and responses are published on the Board's website.

#### *Paperwork*

The Board will be publishing Category 2 and Category 3 applications and other necessary forms for the administration of licensing Category 2 and Category 3 slot machine licensees. The Board is developing a docket process to monitor and track submitted applications.

The Board will publish notices in the *Pennsylvania Bulletin* identifying the filing period for applications, the completion date and those facilities who have been awarded licenses by the Board.

#### *Financial Impact*

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities.

The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed gaming entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the gaming fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees will reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing and registration of individuals and other classes of licensees will be reimbursed by the individuals and or licensees through fees established by the Board.

It is anticipated that all expenses of the Board and all associated activities will be reimbursed by the applicants and gaming entities as previously specified. The Board will have no financial impact on the State budget.

#### *Statutory Authority*

Section 1203 of 4 Pa.C.S. provides the Board authority to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

#### *Regulatory Review*

Under 4 Pa.C.S. § 1203, the Board may adopt temporary regulations that are exempted from the Regulatory Review Act and sections 201—205 of the CDL. Section 1203 of 4 Pa.C.S. provides that the Board's authority to adopt regulations will expire 2 years from the effective date of 4 Pa.C.S. Part II.

#### *Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 1203, the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) A 30-day public comment period was held prior to the adoption of the temporary regulations. All comments received by the Board were reviewed and considered.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

#### *Order*

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

(a) The Board acting under the authority of the Act 71, adopts as its final-form temporary regulations, the draft regulations adopted by resolution at the September 28,

2005, Board meeting. The temporary regulations pertain to general licensing standards for slot machine license applicants, specific licensing standards for Category 1 slot machine license applicants and compulsive and problem gambling requirements for slot machine licensees.

(b) The following temporary regulations of the Board, 58 Pa. Code, are added: §§ 405.1—405.5, 441.13—441.14 and 443.4—443.5 to read as set forth in Annex A.

(c) The temporary regulations are effective September 28, 2005.

(d) The temporary regulations will be posted in their entirety on the Board's website and in the *Pennsylvania Bulletin*.

(e) The temporary regulations will be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board will certify the preceding order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,  
Chairperson

(*Editor's Note:* For a document affecting § 443.5, adopted by this order, see 35 Pa.B. 6410 (November 19, 2005).)

**Fiscal Note:** 125-9. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 405. BUREAU OF INVESTIGATIONS AND ENFORCEMENT

Sec.	
405.1.	General duties and powers.
405.2.	Information.
405.3.	Office of Enforcement Counsel.
405.4.	Procedures.
405.5.	Conduct.

##### § 405.1. General duties and powers.

The Bureau of Investigations and Enforcement (Bureau) has been established which has the powers and duties set forth in section 1517 of the act (relating to enforcement) including:

(1) The investigation and review of all applicants seeking a license, permit or registration.

(2) The investigation of licensees, permittees, registrants and other persons for potential violations of the act, including potential violations referred to the Bureau by the Board or other persons.

(3) The monitoring of slot machine operations to ensure compliance with the act and the integrity of gaming, including internal controls, exclusion list enforcement, underage gaming and drinking, individual complaints, information systems, integrity and security issues.

(4) The inspection and examination of licensed entities as provided in section 1517(e) of the act. Inspections may include the review and reproduction of any document or record.

(5) The conduct of audits of a licensed entity as necessary to ensure compliance with the act. An audit may include the review of accounting, administrative and

financial records, management control systems, procedures and other records utilized by a licensed entity.

(6) The referral of possible criminal violations under the act to the Pennsylvania State Police.

##### § 405.2. Information.

(a) An applicant, licensee, permittee or registrant shall provide information, data and documents requested by the Bureau of Investigations and Enforcement (Bureau) under section 1517(a) of the act (relating to enforcement).

(b) A State or local law enforcement agency, including the Pennsylvania State Police and the Office of Attorney General, the Department or other executive agency shall provide information, data and documents requested by the Bureau relating to an applicant, licensee, permittee or registrant.

(c) The Bureau may, upon request, provide pertinent information relating to an applicant, licensee, permittee or registrant to law enforcement agencies, including the Federal Bureau of Investigation or gaming authorities of the Commonwealth or other domestic or foreign agencies or jurisdictions.

(d) Information under this section may be provided or received by electronic distribution.

##### § 405.3. Office of Enforcement Counsel.

(a) The Office of Enforcement Counsel has been established within the Bureau of Investigations and Enforcement (Bureau) which has the following powers and duties:

(1) Advise the Bureau on all matters, including the granting of licenses, permits or registrations, the conduct of background investigations, audits and inspections and the investigation of potential violations of the act.

(2) File recommendations and objections relating to the issuance of licenses, permits and registrations on behalf of the Bureau.

(3) Initiate, in its sole discretion, proceedings for violations of the act by filing a complaint or other pleading with the Board seeking civil fines or penalties, the imposition of conditions on licenses, or the suspension or revocation of a license.

(4) The Office of Enforcement Counsel may seek a settlement that may include fines, penalties or other actions subject to approval by the Board.

