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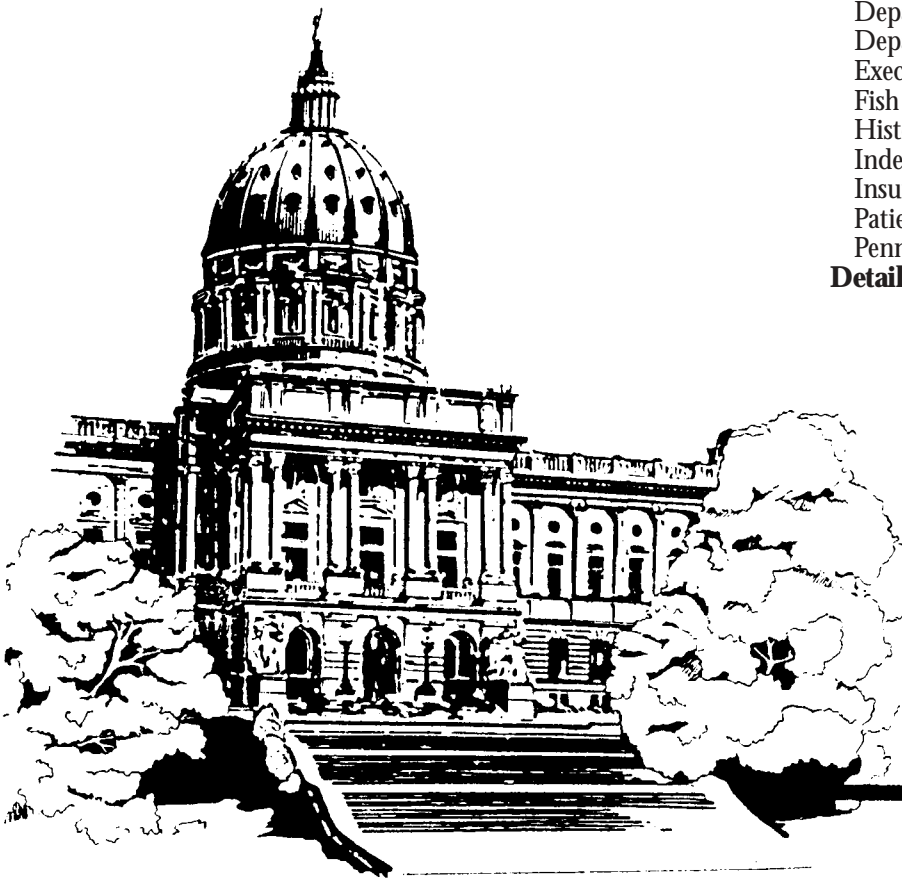
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PENNSYLVANIA BULLETIN

Volume 35
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Number 48
Pages 6419—6480

Agencies in this issue:

The Governor
The General Assembly
The Courts
Delaware River Basin Commission
Department of Banking
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
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Department of Transportation
Executive Board
Fish and Boat Commission
Historical and Museum Commission
Independent Regulatory Review Commission
Insurance Department
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Pennsylvania Energy Development Authority
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**Latest Pennsylvania Code Reporter
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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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The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

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THE GENERAL ASSEMBLY

GENERAL ASSEMBLY

Cost-of-Living Factor Under the Public Official Compensation Law

Under Section 4(d) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2005, through November 30, 2006, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of November 1, 2004, through October 31, 2005.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

The cumulative percentage change in the CPI-U for November 1, 2004, through October 31, 2005, equals 3.6464%. The new salary amount equals \$ 72,187.27.

Under section 4(d.1) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2005, through November 30, 2006, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from November 1, 2004, through October 31, 2005.

The percentage increase and the new compensation amounts have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

<i>Leadership Position</i>	<i>% Increase</i>	<i>New Compensation</i>
Speaker/President pro tempore	3.6464%	\$ 40,501.67
Majority Floor Leader	3.6464%	\$ 32,402.87
Minority Floor Leader	3.6464%	\$ 32,402.87
Majority Whip	3.6464%	\$ 24,591.28
Minority Whip	3.6464%	\$ 24,591.28
Majority Caucus Chairman	3.6464%	\$ 15,332.88
Minority Caucus Chairman	3.6464%	\$ 15,332.88
Appropriations Chairman	3.6464%	\$ 24,591.28
Minority Appropriations Chairman	3.6464%	\$ 24,591.28
Majority Caucus Secretary	3.6464%	\$ 10,126.18
Minority Caucus Secretary	3.6464%	\$ 10,126.18
Majority Caucus Policy Chairman	3.6464%	\$ 10,126.18
Minority Caucus Policy Chairman	3.6464%	\$ 10,126.18
Majority Caucus Administrator	3.6464%	\$ 10,126.18
Minority Caucus Administrator	3.6464%	\$ 10,126.18

Under the Pennsylvania Statutory Construction Act (1 PACS, § 1971), the publication requirements of Act 72 of 2005 supersede the publication requirements of Section 4(d) and (d.1) of Act 39 of 1983. Parenthetically, we also note that the requirements of Section 4(d) and (d.1) of Act 72 of 2005 are identical to the requirements of Sections 4(d) and (d.1) of Act 39 of 1983 and are intended to be a continuation of Act 39 of 1983. Therefore, this publication notice should supersede our November 16, 2005 notice filed with you in accordance with the requirements under Sections 4(d) and (d.1) of Act 39 of 1983.

W. RUSSELL FABER,
Chief Clerk
Senate of Pennsylvania
BRIAN PRESKI,
Acting Chief Clerk
House of Representatives

[Pa.B. Doc. No. 05-2163. Filed for public inspection November 23, 2005, 9:00 a.m.]

THE GOVERNOR

GOVERNOR'S OFFICE

[EXECUTIVE ORDER NO. 2005-07]
Fuel Conservation Program

November 1, 2005

Whereas, Hurricanes Katrina and Rita have caused devastation to the people and resources of the states of Alabama, Mississippi, Texas, Louisiana including disruption in the production and refinement of petroleum in the Gulf of Mexico; and

Whereas, gasoline prices have reached an all time high across the country and there is a concern that shortages in liquid fuels might occur; and

Whereas, the Commonwealth is a significant consumer of liquid fuel products for transportation, heating, cooling, and other needs; and

Whereas, reducing Commonwealth consumption will reduce the overall demand for liquid fuels, which will help to reduce the risk of fuel shortages and alleviate price increases due to excess demand for limited supply.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby instruct all Commonwealth agencies, boards, and commissions under the jurisdiction of the Governor to establish and follow a Fuel Conservation Program.

1. Fuel Conservation Program. The lead member of each agency, board, and commission shall refine existing or establish a new fuel conservation program to take effect immediately and be in effect for at least the next 60 days at which time the situation will be reviewed. It is possible that the fuel conservation program will be in effect for an extended amount of time.

2. Goals. The goals of each Fuel Conservation Program will be to:

- a. substantially reduce the amount of fuel consumed by Commonwealth agencies to help alleviate the threat of a fuel shortage;
- b. set forth necessary plans and actions to ensure the preservation of liquid fuels; and
- c. establish communication with external stakeholders, organizations, and all levels of government regarding the issue.

3. Components of a Fuel Conservation Program. A fuel conservation program shall consist of the following components:

a. The use of video and teleconferencing should be explored for all Commonwealth meetings where travel would normally be used.

b. All discretionary travel should be eliminated for the next 30 days. If travel is required to a meeting, car pools or public transportation should be utilized.

c. The use of Sports Utility Vehicles (SUVs), vans, and large trucks should be done with discretion.

d. Each agency should carefully monitor their vehicle usage plans or guidelines particularly to vehicle idling, maintenance, tire pressure, driving suggestions, and other fuel conservation measures. In addition, each agency fleet manager should ensure that they are following the maintenance procedures for their vehicles to optimize fuel consumption. Whenever possible, fleet vehicles should be fueled at Commonwealth-owned garages.

e. The number of vehicles (both leased and owned) assigned to all Commonwealth Agencies and Departments should not exceed the number of vehicles utilized by that agency as of September 30, 2005. All requests to maintain a vehicle fleet larger than September 30 levels will be evaluated

on a case-by-case basis by the Bureau of Vehicle Management. All requests for new vehicles, including those which do not exceed the September 30 fleet size of an agency, must be submitted for approval to the Bureau of Vehicle Management prior to purchase or lease.

f. The Governor's Office of Management and Productivity together with the Bureau of Vehicle Management will conduct a review of all vehicle fleets under the Governor's jurisdiction to identify opportunities for greater efficiency including reducing the use of SUVs and expanding hybrid vehicles and to determine opportunities for greater inter-agency cooperation.