(b) The Enforcement Counsel is the Director of the Office of Enforcement Counsel. The Enforcement Counsel will be selected by the Board and shall be an attorney admitted to practice before the Pennsylvania Supreme Court.

(c) The Director of the Office of Enforcement Counsel shall report to the Executive Director of the Board on administrative and operational matters.

##### § 405.4. Procedures.

(a) The Office of Enforcement Counsel shall act as the prosecutor in all enforcement actions under the act.

(b) The Board's Chief Counsel shall advise the Board in its adjudicatory capacity and represent the Board in appellate actions under the act.

(c) If the Bureau or the licensing Bureau files an objection to any license, permit or registration, an evidentiary record shall be established to allow the Board to reach a decision in accordance with the act.

### § 405.5. Conduct.

(a) An attorney representing the Office of Enforcement Counsel, or an employee involved in the hearing process, may not discuss the case *ex parte* with a hearing officer, Chief Counsel or Board member.

(b) A hearing officer, the Chief Counsel or a Board member may not discuss or exercise any supervisory responsibility over any employee with respect to an enforcement hearing with which the employee is involved.

(c) If it becomes necessary for the Chief Counsel or Board member to become involved on behalf of the Board in any enforcement proceeding, the Chief Counsel or Board member shall be prohibited from participating in the adjudication of that matter and shall designate appropriate individuals to exercise adjudicatory functions.

#### Subpart C. SLOT MACHINE LICENSING

##### CHAPTER 441. SLOT MACHINE LICENSES

### § 441.13. Notification of anticipated or actual changes in key employee qualifiers or key employees.

Each slot machine licensee or applicant shall immediately notify the Board, in writing, as soon as practicable, of the proposed appointment, appointment, proposed nomination, nomination, election, hiring, intended resignation, resignation, removal, firing, incapacitation or death of any person required to be licensed as a key employee qualifier or key employee under §§ 435.2 and 435.3 (relating to key employee qualifier license; and key employee license). The notice must be addressed to the Office of the Clerk.

### § 441.14. Notification of new financial sources.

Each slot machine licensee or applicant shall immediately notify the Board, in writing, as soon as it becomes aware that it intends to enter into a transaction which would affect any relation to its licensed facility and may result in any new financial backers. The notice must be addressed to the Office of the Clerk.

#### CHAPTER 443. CATEGORIES OF LICENSURE

### § 443.4. Category 2 slot machine licenses.

(a) To be eligible to apply for a Category 2 slot machine license, an applicant shall comply with Chapter 441 (relating to slot machine licenses) and submit the following:

(1) A sworn or affirmed statement that neither the applicant, nor any of its affiliates, intermediaries, subsidiaries or holding companies is eligible to seek a Category 1 slot machine license.

(2) A statement detailing the proposed plans and location of the licensed facility.

(3) A statement detailing and establishing that the proposed location is in a revenue or tourism-enhanced location and is in compliance with the geographical requirements of section 1304(b) of the act (relating to Category 2 slot machine license). The statement must include the appropriate business and tourism studies, economic impact studies, projected revenue and business plans.

(4) Other information deemed necessary by the Board.

(b) The Board may issue a Category 2 slot machine license if it determines that the applicant has complied with this section and Chapter 441 and has proven by clear and convincing evidence that it has the financial

stability and integrity and the good character, honesty, integrity and responsibility to qualify for a slot machine license.

### § 443.5. Category 3 slot machine license.

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

*Amenities*—Any ancillary activities, services or facilities in which a registered guest or the transient public, in return for non-de minimis consideration, may participate at a resort hotel, including, but not limited to:

(i) Sports and recreational activities and facilities such as a golf course or golf driving range, tennis courts or swimming pool.

(ii) Health spa, convention, meeting and banquet facilities.

(iii) Entertainment facilities.

(iv) Restaurant facilities.

*Non-de minimis consideration*—A payment of \$25 or more per patron paid to a slot machine licensee.

*Patron of the amenities*—Any individual who is a registered attendee of a convention, meeting or banquet event or a participant in a sport or recreational event or any other social, cultural or business event held at a resort hotel or who participates in one or more of the amenities provided to registered guests of the resort hotel.

*Substantial year-round recreational guest amenities*—An applicant offers on its premises three or more of the following amenities:

(i) Sports and recreational activities and facilities such as a golf course or golf driving range.

(ii) Tennis courts or swimming pool.

(iii) Health spa.

(iv) Meeting and banquet facilities.

(v) Entertainment facilities.

(vi) Restaurant facilities.

(vii) Downhill or cross-country skiing facilities.

(viii) Bowling lanes.

*Well-established resort hotel*—A resort hotel having no fewer than 275 guest rooms under common ownership and having substantial year-round recreational guest amenities.

(b) To be eligible to receive a Category 3 slot machine license, an applicant shall comply with Chapter 441 and submit the following:

(1) A sworn or affirmed statement that the applicant, its affiliate, intermediary, subsidiary or holding company has not applied for, has not been approved for and has not been issued a Category 1 or 2 slot machine license.

(2) A statement detailing the proposed plans and location of the licensed facility and confirming that the facility shall be located at a well-established resort hotel.

(3) Documentation satisfactory to the Board proving that the applicant is the owner of the established resort hotel or is a wholly owned subsidiary of the owner of the established resort hotel. Documentation may include, but not be limited to, copies of the following documents:

(i) If a corporation, the applicant shall submit the following:

- (A) Articles of incorporation.
- (B) Charter.
- (C) By-laws.
- (ii) If a partnership, the applicant shall submit the following:
  - (A) Partnership agreements.
  - (B) Certificates of limited partnership, if applicable.
- (iii) If a limited liability company, the applicant shall submit the following:
  - (A) Certificates of formation, amendment and cancellation.
  - (B) Operating agreements.
- (4) A plan detailing how the applicant, as part of its operational plan, will monitor the gaming area to ensure that only the following persons are permitted to enter the gaming area:
  - (i) Registered guests who are 21 years of age or older.
  - (ii) Patrons of one or more of the amenities who are 21 years of age or older.
  - (iii) Authorized employees who are 18 years of age or older.
  - (iv) Other persons authorized by the Board.
- (5) Information deemed necessary by the Board to determine the operational viability, financial fitness or character of the applicant.
- (c) The Board may issue a Category 3 slot machine license if it determines that the applicant has complied with this section and the applicable provisions of Chapter 441 and has proven by clear and convincing evidence that it has the financial stability and integrity and the good character, honesty, integrity and responsibility to qualify for a slot machine license.

[Pa.B. Doc. No. 05-2159. Filed for public inspection November 18, 2005, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**  
**[58 PA. CODE CHS. 441 AND 443]**  
**Amendment to Temporary Regulations; Slot Machine Licenses**

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2005-3 REG, entitled Adoption of Temporary Regulations, dated June 16, 2005, and Resolution No. 2005-4, entitled Adopting of Draft Regulations as Temporary Regulations for the General Licensing Standards for Slot Machine License Applicants Temporary Regulations, dated July 21, 2005, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, and July 21, 2005, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) (Act 71) and to further the intent of Act 71. Therefore the Board has decided to make editorial changes to the temporary regulations, dated June 16, 2005, and July 21, 2005, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 15, 2005) and 35 Pa.B. 4828 (August 6, 2005).

Therefore, the Board has deposited with the Bureau amendments to §§ 441.4 and 443.5. The amendments are effective as of November 2, 2005. The temporary regulations of the Board, Chapters 441 and 443, are amended by amending §§ 441.4 and 443.5 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

THOMAS A. DECKER,  
*Chairperson*

*(Editor's Note: For the document adding § 443.5, amended by this order, see 35 Pa.B. 6407 (November 19, 2005).)*

**Fiscal Note:** 125-7. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART VII. GAMING CONTROL BOARD**  
**Subpart C. SLOT MACHINE LICENSING**  
**CHAPTER 441. SLOT MACHINE LICENSES**

**§ 441.4. Slot machine license application.**

To be eligible for a slot machine license, an applicant shall submit an application which includes the following:

\* \* \* \* \*

- (35) A chart of existing vendors including:
  - (i) The name, address and telephone number and tax identification number of the vendor.
  - (ii) The type of goods or services, or both, provided by the vendor.
  - (iii) The total dollar amount of business with the vendor in the past 12 months.
  - (iv) The total dollar amount of business expected to be conducted with the vendor in the next 12 months.
- (36) Other information requested by the Board.

**§ 443.5. Category 3 slot machine license.**

\* \* \* \* \*

(b) To be eligible to receive a Category 3 slot machine license, an applicant shall comply with Chapter 441 (relating to slot machine licenses) and submit the following:

- (1) A sworn or affirmed statement that the applicant, its affiliate, intermediary, subsidiary or holding company has not applied for, has not been approved for and has not been issued a Category 1 or 2 slot machine license.
- (2) A statement detailing the proposed plans and location of the licensed facility and confirming that the facility shall be located at a well-established resort hotel.
- (3) Documentation satisfactory to the Board proving that the applicant is the owner of the well-established resort hotel or is a wholly owned subsidiary of the owner of the well-established resort hotel. Documentation may include, but not be limited to, copies of the following documents:

\* \* \* \* \*

[Pa.B. Doc. No. 05-2160. Filed for public inspection November 18, 2005, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**

**[58 PA. CODE CHS 401, 435, 437 AND 441]**

**Final Temporary Regulations; Vendor Registration and Certification**

The Pennsylvania Gaming Control Board (Board), under authority in 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers), adopts temporary regulations to facilitate implementation of the provisions of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Subpart B, entitled Licensing, Registering, Certifying and Permitting, contains Chapter 435, entitled Employees and Chapter 437, entitled Vendor Registration and Certification. In addition, regulations will be added to Chapter 441, entitled Slot Machine Licensing.

Section 435.5 has been added to Chapter 435 to require the registration of a class of nongaming employees. Chapter 437 focuses primarily on the general application process for vendor registration and certification. Sections 441.15, 441.16 and 441.17 have been added to Chapter 441 and provide reporting requirements for slot machine licensees and applicants.