4. Agency Responsibilities. The following agencies shall have the following specific responsibilities:

a. Department of General Services (DGS) shall review the heating, cooling, and other energy conservation measures for each Commonwealth building and ensure efficient energy use. DGS shall provide instructions per fleet usage and shall work with all agencies regarding the creation of fuel conservation programs for their fleet. DGS shall also limit the use of pool vehicles, especially SUVs, trucks, and vans. Finally, DGS shall review all grounds maintenance activities such as lawn care, leaf blowing, etc. to ensure maximum fuel efficiency and delay, where possible, routine grounds activities that involve the expending of liquid fuels.

b. Department of Environmental Protection (DEP) shall develop outreach programs for the public and local governments regarding their own fuel conservation programs. Additionally, DEP shall closely monitor the fuel situation across the country and provide a daily status briefing for the Governor.

c. All agencies shall make efforts to conserve energy in Commonwealth-owned or leased buildings. These efforts shall include adherence to directives issued by the Secretary of Administration, the Secretary of General Services, or the Secretary of Environmental Protection.

5. Duration. This Executive Order shall take effect immediately and shall remain in effect for 60 days unless revised or rescinded.

[Pa.B. Doc. No. 05-2162. Filed for public inspection November 23, 2005, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 208(h) of the Pennsylvania Rules of Disciplinary Enforcement; No. 47 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of November, 2005, Rule 208(h) of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 208. Procedure.

* * * * *

(h) *Violation of probation.* Where it appears that a respondent-attorney who has been placed on probation [**pursuant to Enforcement Rule 204(a)(4) (relating to types of discipline)**] has violated the terms of the probation, the Office of Disciplinary Counsel may file a petition with the Board detailing the violation and suggesting appropriate modification of the order imposing the probation, including without limitation immediate suspension of the respondent-attorney. A hearing on the petition shall be held within ten **business** days before a member of the Board designated by the [**Chairman of**] the Board **Chair**. [**The designated Board member shall hear the petition and, if**] If the designated Board member finds that the order imposing probation should be modified, **the following procedures shall apply:**

(1) If the order imposing probation was entered by the Supreme Court, the designated Board member shall submit a transcript of the hearing and a recommendation to the Supreme Court within five business days after the conclusion of the hearing. A copy of the transcript and recommendation shall be personally served upon the respondent-attorney. The Court, or any justice thereof, may enter a rule directing the respondent-attorney to show cause why the order imposing probation should not be modified as set forth in the petition, which

rule shall be returnable within ten **business** days. If the period for response has passed without a response having been filed, or after consideration of any response, the Court may enter an order modifying as appropriate the order imposing probation.

(2) If the order imposing probation was entered by the Board, the designated Board member shall submit a transcript of the hearing and a recommendation to the Board within five business days after the conclusion of the hearing. A copy of the transcript and recommendation shall be personally served upon the respondent-attorney along with a notice that the respondent-attorney may file a response to the recommendation with the Board within ten business days. If the period for response has passed without a response having been filed, or after consideration of any response, the Board may enter an order modifying as appropriate the probation previously ordered or directing the commencement of a formal proceeding under this Rule.

* * * * *

[Pa.B. Doc. No. 05-2164. Filed for public inspection November 23, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

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 directed to:

A. File seven (7) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania 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 following 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 Issuance of Warrants, Preliminary Arraignments, Summary Trials, and Setting and Accepting Bail.

A. Continuous coverage for issuance of warrants, holding 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. 05-2165. Filed for public inspection November 23, 2005, 9:00 a.m.]

WESTMORELAND COUNTY Rule Changes; No. 65-96-214

Administrative Order

And Now this 4th day of November, 2005 it is *Hereby Ordered* that Westmoreland Rules of Orphans' Court WO107(f), WO117(f), WO117(h), WO405(a)(19), WO(a)(20), WO407(a)(2)(G), WO407(a)(5), and the Cross References Section to WO602 are rescinded.

New Westmoreland Rules of Orphans' Court WO107(f) and Comment, WO117(f), WO117(h), WO405(a)(19), WO(a)(20), WO405(c), WO407(a)(2)(G), WO409, and the Cross References Section to WO602 are adopted.

By the Court

DANIEL J. ACKERMAN,
President Judge

Rule WO107 Pleadings

(f) Notice

(1) Argument on contested motions or petitions will be heard in Motions Court. The trial judge assigned to a specific case will hear all motions or petitions relating to that case. Motions Court shall be held each Friday at 9:00 a.m.

(2) The moving party shall serve a copy of the motion or petition and any proposed Order on every other person known to have an interest in the outcome or disposition of the matter and attorneys of record, and give written notice of the time, date and location for presentation, at least 4 days in advance of the date when the presentation is to occur.

(3) The original motion or petition must be accompanied by a certificate stating that a copy of the motion or petition, proposed Order and written notice has been so furnished. Failure to provide such certificate may result in the court's refusal to hear the motion or petition.

(4) In the case of an uncontested motion or petition, the certificate shall also state that the motion or petition is, in fact, uncontested or has the consent of all parties.

(5) Copies of complex motions or petitions may be provided to the Court in advance. If so, the certificate shall also reflect this.

Explanatory Comment: If the Order grants leave for action to be taken, the parties should refer to Pa.O.C. Rules 5.3 and 5.4.

Rule WO117 Accounts

(f) Notice

Notice of the filing of the account, as well as a copy of the account, shall be sent to all interested parties at least 20 days prior to the date set for audit. If the court finds that notice and a copy of the account have not been timely given, the audit may be continued to the next audit date.

(h) Objections

Objections to an account must be filed with the clerk and submitted to the court in writing on or before the date and time set for audit. A copy of the objections shall be provided to counsel for the estate, or the personal representative where there is no counsel of record, and to every other party who has entered an appearance and who may be affected by the objection.

Rule WO405 Petitions For Distribution

(a)

(19) The names and addresses of all persons having any interest as devisees, legatees or heirs, with the names of parents where necessary to show relationship. In the case of intestacy, it shall also include a statement as to whether a surviving parent is the natural parent of any surviving children.

(20) A statement of all changes in distribution under the will, resulting from the death of persons named as beneficiaries therein, ademption of specific gifts, election to take against the will or otherwise, together with the date of death of any such beneficiary.

(c) The filing of a Petition for Distribution and Decree shall be mandatory. Approved forms are available in the Register of Wills' office. They may be retyped on a word processor for convenience.

Rule WO407 Small Estates

(a) Personalty

(2)(G) If the decedent attained age 55, a letter from the Department of Public Welfare disclosing the amount, if any, of its claim against the Estate.

Rule WO409 Family Settlement Agreements

Before the register accepts a family settlement agreement for filing, the family settlement agreement must be accompanied by a certification from the filing party or their counsel that no minor or incapacitated person, whose interest is not represented by a court-appointed guardian, has an interest in the decedent's estate. In the absence of such certification, the estate must proceed to audit.

Rule WO602 Petition to Compromise and Settle Minor's Claim

Cross References: All petitions must meet the basic requirements established by WO107.

Under Pa.R.C.P. Nos. 2039 and 2206, the following distribution procedures are used in the civil division.

1. Pursuant to Pa.R.C.P. No. 2039(b), the court shall order the proceeds paid to the guardian of the estate of the minor.

2. If there is no court-appointed guardian of the estate and the amount is not more than \$25,000, Pa.R.C.P. No. 2039(b)(1) provides that the court may (but is not obli-

gated to) release the proceeds directly to “the guardian of the person or to the natural guardian or to the person or agency by whom the minor is maintained or to the minor.”

3. If there is no court-appointed guardian of the estate and the amount is more than \$25,000, Pa.R.C.P. No. 2039(b)(2) requires that the proceeds be deposited in a federally insured savings account—in the minor’s name—with a stipulation that no withdrawals can be made until the child reaches the age of eighteen (18) except upon prior order of court.