*Purpose and Background*

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board is required to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment in this Commonwealth and to carry out the policy and purposes of the Board. In adopting the temporary regulations, the Board has considered the public comments submitted to the Board and the regulatory practices of other Commonwealth agencies and gaming jurisdictions.

Under 4 Pa.C.S. § 1203, the temporary regulations adopted by the Board will expire no later than 3 years following the effective date of 4 Pa.C.S. Part II or upon promulgation of regulations as generally provided by the law. These temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

*Paperwork*

The Board will publish vendor registration and certification applications and other necessary forms for the administration of certifying and registering vendors.

*Financial Impact*

The regulations and 4 Pa.C.S. Part II will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed in, provide gaming related services or operate gaming facilities.

The appropriations from the State for the implementation of 4 Pa.C.S. Part II and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed gaming entities as specified within 4 Pa.C.S. Part II. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the gaming fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the

Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing and registration of individuals and other classes of licensees will be reimbursed by the individuals or licensees through fees established by the Board.

It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board will have no financial impact on the State budget.

*Statutory Authority*

Under 4 Pa.C.S. § 1203, the Board has authority to adopt and publish temporary regulations to implement the policies and purposes of 4 Pa.C.S. Part II.

*Regulatory Review*

Under 4 Pa.C.S. § 1203, the Board may adopt temporary regulations that are exempted from the Regulatory Review Act and sections 201—205 of the CDL. Under 4 Pa.C.S. § 1203, the Board has authority to adopt regulations that expire 2 years from the effective date of 4 Pa.C.S. Part II.

*Findings*

The Board finds that the adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

*Order*

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

(a) The Board acting under the authority of the Pennsylvania Race Horse Development and Gaming Act adopts as its final-form temporary regulations the draft regulations adopted by resolution at the July 21, 2005, Pennsylvania Gaming Control Board meeting. The temporary regulations of the Board, 58 Pa. Code Part VII, are amended by amending § 401.4 and by adding §§ 435.5, 437.1—437.10 and 441.15—441.17 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board's final-form temporary regulations are designated as Title 58 Recreation, Part VII Gaming Control Board: Subpart B. Licensing, Registering, Certifying and Permitting, specifically Chapter 437 Vendor Registration and Certification.

(c) The temporary regulations are effective as of the date of this order.

(d) The temporary regulations will be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of 4 Pa.C.S. Part II and to further the intent of 4 Pa.C.S. Part II.

THOMAS A. DECKER,  
*Chairperson*

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



**Annex A**  
**TITLE 58. RECREATION**  
**PART VII. GAMING CONTROL BOARD**  
**Subpart A. GENERAL PROVISIONS**  
**CHAPTER 401. PRELIMINARY PROVISIONS**

**§ 401.4. Definitions.**

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

\* \* \* \* \*

*Certified vendor*—A vendor that holds a vendor certification.

\* \* \* \* \*

*Gaming area*—Any portion of a licensed facility where slot machines have been installed for use or play.

\* \* \* \* \*

*Nongaming employee*—An employee of a slot machine licensee or certified vendor whose duties are required to be performed in a gaming area or restricted area but who is not included within the definition of “key employee qualifier,” “key employee” or “gaming employee,” including, but not limited to, the following positions, regardless of job title:

- (i) Bartender.
- (ii) Cocktail server.
- (iii) Persons solely engaged in preparing or serving food or beverages.
- (iv) Clerical or secretarial personnel.
- (v) Janitorial personnel.
- (vi) Stage, sound and light technicians.
- (vii) Other positions which the Board will determine based on detailed analyses by the Board of job descriptions as provided in the internal controls of the slot machine licensees as approved by the Board or provided in the slot machine licensee’s verification of the location of vendor services included with the vendor registration or certification application.

\* \* \* \* \*

*Regular or continuing basis*—A vendor will be deemed to conduct business on a regular or continuing basis if:

- (i) The total dollar amount of transactions with a single slot machine licensee or applicant is or will be greater than \$200,000 within any consecutive 12-month period.
- (ii) The total dollar amount of transactions with slot machine licensees or applicants is or will be greater than \$500,000 within any consecutive 12 month period.

\* \* \* \* \*

*Restricted area*—Any area specifically designated by the Board as restricted, including:

- (i) The cashiers’ cage.
- (ii) The soft count room.
- (iii) The hard count room.
- (iv) The slot booths.
- (v) The surveillance room.
- (vi) The slot machine repair room.
- (vii) The progressive controller room.

- (viii) The central control computer room.
- (ix) The information technology department.
- (x) The specific areas designated and approved by the Board for the conduct of gaming in the licensed facility.
- (xi) Any additional area that a slot machine licensee designates a restricted in its approved internal controls.

\* \* \* \* \*

*Vendor*—A person who provides goods or services to a slot machine licensee or applicant, but who is not required to be licensed as a manufacturer, supplier or junket enterprise. The term includes:

- (i) Suppliers of alcoholic beverages (other than the Liquor Control Board), food and nonalcoholic beverages.
- (ii) Refuse handlers.
- (iii) Vending machine providers and service personnel.
- (iv) Linen and uniform suppliers.
- (v) Janitorial and maintenance companies, not relating to the repair of slot machines or associated equipment.
- (vi) Tenant businesses or franchises located within licensed facilities.
- (vii) Providers of transportation services.
- (viii) Companies, subcontractors and professionals involved in the construction of a facility for a slot machine licensee or applicant.
- (ix) Lessors of real property or goods.
- (x) Other entities which the Board will determine based on detailed analyses by the Board of vendor contracts.