4. The order must include a provision that proof of the sequestered account shall be promptly filed of record.

[Pa.B. Doc. No. 05-2166. Filed for public inspection November 23, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title—4 ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the State Civil Service Commission

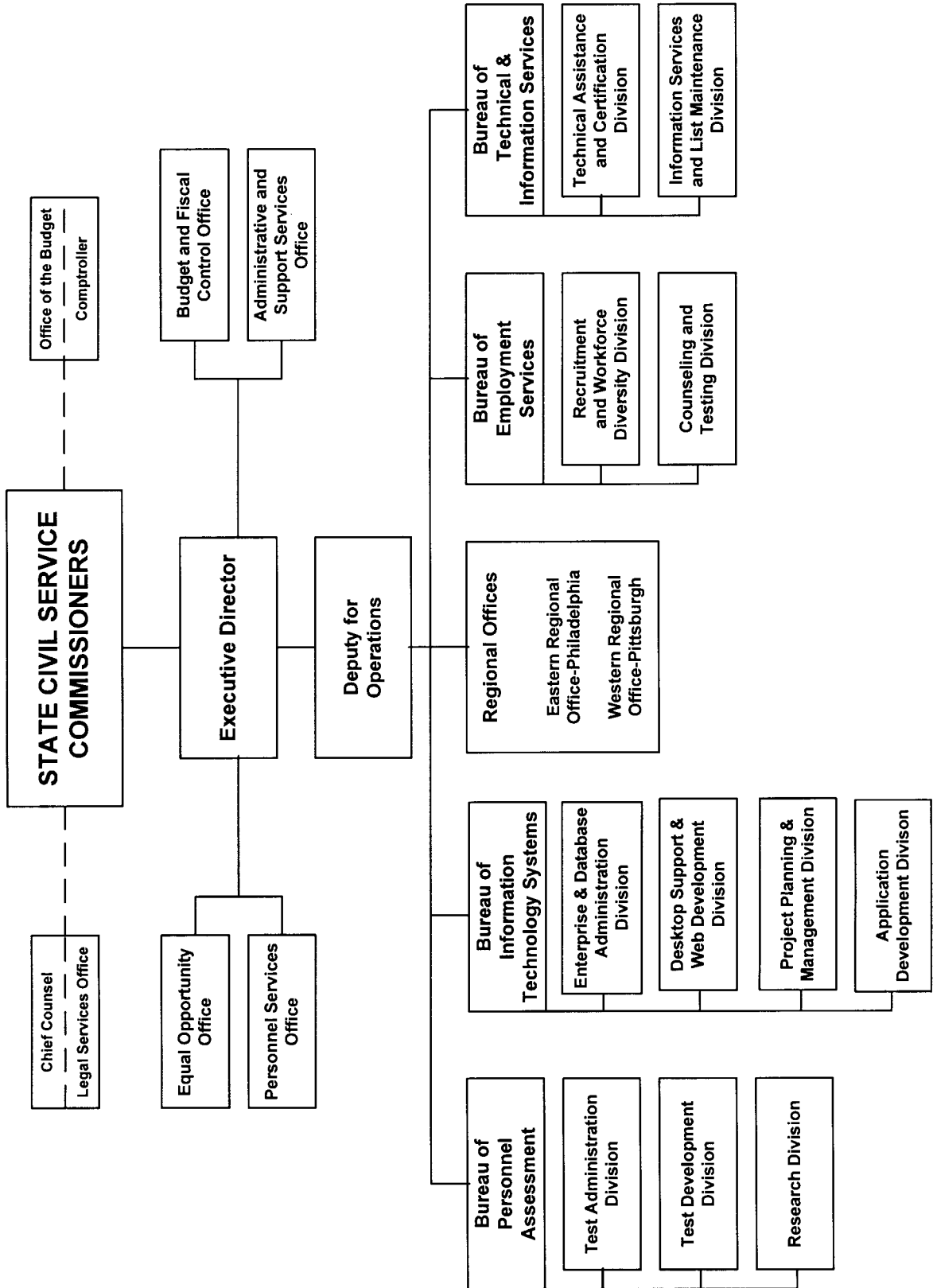
The Executive Board approved a reorganization of the State Civil Service Commission effective October 17, 2005.

The organization chart at 35 Pa.B. 6439 (November 26, 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. 05-2170. Filed for public inspection November 23, 2005, 9:00 a.m.]

STATE CIVIL SERVICE COMMISSION



RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 63 AND 65]

General Provisions; Fishing

The Fish and Boat Commission (Commission) amends Chapters 51, 63 and 65 (relating to administrative provisions; general fishing regulations; and special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking includes housekeeping changes to the regulations.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendments to §§ 51.32 and 51.33 (relating to resident and nonresident licenses; and effective dates of licenses and permits) are published under the statutory authority of sections 322 and 2102 of the code (relating to rules and regulations; and rules and regulations). The amendment to § 51.35 (relating to operation of the issuing agency) is published under the statutory authority of section 2711 of the code (relating to issuing agents). The amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) is published under the statutory authority of section 2904 of the code (relating to permits for the protection and management of particular fish). The amendment to § 65.13 (relating to wild brook trout enhancement) is published under the statutory authority of section 2102 of the code and 2307 of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

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

E. *Summary of Changes*

Upon review of existing regulations regarding the sale and issuance of licenses and permits, the Commission identified the need to make a few housekeeping changes to update the regulations to keep them consistent with the act of November 29, 2004 (P. L. 1286, No. 159). The Commission also identified the need for other housekeeping changes. For example, § 51.32(b) refers to the Soldiers' and Sailors' Civil Relief Act of 1940, which the Commission amended to reflect the current name, the Servicemembers Civil Relief Act (50 U.S.C.A. App. §§ 501—596). The Commission further amended § 51.35 to allow other forms of security for issuing agents, in addition to bonds, to make this section consistent with the code.

In addition, § 63.20(f) provided that persons fishing in waters under special trout regulations designated under §§ 65.1—65.3 and 65.5—65.7 are required to have a trout/salmon permit. However, since that provision was first adopted, the Commission added special regulation programs for managing trout, including the wild brook trout enhancement program, and ended others. The Commission therefore removed the references to specific programs in § 63.20(f) and instead included the requirement for a trout/salmon permit in the regulations pertaining to the individual programs, as in § 65.13.

The Commission adopted the amendments to these sections as set forth in the notice of proposed rulemaking.

As part of the proposed rulemaking package, the Commission also proposed amendments to §§ 53.24 and 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies). The Commission previously adopted the proposed amendments on final-form rulemaking at 35 Pa.B. 5006 (September 10, 2005).

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Involvement*

A notice of proposed rulemaking was published at 35 Pa.B. 3419 (June 18, 2005). The Commission did not receive any public comments regarding the proposed amendments to §§ 51.32, 51.33, 51.35, 63.20 and 65.13.

Findings

The Commission finds that:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 51, 63 and 65, are amended by amending §§ 51.32, 51.33, 51.35, 63.20 and 65.13 to read as set forth at 35 Pa.B. 3419.

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

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

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

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

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

[Pa.B. Doc. No. 05-2167. Filed for public inspection November 23, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 103 AND 111]
Boating

The Fish and Boat Commission (Commission) amends Chapters 103 and 111 (relating to rules of the road; and special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking removes the requirement that all boat traffic operate in a counterclockwise fashion and limits the number of water ski devices on certain Commonwealth lakes.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 103.3 (relating to restriction for special areas) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The amendments to §§ 111.3, 111.6, 111.13, 111.58, 111.64 and 111.66 are published under the statutory authority of sections 322 and 5124 of the code (relating to rules and regulations; and particular areas of water).

D. *Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's boating regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes. The Commission's Boating Advisory Board (BAB) considered the proposed amendments and recommended that the Commission adopt them as set forth in the notice of proposed rulemaking with modifications to the proposed amendments to §§ 111.3 and 111.6 (relating to Armstrong County; and Berks County).

E. *Summary of Changes*

(1) *Section 103.3.* This section, which requires motor-boats to operate in a counterclockwise fashion insofar as reasonably possible, has been in place for many years and was promulgated in an attempt to regulate boating traffic patterns on inland waters. While the regulation has been successful in establishing an operational pattern, its language is ambiguous in that it allows for operation "insofar as reasonably possible." This caveat was included

to allow deviation from the rule in some (or most) circumstances. It establishes an operational pattern but made strict enforcement problematic.

The rule was created to help establish an orderly flow of traffic on smaller lakes of the Commonwealth. It was intended to be an advisory regulation to be used if circumstances dictated. As boating use has grown, however, its applicability has become increasingly clouded and its usefulness questionable. With more and more boaters plying the waters and growing shoreline development, operation in a strict counterclockwise direction is not always feasible or desirable. The Inland Navigation Rules were established to regulate the operation of boats in the vicinity of others. They were born from experience and have historically been adequate to control the operation of boats. Accordingly, the Commission has deleted § 103.3(a) as set forth in the notice of proposed rulemaking.