*Vendor certification*—A certification issued by the Board authorizing a vendor to provide goods or services to a slot machine licensee or applicant.

*Vendor registrant*—A vendor that is registered with the Board.

*Vendor registration*—A registration issued by the Board authorizing a vendor to provide goods or services to a slot machine licensee or applicant.

**Subpart B. LICENSING, REGISTERING AND PERMITTING**

**CHAPTER 435. EMPLOYEES**

**§ 435.5. Nongaming employee registration.**

(a) In accordance with section 1318 of the act (relating to occupation permit application), the Board has the power to classify a category of nongaming employees.

(b) Nongaming employees shall apply for and receive a nongaming employee registration from the Board.

(c) An application for a nongaming employee registration must be on a form prescribed by the Board and include the following information:

- (1) The name and address of the individual, to include the home address and residence history and all business addresses.
- (2) Daytime and evening telephone numbers.
- (3) Date of birth.
- (4) Physical description of the applicant.
- (5) Social Security number.
- (6) Citizenship, and, if applicable, resident alien status, including employment authorization.

(7) Employment history, including gaming-related employment and contact information for prior employers.

(8) Verification of the applicant's employment or an offer of employment from a slot machine licensee or applicant or a certified vendor or vendor applicant.

(9) A description of the employment responsibilities of the individual and their relationship to the operation of the slot machine licensee or certified vendor.

(10) A signed, dated and notarized release authorization necessary to obtain information from governmental agencies and other institutions about the applicant.

(11) A description of the individual's arrests and convictions, if any.

(12) A photograph that meets the requirements prescribed by the Board.

(13) As deemed necessary by the Board, a set of fingerprints taken by the Pennsylvania State Police or a criminal justice agency designated by the Pennsylvania State Police and transmitted to the Pennsylvania State Police.

(14) Details relating to any similar licenses, permits or registrations obtained, denied or revoked in other jurisdictions.

(15) A nonrefundable application processing fee.

(16) Additional information requested by the Board.

(d) After review of the information required under subsection (c), the Board may register the individual if the individual has proven that he is qualified to be registered under this section.

(e) Nongaming employee registrations shall be submitted to the Board by a slot machine licensee or applicant or a certified vendor with a verification provided by the slot machine licensee or applicant or certified vendor confirming the location of the nongaming employee's duties at the licensed facility.

#### CHAPTER 437. VENDOR REGISTRATION AND CERTIFICATION

Sec.

437.1.	Vendor registration requirements.
437.2.	Vendor Registration Form.
437.3.	Vendor certification requirements.
437.4.	Vendor Certification Application.
437.5.	Active vendors list; prohibited vendors.
437.6.	Existing agreements.
437.7.	Permission to conduct business prior to certification.
437.8.	Disqualification criteria.
437.9.	Exemption from vendor registration or certification requirements.
437.10.	Emergency vendor.

##### § 437.1. Vendor registration requirements.

(a) Each slot machine licensee or applicant shall file a Vendor Registration Form with the Board to conduct business with a vendor if the total dollar amount of transactions with a slot machine licensee or applicant is or will be greater than \$2,500 within any consecutive 12 month period, except as provided in §§ 437.3 and 437.7 (relating to vendor certification requirements; and permission to conduct business prior to certification).

(b) Vendor Registration Forms shall be submitted by a slot machine licensee or applicant with a verification provided by the slot machine licensee or applicant confirming the location of the vendor's services at the licensed facility.

(c) Vendor applicants for registration and registered vendors shall be subject to the general application, licens-

ing and diversity participation requirements of Chapters 421, 423 and 481 (relating to general provisions; applications; and general provisions).

##### § 437.2. Vendor Registration Form.

A Vendor Registration Form must be in a format prescribed by the Board requesting the following information:

(1) Any official or trade name used.

(2) Business address.

(3) Telephone number.

(4) The nature of the applicant's business and the type of goods or services to be provided and the name of the slot machine licensees or applicants to which the goods or services will be provided.

(5) Federal Employer Identification Number/Tax Identification Number.

(6) Whether the vendor is minority- or women-owned and controlled and the vendor's enterprise certification number, if any, as required by § 481.3 (relating to diversity participation).

(7) Form of business, state and date of incorporation or formation, if applicable.

(8) The date on which a formal acceptance of the agreement to conduct business with a slot machine licensee or applicant occurred and a description thereof including the expected duration and compensation.

(9) The name, address and percentage of ownership of each entity directly owning more than 5% of the vendor or its business.

(10) The names and addresses of each of the following:

(i) Any individual who entered into an agreement with or will deal directly with the slot machine licensee or applicant, including sales representatives; the immediate supervisors of those persons; and persons responsible for the office out of which the supervisors work.

(ii) Any officer, partner or director who will be significantly involved in the conduct of the vendor business with the slot machine licensee or applicant.

(iii) If the vendor is a sole proprietorship, the name of the sole proprietor.

(iv) Each beneficial owner of more than 5% of the vendor and the percentage of that ownership.

(11) The name, position or title and signature of the individual who supplied the information in the application.

(12) Properly executed forms for consents to inspections, searches and seizures; waivers of liability for disclosures of information and consents to examination of accounts and records in forms as prescribed by the Board.

(13) Other information requested by the Board.

##### § 437.3. Vendor certification requirements.

(a) If a vendor will conduct business with a slot machine licensee on a regular or continuing basis, the vendor shall be certified by the Board prior to conducting business, except as provided in §§ 437.6 and 437.7 (relating to existing agreements; and permission to conduct business prior to certification).

(b) Notwithstanding the definition of "regular or continuing basis," the Board may, at its discretion, require a vendor to apply for certification from the Board if one or more of the following apply:

(i) The Board determines certification is appropriate based on the Board's analysis of the vendor's services.

(ii) The vendor's employees will have access to a restricted area or gaming area.

(c) Vendor Certification Applications shall be submitted by a slot machine licensee or applicant with a verification provided by the slot machine licensee or applicant confirming the location of the vendor's services at the licensed facility.

(d) Vendor applicants for certification and certified vendors shall be subject to the general application, licensing and diversity participation requirements of Chapters 421, 423 and 481 (relating to general provisions; applications; and general provisions).

#### **§ 437.4. Vendor Certification Application.**

A Vendor Certification Application must consist of an application processing fee and be in a format prescribed by the Board requesting the following information:

- (1) Any official or trade name used.
- (2) Current and former business addresses.
- (3) Telephone number.
- (4) The nature of the applicant's business and the type of goods or services to be provided and the name of the slot machine licensees or applicants to which the goods or services will be provided.
- (5) Federal Employer Identification Number/Tax Identification Number.
- (6) Whether the vendor is minority- or women-owned and controlled and the vendor's enterprise certification number, if any.
- (7) Form of business and a copy of the certificate of incorporation, charter, by-laws, partnership agreement, trust agreement or other basic documentation of the vendor.
- (8) The date on which a formal acceptance of the agreement to conduct business with a slot machine licensee or applicant occurred and a copy of the agreement or in the absence of a written agreement, a description thereof, including the expected duration and compensation.
- (9) The names and addresses of all subsidiaries.
- (10) Whether the applicant has had any registration, license, permit or certificate granted, denied, suspended, conditioned or revoked by any government agency in this Commonwealth or any other jurisdiction, the nature of the registration, license, permit or certificate, the agency and its location, the date of the action and the facts related thereto.
- (11) The names and addresses of each of the following:
  - (i) Any individual who entered into the agreement with or will deal directly with the slot machine licensee or applicant, including sales representatives; the immediate supervisors of the persons; and all persons responsible for the office out of which the supervisors work.
  - (ii) Any officer, partner or director who will be involved in the conduct of the vendor business with the slot machine licensee or applicant.
  - (iii) If the vendor is a sole proprietorship, the name of the sole proprietor.
  - (iv) Each beneficial owner of more than 5% of the vendor and the percentage of that ownership.

(12) The name, address and percentage of ownership of each entity directly owning more than 5% of the vendor or its business.

(13) A Vendor Certification Application for the applicant and for each affiliate, intermediary, subsidiary and holding company of the applicant.

(14) A Multi-Jurisdictional Personal History Disclosure Form and a Pennsylvania Supplement for each natural person who is a key employee qualifier or a Key Employee Qualifier Entity Form for each key employee qualifier that is an entity.

(15) The applicant's Federal tax returns and related documents for the 3 years, State tax returns, when appropriate and related documents for the year preceding application.

(16) Information regarding any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any State insolvency law.

(17) Information regarding any civil, criminal, administrative and investigatory proceedings relating to the applicant and its key employees and key employee qualifiers.

(18) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481 (relating to general provisions), signed by the chief executive officer of the applicant.

(19) The name, position or title and signature of the individual who supplied the information in the application.

(20) Properly executed forms for consents to inspections, searches and seizures; waivers of liability for disclosures of information and consents to examination of accounts and records in forms as prescribed by the Board.

(21) Additional information requested by the Board.

#### **§ 437.5. Active vendors list; prohibited vendors.**

(a) The Board will maintain a list of active registered or certified vendors and a list of prohibited vendors.

(b) A slot machine licensee or applicant may not enter into an agreement or continue to do business with any vendor listed as a prohibited vendor.

(c) The Board will consider the following factors in determining whether a vendor will be listed as a prohibited vendor:

(1) The vendor has been found disqualified under § 437.8 (relating to disqualification criteria).

(2) The vendor's registration or certification is suspended, revoked or denied.

(3) The vendor is restricted from reapplication by action of the Board.

(4) The vendor is temporarily prohibited from doing business with slot machine license applicants or licensees by action of the Board.

(d) No person or entity may be removed from the list of prohibited vendors except as follows:

(1) By order of the Board.

(2) Upon expiration of the applicable period of restriction.