(2) *Sections 111.3, 111.6, 111.13, 111.58, 111.64 and 111.66.* The BAB requested a review of existing water skiing regulations that limit the number of water skiers or water skiing devices that may be towed behind a boat to identify those special regulations targeting single skier restrictions, and the BAB recommended amendments to these regulations to improve recreational opportunities. The original intention of most of these special regulations was to limit the number of water ski ropes rather than the number of persons on the skis. (In some cases such as at Blue Marsh Lake, there was also an intention to limit the number of persons.) The review revealed a great deal of inconsistency in language across the regulations that needed to be corrected. In addition, since towed inflatables are regulated the same as water skis, the number of persons that can be towed on an inflatable is also limited to one. This creates problems for people whose device is manufactured to carry multiple persons and who wish to ride on the inflatable with younger children. The Commission therefore proposed amendments to §§ 111.3, 111.6, 111.13, 111.58, 111.64 and 111.66. Some of the affected lakes are owned and operated by either the United States Army Corps of Engineers or the Department of Conservation and Natural Resources, Bureau of State Parks.

During the comment period, Commission staff continued their dialog with the managers of the lakes operated by the Corps of Engineers and the Bureau of State Parks to assure their agreement with any changes. The managers of Crooked Creek Lake and Blue Marsh Lake, lakes owned by the United States and operated by the Corps of Engineers, objected to the proposed amendments to §§ 111.3 and 111.6, respectively. Accordingly, the Commission adopted, as recommended by the BAB, the proposed amendments as set forth in the notice of proposed rulemaking with the exception of the proposed amendments to §§ 111.3 and 111.6, which the Commission amended to read as set forth in Annex A.

F. *Paperwork*

The final-form rulemaking will not increase paperwork or create any new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Involvement*

A notice of proposed rulemaking was published at 35 Pa.B. 3423 (June 18, 2005). The Commission received 14

comments concerning the proposed amendments to § 103.3. Of those 14 comments, 12 comments (5 received prior to the official public comment period and 7 received during it) opposed the elimination of the counterclockwise requirement. Those comments related to lakes in the northeastern part of this Commonwealth. The Commission also received two public comments after the close of the official public comment period. Those comments supported the proposed rulemaking and centered on Glendale Lake.

The Commission received one comment supporting the proposed amendments to Chapter 111. In addition, the Commission received input from the managers of lakes operated by the Corps of Engineers and the Bureau of State Parks. Copies of all public comments were provided to the Commissioners.

Findings

The Commission finds that:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 103 and 111, are amended by amending §§ 103.3, 111.13, 111.58, 111.64 and 111.66 to read as set forth at 35 Pa.B. 3423 and by amending §§ 111.3 and 111.6 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 35 Pa.B. 3423 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 35 Pa.B. 3423 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

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

Fiscal Note: Fiscal Note 48A-172 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.3. Armstrong County.

(a) *Crooked Creek Lake.*

(1) A boat may not tow more than one water-skier on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(2) Boats equipped with inboard engines with over-the-transom or straight type exhausts, wet or dry, are prohibited.

(3) Air boats are prohibited.

(4) Boats are limited to slow, no wake speed in the following areas:

(i) From the dam to a buoy line crossing the lake above the swimming beach.

(ii) From the shoal buoys to the headwaters.

(5) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(b) *Keystone Lake.* The use of motors in excess of 10 horsepower is prohibited.

(c) *Mahoning Creek Lake.*

(1) The use of motors in excess of 10 horsepower is prohibited.

(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.6. Berks County.

(a) *Blue Marsh Lake.*

(1) Boats equipped with inboard engines with over-the-transom or straight stack type exhausts, wet or dry, are prohibited.

(2) Boats are limited to a slow, no wake speed in the two arms of the lake formed by Spring Creek and Tulpehocken Creek.

(3) A boat may not tow more than one water-skier.

(b) *Hopewell Lake—French Creek State Park.* The operation of boats powered by internal combustion motors is prohibited.

(c) *Kaercher's Creek Lake.* The operation of boats powered by internal combustion motors is prohibited.

(d) *Scotts Run Lake—French Creek State Park.* The operation of boats powered by internal combustion motors is prohibited.

(e) *Schuylkill River; Kernsville Pool.* Boats are limited to slow, no wake speed.

[Pa.B. Doc. No. 05-2168. Filed for public inspection November 23, 2005, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 65]

Permit Agents

The Department of Transportation, under 75 Pa.C.S. §§ 6103, 6142 and 6145 (relating to promulgation of rules and regulations by department; reciprocity agreements, arrangements and declarations; proportional registration of fleet vehicles), amends Chapter 65 (relating to permit agents).

Purpose of this Chapter

The purpose of Chapter 65 is to establish rules governing the qualifications and duties of designated agents for the issuance of trip permits, hunter permits and tele-

grams of authority under Chapter 63 (relating to proportional registration of fleet vehicles).

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to clarify the definition of “telegram of authority” and to extend the term of the telegram of authority. Currently, the regulation provides that a telegram of authority authorizes the use of a Commonwealth based fleet vehicle under temporary registration for a period of 30 days. Recent proposed amendments to Chapter 63 extend the period of temporary registration under a telegram of authority to 60 days. The purpose of this final-form rulemaking is to conform the definition of “telegram of authority” to the definition in the proposed amendment to Chapter 63.

Persons and Entities Affected

This final-form rulemaking affects permit agents designated to issue trip permits, hunter permits and telegrams of authority under Chapter 63.

Fiscal Impact

The final-form rulemaking will not require any additional expenditure by the Bureau of Motor Vehicles or the permit agents.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 15, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 6339 (November 24, 2005), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 6, 2005, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory

Review Act, this final-form rulemaking was deemed approved by IRRC effective October 5, 2005, confirmed at meeting of IRRC on October 6, 2005.

Sunset Date

The Department is not establishing a sunset date for the regulation, as the regulation is needed to administer provisions of 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for this final-form rulemaking is Joseph Centurione, Manager, Customer Service Division, Bureau of Motor Vehicles, 1101 S. Front Street, Harrisburg, PA 17104, (717) 787-2780.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 65, are amended by amending § 65.2 to read as set forth at 34 Pa.B. 6339.

(b) The Secretary of the Department shall submit this order and 34 Pa.B. 6339 to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary shall certify this order and 34 Pa.B. 6339 and deposit them with the Legislative Reference Bureau, as required by law.

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

ALLEN D. BIEHLER, P.E.,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 5893 (October 22, 2005).)

Fiscal Note: Fiscal Note 18-399 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-2169. Filed for public inspection November 23, 2005, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, December 7, 2005. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10:30 a.m. Topics of discussion will include presentations on the water supply plan for the State of Delaware; the initial report of the Delaware Toxics Reduction Program; a status report on the dwarf wedge mussel habitat study under way in the Upper Basin; a report on PCB Minimization Plan submissions to date; and discussion regarding the composition and charges of the Peer Review Advisory Committee to be established for the purpose of evaluating pollutant minimization plans submitted in accordance with Section 4.30.9 of the Water Quality Regulations.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the following dockets:

1. *North Penn Water Authority D-92-44 CP-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 280 million gallons per 30 days (mg/30 days) to supply the applicant's public water supply distribution system from 27 existing production wells, 11 emergency wells and 1 test well and to limit the total cumulative withdrawal from the wells and the applicant's Forest Park Potable Water Supply to 450 mg/30 days. The project is located in the East Branch Perkiomen, Perkiomen, Indian, Skippack, West Branch Skippack, Zacharias, Towamencin, Wissahickon, Three Mile Run, North Branch Neshaminy, West Branch Neshaminy and Pine Run watersheds in Franconia Township, Skippack Township, Lower Salford Township, Souderton Borough, Towamencin Township, Worcester Township, Lansdale Borough, Montgomery Township, Upper Gwynedd Township, East Rockhill Township, New Britain Township, Hatfield Township, Hilltown Township and New Britain Borough in Bucks and Montgomery Counties, and is located in the Southeastern Pennsylvania Groundwater Protected Area.

2. *Perdue Farms Incorporated D-84-15-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 33 mg/30 days to supply the applicant's poultry processing facility from existing Wells Nos. 1 and 2 in the Minor Miocene Sand Formation. The project is located in the Mispillion River Watershed in the City of Milford, Kent County, DE.

3. *Harry T. Hudson D-84-31-3*. An application for renewal of a groundwater withdrawal project to continue to supply up to 19.55 mg/30 days of water from Well No. 1, screened in the Columbia Formation, for supplemental irrigation of the applicant's 65-acre farm. The project is located in the Cedar Creek Watershed in Sussex County, DE.