#### **§ 437.6. Existing agreements.**

(a) An applicant for a slot machine license who maintains an existing agreement with a noncertified or unreg-

istered vendor shall file a vendor notification form on behalf of the vendor at the time of filing the slot machine license application or at a time directed by the Board.

(b) Upon the filing of the vendor notification form, the unregistered or noncertified vendor may be permitted to continue doing business with the slot machine license applicant provided that the slot machine license applicant, within 20 business days, submits to the Board the following:

(1) The slot machine license applicant certifies that it has performed due diligence on the vendor.

(2) The slot machine license applicant has filed a Vendor Registration Form or Vendor Certification Application on behalf of the vendor.

(3) Unless otherwise submitted under paragraph (2), the slot machine license applicant has submitted a copy of an existing written agreement or a precise written description of an oral agreement with the vendor to the Board.

(c) Notwithstanding the provisions of subsection (a), upon its review of the information pertaining to the vendor, the Board may, at its discretion, require termination of the agreement if the Board makes one or more of the following determinations:

(1) Disapproval of the agreement.

(2) Disapproval of the owners, officers, employees, or directors of the vendor.

(3) Denial of the vendor registration or certification.

**§ 437.7. Permission to conduct business prior to certification.**

(a) Notwithstanding §§ 437.1 and 437.3 (relating to vendor registration; and vendor certification requirements), the Board may, upon the written request of a slot machine licensee or applicant for each business transaction, allow an applicant for a vendor certification to conduct a business transaction with the slot machine licensee or applicant prior to the certification of the vendor applicant if the following criteria are met:

(1) A completed Vendor Certification Application has been filed by the slot machine licensee or applicant in accordance with § 437.3.

(2) The slot machine licensee or applicant shows good cause for granting the written request.

(b) Permission to conduct business under this section shall be limited to a period of 6 months, except that the Board may extend the relief for additional 6-month periods upon a showing of good cause by the slot machine licensee or applicant.

**§ 437.8. Disqualification criteria.**

A vendor registration or certification may be denied to any vendor applicant who has failed to prove by clear and convincing evidence that the vendor applicant or any of the persons required to be qualified, are in fact qualified in accordance with the act and with this part, or who has violated any of the provisions of the act or this part.

**§ 437.9. Exemption from vendor registration or certification requirements.**

(a) The following persons are exempt from the vendor registration requirements of § 437.1 (relating to vendor registration requirements) and the vendor certification requirements of § 437.3 (relating to vendor certification requirements):

(1) Entities which provide only one or more of the following services to a slot machine licensee which are the sole source provider of the services:

(i) Water.

(ii) Sewerage.

(iii) Electricity.

(iv) Natural gas.

(2) Regulated insurance companies providing insurance to the slot machine licensee or applicant and its employees.

(3) Employee benefit and retirement plans and related administrator including incorporated 401K plans and employee stock purchase programs.

(4) National or local professional associates that receive funds from the slot machine licensee for the cost of enrollment, activities and membership.

(5) State, Federal and municipal operated agencies.

(6) Liquor and wine industries regulated by the Liquor Control Board.

(7) State and Federally regulated banks or savings and loan associations where funds are deposited by slot machine licensees, not withstanding those sources or transactions provided to a slot machine licensee which require Board approval.

(8) Providers of professional services including accountants, attorneys or any person otherwise required to be licensed as such.

(9) Telecommunication service providers.

(10) Nationwide shipping services.

(11) Any person that engages in efforts to influence legislative action or administrative action on behalf of a principal for economic consideration.

(12) Public institutions of higher education.

(13) Professional entertainers, sports figures and other celebrities engaged by a slot machine licensee to appear at a slot machine licensee-sponsored special entertainment or promotional event.

(b) Nothing in this section shall be construed to bar any other business entities from seeking a waiver of vendor registration or certification requirements upon a showing of good cause.

(c) The Board may, in its sole discretion, revoke any exemption or waiver granted under this section and require any person to submit to the vendor registration and certification requirements under this part.

(d) This section does not relieve any slot machine licensee of any reporting obligations required by § 441.15 (relating to maintaining agreements; filing of agreements).

**§ 437.10. Emergency vendor.**

(a) A slot machine licensee may utilize an unregistered or noncertified vendor when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine licensee creates an urgency of need which does not permit the delay involved in using the formal method of vendor registration or certification.

(b) To make an emergency vendor procurement, the slot machine licensee shall:

(1) File a Vendor Notification Form with the Board within 72 hours of the vendor's commencement of services.

(2) Provide a written explanation to the Board of the basis for the emergency vendor procurement and for the selection of the particular vendor.

(3) File a Vendor Registration Form or Vendor Certification Application on behalf of the vendor within 20 business days of the filing of the Vendor Notification Form.

### **Subpart C. SLOT MACHINE LICENSING**

#### **CHAPTER 441. SLOT MACHINE LICENSES**

##### **§ 441.15. Maintaining agreements; filing of agreements.**

(a) *Maintaining agreements.* Each slot machine licensee and applicant will be required to maintain all of the following:

- (i) A fully signed copy of every written agreement.
- (ii) Records with respect to any oral agreement.