4. *United States Department of the Air Force, Dover Air Force Base D-2000-5-2*. An application to replace the

withdrawal of water from Well E in the applicant's water supply system, which has become an unreliable source of supply. The applicant requests that the total combined withdrawal from replacement Well F and existing Wells A-2, B, C-2, D, HA-1 and HA-2 remain limited to 56 mg/30 days. The project is located in the Piney Point and Cheswold Formations in the St. Jones River Watershed in the City of Dover, Kent County, DE.

5. *Township of Maple Shade D-78-18 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 54.0 mg/30 days of water to the applicant's public water supply distribution system from replacement Well No. 8A, and up to 54.0 mg/30 days from new Well No. 12 in the Middle and Lower Potomac-Raritan-Magothy Aquifers, respectively. No increase is proposed in the existing total allocation from all wells of 90 mg/30 days. The project is located in the Pennsauken Creek Watershed in Maple Shade Township, Burlington County, NJ.

6. *Borough of Elmer D-85-24 CP-4*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 10 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 6 and 8 in the Wenonah-Mt. Laurel Formation. The project is located in the Maurice River Watershed in the Borough of Elmer, Salem County, NJ.

7. *E. I. du Pont de Nemours and Company D-85-32-3*. An application for the renewal of a groundwater and surface water withdrawal project to reduce the groundwater withdrawal from 57.3 mg/30 days to 45 mg/30 days to supply the applicant's Repauno Plant from existing Wells Nos. 3R, 6 and 46 in the Raritan-Magothy Formation, to retain the maximum surface water withdrawal from the existing intake in the tidal Delaware River of 700 mg/30 days and to retain the combined maximum withdrawal for all sources at 745 mg/30 days. The project is located in the Delaware River Watershed in Greenwich Township, Gloucester County, NJ.

8. *Pennsville Township Water Department D-2002-16 CP*. An application for approval of a groundwater withdrawal project to supply up to 18 mg/30 days of water to the applicant's public water distribution system from new Wells Nos. 7 and 8 in the Lower and Upper Raritan Formation, respectively, and to retain the existing withdrawal from all wells to 52.5 mg/30 days. The project is located in the Delaware River Watershed in Pennsville Township, Salem County, NJ.

9. *Pennsylvania American Water Company D-87-31 CP-3*. An application for renewal of a groundwater withdrawal project to continue to supply up to 14.5 mg/30 days to the applicant's public water supply distribution system from existing Wells Nos. 1-5, located in the Catskill Formation. The project is located in the Hornbecks Creek Watershed in Delaware Township, Pike County, in the drainage area of the Special Protection Waters.

10. *Waynesborough Country Club D-92-9-2*. An application for renewal of a groundwater and surface water withdrawal project to continue to supply up to 6.0 mg/30 days of water for supplemental irrigation of the applicant's golf course from two existing wells in the Wissahickon Formation. The project is located in the Crum Creek Watershed in Easttown Township, Chester County.

11. *Upper Frederick Township D-94-57 CP-2*. An application for the renewal of a groundwater withdrawal

project to continue withdrawal of 2.01 mg/30 days to supply the applicant's public water supply system from existing Wells Nos. P-1 and P-2 in the Brunswick Formation. The project is located in the Goshenhoppen Creek Watershed in Upper Frederick Township, Montgomery County and is located in the Southeastern Pennsylvania Groundwater Protected Area.

12. *Pocono Farms Water Company D-94-65 CP-2.* An application for the renewal of a groundwater withdrawal project to continue withdrawal of 15.75 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 1—5 and 7 in the Polar Gap Formation. The project is located in the Tobyhanna Creek Watershed in Coolbaugh Township, Monroe County.

13. *Jericho National Golf Course, Inc. D-95-2-2.* An application for the renewal of a groundwater and surface water withdrawal project to continue withdrawal of up to 9 mg/30 days to supply the applicant's golf course irrigation system from existing Wells B-100 and B-C in the Brunswick Formation. The groundwater is pumped into a pond that also receives stormwater from the golf course, from which irrigation water is withdrawn as needed. The project is located in the Jericho Creek Watershed in Upper Makefield Township, Bucks County.

14. *Warren County (Pequest River) Municipal Utilities Authority D-71-94 CP-3.* An application to modify the existing docket to reflect modifications made to an existing 0.5 million gallon per day (mgd) wastewater treatment plant (WWTP) to meet its National Pollutant Discharge Elimination System (NPDES) permit limits. The modifications consisted of the addition of advanced treatment facilities with no increase in treatment capacity. The WWTP is located at the northwest corner of the intersection of Delaware Drive and Greenwich Street in White Township, Warren County, NJ. The project will continue to serve the Town of Belvidere and a portion of White Township, both in Warren County, NJ. The WWTP continues to discharge to the Delaware River through the existing outfall which is situated in the DRBC Special Protection Waters drainage of the Lower Delaware River Management Plan area.

15. *Sybron Chemicals, Inc. D-85-5-3.* An application for the renewal of a groundwater withdrawal project to decrease withdrawal from 77 mg/30 days to 34 mg/30 days to supply the applicant's industrial facility from existing Wells Nos. 4, 5 and EQ106 in the Middle Raritan and Mt. Laurel/Wenonah Aquifers. The project is located in the West Branch Rancocas Watershed in Pemberton Township, Burlington County, NJ.

16. *Burlington Township D-99-50 CP-2.* An application for approval of a groundwater withdrawal project to supply up to 43.2 mg/30 days of water to the applicant's public water supply system from new Well No. 8 and to increase the existing withdrawal from all wells to 155 mg/30 days. The project is located in the Potomac-Raritan-Magothy Formation in Burlington Township, Burlington County, NJ.

17. *City of Bordentown D-2004-11 CP.* An application for approval of a groundwater withdrawal project to increase withdrawal from 90 mg/30 days to 96 mg/30 days to supply the applicant's public water distribution system supply from existing Wells Nos. 1—3 and 5 in the Potomac-Raritan-Magothy Formation in the Crosswicks Creek Watershed. The project is located in Hamilton Township, Mercer County, NJ and in Bordentown Township, NJ and the City of Bordentown, Burlington County, NJ.

18. *Hackettstown Municipal Utilities Authority D-2004-23 CP-1.* An application for approval of a ground and surface water withdrawal project to supply up to 44 mg/30 days of water to the applicant's public supply distribution system from new Well No. 7 in the Kittatinny Limestone Formation, and to increase the existing withdrawal from all sources to 115 mg/30 days. The project is located in the Musconetcong River Watershed in the Town of Hackettstown, Warren County, NJ.

19. *Sunoco, Inc. D-69-115-2.* An application to modify a refinery WWTP discharge to the tidal Schuylkill River near its confluence with the Delaware River in Philadelphia. The docket holder is upgrading air pollution control equipment at its Girard Point Philadelphia Refinery, and the proposed Wet Gas Scrubbing System will increase Total Dissolved Solids (TDS) in the WWTP discharge. The docket holder proposes to increase its dry weather tertiary treatment plant flow and TDS discharges from 3.5 mgd and approximately 900 milligrams per liter (mg/l) respectively to 3.725 mgd and 3,939 mg/l. In support of its requested modifications, the docket holder has submitted an environmental study that indicates that the proposed changes would result in no significant impact to the Delaware Estuary in Water Quality Zone 4.

20. *Pennsylvania Utility Company D-75-93-3.* An application to modify a WWTP service area approved by DRBC Docket No. D-74-93 CP (Revised) in order to allow the plant to utilize its full treatment capacity of 0.25 mgd and discharge the effluent to an unnamed tributary (UNT) of Little Bush Kill in the drainage area of DRBC Special Protection Waters. The project is located at the Tamiment Resort and Country Club (the previous docket holder), off Old Bushkill Road in Lehman Township, Pike County. In addition to serving the Tamiment Resort, the project will serve the adjacent Mountain Laurel Center for the Performing Arts, also in Lehman Township. An upgrade of the WWTP's nitrate control process is also proposed. The WWTP outfall was relocated, with Pennsylvania Department of Environmental Protection (PADEP) approval, to a point on locally known Pond Run, just downstream of First Pond on the former Unity House property. Spray application of WWTP effluent on the golf course at Tamiment Resort was approved by PADEP for periods when the weather and ground conditions are suitable.

21. *Mt. Airy No. 1, L.L.C. D-77-58-2.* An application to modify a WWTP service area approved by DRBC Docket No. D-77-58; to reduce the treatment capacity from 0.225 mgd to 0.220 mgd; and to discharge the effluent to Forest Hills Run in the drainage area of DRBC Special Protection Waters. The project is located at the former Mount Airy Lodge property in Paradise Township, Monroe County. In addition to serving the former resort, the project will also serve the adjacent Stricklands Mountain Inn and Our Lady of the Poconos Convent, also in Paradise Township.

22. *Melody Lakes Properties D-80-79-2.* An application to modify a WWTP docket to reduce the treatment capacity from 0.075 mgd to 0.072 mgd and to continue to discharge the effluent to a UNT to Tohickon Creek in the drainage area of DRBC Special Protection Waters. The treatment plant serves the Melody Lakes Country Club Estates mobile home park only. The project is located in Richland Township, Bucks County.

23. *Lower Moreland Township Authority D-87-52 CP-2.* An application to expand the 0.22 mgd Chapel Hill WWTP to process 0.279 mgd. The existing advanced secondary treatment process will be upgraded to tertiary by the addition of a chemical treatment process to remove

phosphorus. Following ultraviolet light disinfection, WWTP effluent will be discharged to a UNT of Southampton Creek, tributary to the Pennypack Creek through the existing outfall. The WWTP is located just south of the Pennsylvania Turnpike, near its intersection with County Line Road in Lower Moreland Township, Montgomery County. The WWTP will continue to serve portions of Lower Moreland Township, Montgomery County and Upper Southampton Township, Bucks County.

24. *Township of Amity D-90-78 CP-2.* An application to modify the existing docket to reflect modifications made to a WWTP to meet new NPDES permit limits and to handle wet weather flow surges. The WWTP has been modified to provide for an increase in treatment capacity from 1.6 mgd to 2.2 mgd. Ownership of the facility has been transferred from Amity Township Municipal Authority to the Township of Amity. The WWTP is located approximately 1/2 mile south of the intersection of US Route 422 and SR 662 in the southeast corner of Amity Township. In an effort to expedite the extension of sewer lines to local areas that are served by failing onlot septic systems, Amity Township has also requested an emergency action by the DRBC to approve rerating of the plant's treatment capacity. The WWTP serves Amity, Earl, Douglass, Union and Exeter Townships, all in Berks County. The WWTP provides advanced treatment of wastewater and discharges to the Schuylkill River in an area conditionally designated by DRBC as "Modified Recreational."

25. *Delaware Valley College D-94-50 CP-2.* An application for the renewal of a groundwater withdrawal project to increase withdrawal from 3 mg/30 days to 6.135 mg/30 days to supply the applicant's college community supply distribution system and irrigation demands from existing Wells Nos. 1 and 3—6 and new Well No. 7 in the Neshaminy Creek Watershed. The project is located in Doylestown Township and New Britain Borough, Bucks County and is located in the Southeastern Pennsylvania Groundwater Protected Area.

26. *Doylestown Township Municipal Authority D-95-9 CP-2.* An application for approval of an increase in groundwater withdrawal from 45.9 mg/30 days to 51.0 mg/30 days of water to the applicant's public water supply distribution system from 14 existing wells, all located in the Stockton Formation. The project is located in the Neshaminy Creek and Pine Run watersheds in Doylestown Township, in the Southeastern Pennsylvania Groundwater Protected Area.

27. *Nestle Waters North America, Inc. D-98-27-2.* A spring water renewal project to continue withdrawal of 9.0 mg/30 days to supply the applicant's bottled water operations from Hoffman Springs Nos. 1—3 in the Ontelaunee Creek Watershed. This project further provides for a change in the operating passby flow condition and monitoring requirements associated with the withdrawal. The project is located in Lynn Township, Lehigh County. (This was NAR'd as D-98-27 Renewal.)

28. *Pennsylvania American Water Company D-98-43 CP-2.* An application for approval of a groundwater withdrawal project to supply up to 34.56 mg/30 days of water to the applicant's Penn Water District public water supply distribution system from new Well No. 28 in the Epler and Ontelaunee Formations, and to increase the combined allocation for all wells from 127 mg/30 days to 160.0 mg/30 days. The project includes 12 existing wells and an interconnection with the Western Berks Water Authority (0.9 mgd capacity). The project is located in the

Little Cacoosing Creek Watershed in Lower Heidelberg Township; the Cacoosing Creek Watershed in Sinking Spring Borough, South Heidelberg and Spring Townships; the Tulpehocken Creek Watershed in Spring Township; and the Wyomissing Creek Watershed in Spring Township, all in Berks County.

29. *East Marlborough Township D-2000-43 CP-2.* An application to rerate a 0.29 mgd sewage treatment plant (STP) to its design capacity of 0.44 mgd, while continuing to provide secondary level of treatment. The rerated plant will continue to serve predominately residential customers in East Marlborough Township and Kennett Township, both in Chester County. The STP is located north of Street Road (Route 926), approximately 1,500 feet west of Route 82 in East Marlborough Township. Nearby spray irrigation fields will continue to be used for STP effluent discharge. The project is located in the drainage area of the West Branch Red Clay Creek in DRBC Water Quality Zone C5, but no surface water discharge is proposed.

30. *Mount Pocono Municipal Authority D-2001-51 CP.* An application to expand a 0.4 mgd STP to process 0.6 mgd and continue to provide tertiary level treatment by means of the sequencing batch reactor process and filtration. The plant will continue to serve Mount Pocono Borough and a portion of Coolbaugh Township, both in Monroe County. Because the project is located in the drainage area to the DRBC Special Protection Waters, a nonpoint source pollution control plan is required. STP effluent will continue to discharge to Forest Hills Run in the Paradise Creek Watershed, about 1,000 feet upstream of the SR 611 bridge in Mount Pocono Borough.

31. *Alfred Moor, III D-2005-21-1.* An application for approval of a groundwater withdrawal project to supply up to 98.5 mg/30 days of water to the applicant's agricultural irrigation project from Wells Nos. 1—9 in the Cheswold Formation. The water will be used to irrigate approximately 605 acres of corn, soybeans and wheat. The project is located in the Leipsic River Watershed in the Town of Smyrna, Kent County, DE.

32. *Elk Township Municipal Utilities Authority D-99-75 CP.* An application for approval of a groundwater withdrawal project to supply up to 7.45 mg/30 days of water to the applicant's public water supply distribution system from new Wells Nos. 1 and 2 in the Cohansey Formation. The project is located in Elk Township, Gloucester County, NJ.

33. *Borough of Buena Municipal Utilities Authority D-2002-37 CP.* An application for approval of a groundwater withdrawal project to supply up to 17.23 mg/30 days of water to the applicant's public water supply distribution system from new Well No. 3 in the Piney Point Formation. The project well is located at the headwaters of Cedar Branch Creek, Maurice River Watershed in Buena Borough, Atlantic County, NJ.

34. *Kresson Golf Course D-2002-39.* An application to withdraw up to 5.9 million gallons/month from Cedar Lake on Barton Run in the Southwest Branch Rancocas Creek Watershed. A yearly restriction of 22 million gallons will also be imposed by the New Jersey Department of Environmental Protection for irrigation of approximately 57 acres of the golf course by means of its existing surface water intake. The golf course is located 1.5 miles north of the intersection of SR 73 and Cooper Road in Voorhees Township, Camden County, NJ.

35. *Resorts USA, Inc. D-96-9 CP.* An application for approval of a groundwater withdrawal project to supply up to 15.98 mg/30 days of water to the applicant's

Fernwood water system from new Well No. 9, and to increase the existing withdrawal limit of 9.8 mg/30 days from all wells to 18.4 mg/30 days. The project is located in the Bushkill Watershed in Middle Smithfield Township, Monroe County.

36. *Woodbridge Golf Club, Inc. D-2005-5-1.* An application for approval of a groundwater withdrawal project to supply up to 4.3 mg/30 days of water for supplemental irrigation of the applicant's proposed golf course from New Wells IW-1, IW-3, IW-4 and IW-5, all in the Weisenberg Member Formation. In conjunction with the groundwater withdrawal, the golf course will also utilize supplemental irrigation from stormwater collected in three on-site storage ponds. The project is located in the Schaefer Run Watershed in Maxatawny Township, Berks County and Weisenberg Township, Lehigh County. The project is located within the drainage area of DRBC Special Protection Waters.