(b) *Changes or amendments to agreements.* Slot machine licensees and applicants are under a continuing duty to maintain all changes or amendments to the terms of the agreements subject to subsection (a).

(c) *Filing agreements.* Each slot machine licensee shall submit the following to the Board:

(i) A fully signed copy of all written agreements with manufacturer licensees or applicants, supplier licensees or applicants and with vendors subject to certification under § 437.3 (relating to vendor certification requirements).

(ii) A precise written description of any oral agreement, in accordance with subsection (f), with a manufacturer licensees or applicants, supplier licensees or applicants and vendors subject to certification under § 437.3.

(d) *Changes or amendments to filed agreements.* Slot machine licensees and applicants are under a continuing duty to file all changes or amendments to the terms of the agreements subject to subsection (c).

(e) *Additional agreements.* Notwithstanding the requirements of subsection (c), slot machine licensees or applicants may be required to submit a copy of any written agreement or a precise written description of any oral agreement as requested by the Board.

(f) *Oral agreements.* Any written description submitted under this section shall provide, at a minimum, the following:

- (1) The nature of the goods or services to be provided to the slot machine licensee or applicant.
- (2) The full name and business address of the non-slot machine licensee or applicant party to the agreement.
- (3) The duration of the agreement, or if provided in the agreement, the specific date or dates of performance.
- (4) The financial terms of the agreement.
- (5) A description of the goods or services provided, including the expected duration and compensation.

##### **§ 441.16. Board review of agreements and records of agreements.**

(a) The Board may review each agreement and record maintained or filed under § 437.4 or 441.15 (relating to Vendor Certification Application; and maintaining agreements; filing of agreements) to determine the following:

(1) The reasonableness of the terms of the agreement, including the terms of compensation.

(2) The qualifications of the persons involved in and associated with the agreement, after which the Board may make a finding as to the suitability of the persons to be involved or associated with the slot machine licensee or applicant.

(3) Whether any person involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a slot machine licensee or applicant or its employees which requires a supplier license or a manufacturer license under section 1317 of the act (relating to supplier and manufacturer licenses application), in which case the Board will direct that a supplier or a manufacturer license application be promptly filed by the person.

(4) Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any vendor industry or to encourage or preserve competition in any vendor industry.

(b) If the Board disapproves of an agreement or any person associated therewith, the Board may by order require the termination of the agreement or association or pursue any remedy or combination of remedies provided for in the act or this part. If the disapproved agreement or association is not thereafter promptly terminated, the Board may pursue any remedy or combination of remedies provided for in the act or this part. This subsection applies notwithstanding that the Board has granted an exemption under § 437.9 (relating to exemption from vendor registration or certification requirements) to any person involved in or associated with the agreement from the vendor certification requirements set forth therein.

(c) Each agreement maintained or filed under §§ 437.4 and 441.15 shall be deemed to include a provision for its termination without liability on the part of the slot machine licensee or applicant, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon the agreement, if the Board disapproves the agreement in accordance with subsection (b).

##### **§ 441.17. Master purchasing and disbursement report.**

(a) Each slot machine licensee or applicant shall generate a Master Purchasing and Disbursement Report for all vendor transactions. The report shall be submitted to the Board's Bureau of Licensing on the 22nd calendar day of each month by 5 p.m., unless that day is a Saturday, Sunday or a State or Federal holiday, in which case the report shall be provided by 5 p.m. on the first weekday thereafter. The report must include the following information:

(1) A payee register listing alphabetically by payee all nonpayroll transactions drawn by the slot machine licensee or applicant, including wire transfers and credits to vendors, and the following information next to the name of each payee:

- (i) Vendor certification or registration number or exemption code.
- (ii) Amount of each individual disbursement or credit.
- (iii) Date of each individual disbursement or credit.
- (iv) Subtotal of disbursements or credits by payee.
- (v) The grand total of all disbursements made during the reporting periods.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(2) A payee register listing alphabetically by payee all transactions drawn by any affiliate, intermediary, subsidiary, holding company or agent of the slot machine licensee or applicant for goods or services that benefit the slot machine licensee or applicant, including wire transfers and credits to vendors, and the following information next to the name of each payee:

(i) Vendor certification or registration number or exemption code.

(ii) Amount of each individual disbursement or credit.

(iii) Date of each individual disbursement or credit.

(iv) Subtotal of disbursements or credits by payee.

(v) The grand total of all disbursements made during the reporting periods.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(3) A register listing alphabetically by vendor all transactions, including wire transfers and credits, in which the

slot machine licensee or applicant itself acted in the capacity of a vendor by providing goods or services. The register must include:

(i) Vendor certification or registration number or exemption code of the vendor to whom the goods or services were provided.

(ii) Date of each individual transaction.

(iii) Amount of each individual transaction.

(iv) A general description of the type of goods or services provided.

(v) By vendor subtotals of payments or credits received by the slot machine licensee or applicant or disbursements or credits made by the slot machine licensee or applicant during the reporting period.

(vi) By vendor totals of payments or credits received or disbursements or credits made by the slot machine licensee or applicant within the applicable 12-month period.

(b) The reports shall be signed by the slot machine licensee or applicant and transmitted to the Board's Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

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