In addition to the public hearing on the dockets listed, the Commission's 1:30 p.m. business meeting will include public hearings pertaining to: a resolution amending the *Basin Regulations—Water Supply Charges* regarding certificates of entitlement; a resolution renaming the Flow Management Technical Advisory Committee and modifying its membership and a resolution to Approve the Commission's Fiscal Year 2007 Budget and Work Plan. The Commission also will consider resolutions: directing the Executive Director to secure from the Regional Administrators of Environmental Protection Agency Regions 2 and 3 their written concurrence as to the Zone 6 and Stage 2 water quality endpoints for the PCB TMDLs for the Delaware Estuary; extending the Commission's agreement with the Northeast-Midwest Institute for outreach

to Federal legislators; amending the Commission's investment policy statement of July 2001 to provide for investment in emerging international markets; and authorizing the Executive Director to engage a firm to evaluate the Commission's heating, ventilating, air conditioning and other power systems in order to identify and evaluate opportunities for improving efficiency and reducing cost.

The meeting will also include: adoption of the minutes of the September 26, 2005, business meeting; announcements; a report on basin hydrologic conditions; a report by the Executive Director; a report by the Commission's general counsel; and an opportunity for public dialogue. Draft dockets and the resolutions scheduled for public hearing on December 7, 2005, will be posted on the Commission's website, www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 05-2171. Filed for public inspection November 23, 2005, 9:00 a.m.]

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 15, 2005.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-10-05	Parke Bancorp, Inc., Washington Township, NJ, to acquire all the shares of Parke Interim Bank, Philadelphia, PA	Washington Township, NJ	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-10-05	Greystone Bank Lancaster Lancaster County	361 Granite Run Drive Lancaster Lancaster County	Commenced Operations
11-10-05	Valley Forge Trust Company King of Prussia Montgomery County	120 South Warner Road Suite 200 King of Prussia Montgomery County	Commenced Operations

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-9-05	Standard Bank, PaSB, Murrysville, and Hoblitzell National Bank of Hyndman Surviving Institution— Standard Bank, PaSB, Murrysville	Murrysville	Approved
11-10-05	Beneficial Mutual Savings Bank, Philadelphia, and Northwood Savings Bank, Philadelphia Surviving Institution— Beneficial Mutual Savings Bank, Philadelphia	Philadelphia	Effective

The former main office of Northwood Savings Bank, and its only office, located at 1500 East Susquehanna Avenue, Philadelphia, will be discontinued and all operations will be transferred to an office of Beneficial Mutual Savings Bank located at Aramingo and Cumberland Streets, Philadelphia.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-17-05	Parkvale Savings Bank Monroeville Allegheny County	1420 Greengate Centre Circle Greensburg Westmoreland County	Opened
11-7-05	East Penn Bank Emmaus Lehigh County	4510 Bath Pike Hanover Township Northampton County	Opened
11-9-05	Graystone Bank Lancaster Lancaster County	112 Market Street Harrisburg Dauphin County	Approved
11-9-05	Graystone Bank Lancaster Lancaster County	362 West Main Street Leola Lancaster County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-8-05	PeoplesBank, A Codorus Valley Company York York County	<i>To:</i> 48 East Market Street York York County	Filed
		<i>From:</i> 118 East Market Street York York County	

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-10-05	First Savings Bank of Perkasie Perkasie Bucks County	The amendment to Article 2 of the Articles of Incorporation provides for a change in the principal place of business from 1211 North Fifth Street to 219 South Ninth Street, both addresses in Perkasie, Bucks County; and the amendment to Article 11 is to amend and restate the article in its entirety.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-9-05	Freedom Credit Union, Philadelphia, and FBC Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-2172. Filed for public inspection November 23, 2005, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Application of Gettysburg College for Approval of Amendment and Restatement of Its Articles of Incorporation****Notice of Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Gettysburg College for a Certificate of Authority approving the amendment and restatement of its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

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

[Pa.B. Doc. No. 05-2173. Filed for public inspection November 23, 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

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

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805026	One Up, LLC Attn: Paul Newlin 602 Borough Line Rd. Collegeville, PA 19426	Northampton	Forks Township	Bushkill Creek HQ-CWF

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905039	Jerome and Ina Goldstein 812 North 2nd St. Emmaus, PA 18049	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF
PAI023905025	Chris Canavan Prospect Acquisitions 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Lehigh	Upper Milford Township	Leibert 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

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

Permit No. 4805503 , Public Water Supply	
Applicant	Bethlehem Authority
Township or Borough	Lehigh Township
County	Northampton
Responsible Official	David L. Brong Bethlehem Authority 10 East Church Street Bethlehem, PA 18018-6028
Type of Facility	PWS
Consulting Engineer	John M. McCarthy, P. E. Malcolm Pirnie, Inc. 1700 Market Street Suite 2740 Philadelphia, PA 19103-3924
Application Received Date	October 21, 2005
Description of Action	The application has proposed the renovation of 10 rapid gravity filters in the east and west wings of the filter building at the City of Bethlehem's water treatment plant.

Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996499 , Public Water Supply	
Applicant	Westover Dairy
Township or Borough	Lynchburg, Virginia
Responsible Official	William T. Campbell General Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	November 9, 2005
Description of Action	Applicant requesting Department of Environmental Protection approval to sell bottled water in this Commonwealth under the brand name Mountain Dairy Drinking Water.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Franklin Center (Former American Insulator), New Freedom Borough, **York County.** Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of Cornerstone Development Group, One Market Way East, York, PA 17401, submitted a Notice of Intent to Remediate groundwater and soil contaminated with hydraulic oil. Future use of the site will be light commercial and residential. The applicant intends to remediate the site to a Statewide Health Standard.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

35-318-091: Lockheed Martin (Kennedy Drive, Archbald, PA 18403) for construction (replacement) of three paint spray booths and associated air cleaning devices in Archbald Borough, **Lackawanna County**.

48-320-014: Cadmus Specialty Publications (1991 Northampton Street, Easton, PA 18042) for construction (replacement) of an offset web heat-set printing press and associated air cleaning device in Wilson Borough, **Northampton County**.

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

67-05005D: PPL Brunner Island, LLC (Two North Ninth Street, Allentown, PA 18101-1179) for installation of two wet limestone flue gas desulfurization scrubbers at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

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

10-333A: Penn United Technology, Inc. (799 North Pike Road, Cabot, PA 16023) for installation of batch vapor solvent degreasing equipment in Jefferson Township, **Butler County**.

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

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

09-0186: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Lane, Fairless Hills, PA 19030) for construction of a bulk handling facility that will unload coal and coal slag from barges in Falls Township, **Bucks County**. The only pollutant of concern at this facility is PM emissions. The facility will have a potential-to-emit of 77.23 tons per year (TPY) for total PM, 22.06 TPY for PM₁₀ and 4.15 TPY for PM_{2.5}. Therefore, this facility is a non-Title V facility. PM emissions will be controlled by water suppression. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and 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.

06-03117D: Custom Processing Services (2 Birchmont Drive, Reading, PA 19606-3266) for construction of a micromilling machine controlled by a fabric collector and modification of the existing central vacuum

system controlled by a fabric collector in Exeter Township, **Berks County**. The permit will include restrictions, monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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. Emissions will not change appreciably from the proposed modifications. The plan approval and permit will include emission limits, monitoring, work practices, recordkeeping and reporting provisions to ensure the facility complies with the applicable air quality requirements.

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 its snack food manufacturing facility in Hanover Borough, **York County**. The source has the potential to emit 0.7 ton PM₁₀ per year. The plan approval and subsequent State-only operating permit administrative amendment will include emission restrictions, work practice standards and testing, monitoring, 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.

24-017A: Morgan Advanced Materials and Technology (441 Hall Avenue, St. Marys, PA 15857), for construction of an electric continuous heat treat oven with afterburner/flare used to carbonize coal tar pitch bonded materials and some resin containing materials to manufacture carbon and graphite parts used in mechanical devices in St. Marys City, **Elk County**. This is a State-only 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 and will demonstrate Best Available Technology for the source:

- Particulate matter emissions shall not exceed 0.02 gr/dscf.
- Subject to 25 Pa. Code § 123.21.
- Maintain afterburner/flare temperature greater than 1,400°F or at a minimum temperature that will achieve a minimum destruction/removal efficiency of 90% by weight as determined by the Department of Environmental Protection approved stack testing.
- Maintain records of the afterburner/flare temperature every 4 hours.
- Operate and maintain the source and control device in accordance with the manufacturer specifications and in accordance with good air pollution control practices.

37-304C: Heraeus Electro-Nite (3 Fountain Avenue, Ellwood City, PA 16117) for modification of plan approval 37-304B conditions in Ellwood City Borough, **Lawrence**

County. This is a State-only 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 and will demonstrate Best Available Technology for the source:

- A magnehelic gauge shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the collector. The gauge shall be maintained in a working, readable condition at all times. The pressure drop across the collector shall be maintained at 0.1" to 4.0" w.g. (This condition replaces Condition No. 004(c) from plan approval 37-304B.)

- The permittee shall maintain records of the following (This condition replaces Condition No. 003(c) from plan approval 37-304B.):

- Weekly—throughput for each Skiving Machine (in ft/week).
- Monthly—throughput for each Skiving Machine (in ft/month).
- Monthly—throughput for each Skiving Machine (in ft/yr).

- The throughput for each Skiving Machine shall not exceed the following based on a consecutive 12-month period (This condition replaces Condition No. 002 from plan approval 37-304B.):

- Skiving Machine No. 1—32,760,000 ft.
- Skiving Machine No. 2—32,760,000 ft.
- Skiving Machine No. 3—42,588,000 ft.
- Skiving Machine No. 4—32,760,000 ft.

25-0987D: Hanes Erie, Inc. (7601 Klier Drive Fairview, PA 16415) for construction of a new paint line (No. 8) at the Hanes Erie Manufacturing facility in Fairview Township, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a new paint line (No. 8) at the Hanes Erie Mfg. facility in Fairview Township, Erie County. This plan approval will restrict the emissions of VOC (including HAPs) to 45 TPY. The individual HAPs will be limited to 9.9 TPY and the total combined HAPs will be limited to 24.9 TPY. The emissions are based on a 12-month rolling total. In addition the facility will be required to inspect the filters on a weekly basis and replace as needed. The plan approval will also include additional monitoring, reporting, and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

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

AMS 05002: Navy Inactive Ships Maintenance Office—NISMO (4701 South 16th Street, Building 545, Philadelphia, PA 19112) for installation of multiple engine driven units and a painting operation in the City of

Philadelphia, **Philadelphia County**. The potential VOC emissions will increase by 2.7 tons and the potential NOx emissions will increase by 2.6 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 04302: Kraft Foods North America, Inc. (12000 Roosevelt Blvd., Philadelphia, PA 19116) for installation of a baghouse in the City of Philadelphia, **Philadelphia County**. The potential PM emissions will decrease by 0.74 ton per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 04167: Frankford Plating, Inc. (2505 Orthodox St., Philadelphia, PA 19137) for installation of a decorative chrome plating bath and a small natural gas boiler in the City of Philadelphia, **Philadelphia County**. The potential HAP emissions will increase by 0.0002 ton and the potential NOx emissions will increase by 0.37 ton per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 04232: Sunoco—Station No. 0004-8843 (5744 Woodland Avenue, Philadelphia, PA 19143) for installation of a soil remediation system with a catalytic oxidizer in the City of Philadelphia, **Philadelphia County**. The potential VOC emissions will increase by 0.03 ton per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 05056: Arway Linen and Rental (1696 Foulkrod Street, Philadelphia, PA 19124) for installation of a No. 4 oil fired Hurst 300 hp boiler in the City of Philadelphia, **Philadelphia County**. The potential NOx emissions will increase by 5.12 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.

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 Co.—Station 307 (SR 66, Marienville, PA 16239) for reissuance of the Title V Operating Permit 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 NOx is more than 100 tons per year. This facility is not subject to the Compliance Assurance Monitoring rule contained in 40 CFR Part 64.

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

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

06-03033: Reading Housing Authority (400 Hancock Boulevard, Reading, PA 19611) for an air quality permit for their boiler house in the City of Reading, **Berks County**, at 626 Avenue B, Reading, PA 19601. This facility has a potential to emit 55 tons per year of SOx and 21 tons per year of NOx. Actual emissions are expected to be less than 2 tons per year of SOx and NOx. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

33-00107: Beverage-Air (119 Progress Street, Brookville, PA 15825) for a Natural Minor Permit to operate a solvent wipe cleaning operation of metal parts at a refrigeration and heating equipment manufacturer in Brookville Borough, **Jefferson County**.

43-00319: Sharon Tube Co. (20 Church Street, Wheatland, PA 16161) for reissuance of a Natural Minor Permit for operation of a cold draw tube manufacturing process in Wheatland Borough, **Mercer County**.

20-00292: Saegertown Manufacturing Corp. (One Crawford Street, Saegertown PA 16433) for a Natural Minor operating permit for manufacture of cold formed products in the Borough of Saegertown, **Crawford County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Envi-

ronmental 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 (result-

ing 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.

3084131 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in West Finley Township, **Washington County** and Richhill Township, **Greene County** to install the West Bleeder Waterline. Surface Acres Proposed 12.4. No additional discharges. Application received October 24, 2005.

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

56010106 and NPDES No. PA0249076. Marquise Mining Corporation, 3889 Menoher Boulevard, Johnstown, PA 15901, transfer of an existing bituminous surface auger mine from PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, located in Shade Township, **Somerset County**, affecting 325.0 acres. Receiving streams: Dixie Run and Fallen Timber Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received November 4, 2005.

56030105 and NPDES No. PA0249726. Croner, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface auger mine to expand the current SMP area by 0.8 acre in Brothersvalley Township, **Somerset County**, affecting 316.4 acres. Receiving streams: UNTs to/and Blue Lick Creek and UNTs to/and Buffalo Creek classified for the following use: CWF. There

are no potable water supply intakes within 10 miles downstream. Application received November 4, 2005.

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

16040101 and NPDES Permit No. PA0242489. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Limestone Township, **Clarion County** affecting 29.5 acres. Receiving streams: Piney Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a postmining land use change from forestland and forestland (now abandoned surface mine) to unmanaged natural habitat. Application received: November 4, 2005.

33050107 and NPDES Permit No. PA0258059. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Commencement, operation and restoration of a bituminous surface strip and auger operation in Snyder Township, **Jefferson County** affecting 27.3 acres. Receiving streams: UNT to Little Toby Creek, UNT to Walburn Run and Walburn Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. 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 ¹		greater than 6.0; less than 9.0	
pH ¹			

¹ 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 15931, (814) 472-1900.

Permit No. 32000301 and NPDES Permit No. PA0235288, Penn Run Quarry, 456 Weston Road, Penn Run, PA 15765, renewal of NPDES Permit, Cherryhill Township, **Indiana County**. Receiving streams: UNT to Penn Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 2, 2005. Permit issued November 8, 2005.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603C, Greensburg, PA 15601-0982, (724) 925-5500.

65900402 and NPDES Permit No. 059177. Hanson Aggregates PMA, Inc. (400 Industrial Boulevard, New Kensington, PA 15068). NPDES renewal for continued

operation and reclamation of a noncoal surface mine, located in Derry Township, **Westmoreland County**, affecting 1,303 acres. Receiving streams: UNTs to Harbridge Run and Tannery Hollow, classified for the following use: CWF. The first potable water supply intake within 10 miles downstream from the point of discharge: High Ridge Water Supply Company. Renewal application received: November 4, 2005.

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

49783007C14. Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948), correction to an existing anthracite surface mine operation to include fly ash placement in Coal Township, **Northumberland County** affecting 337.9 acres. Receiving stream: none. Application received November 3, 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

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

E09-888. Stephen Bonczek, Township Manager, Middletown Township, 3 Municipal Way, Langhorne, PA 19047, Middletown Township, **Bucks County,** ACOE Philadelphia District.

To remove an existing small precast concrete pedestrian bridge and to construct and maintain a new metal truss

pedestrian bridge across Queen Anne Creek (WWF). The proposed bridge is 60 feet long by 8 feet wide with clear height above the 100-year flood elevation.

The site is located about 2,500 feet southwest of intersection of Edgely Road and Newportville Road (Trenton West, NJ-PA USGS Quadrangle N: 4.7 inches W: 16.4 inches).

E15-749. Pocopson Township, P. O. Box 1, Pocopson PA 19366, Pocopson Township, **Chester County,** ACOE Philadelphia District.

To construct and maintain a macadam and stone bicycle/hiking trail measuring approximately 1,860 linear feet long and 6 feet wide. The trail consists of several pedestrian crossings of the Pocopson Creek (TSF-MF) and its tributaries. The trail will be situated along Route 52 and through an open space area of the Overlook Circle Development (Unionville, PA Quadrangle N: 4.9 inches; W: 3.4) in Pocopson Township, Chester County.

The proposed work will include the following water obstruction and encroachment activities:

1. To install and maintain a 20-foot long, 42-inch diameter HDPE culvert (Culvert A) in and along a tributary to Pocopson Creek (TSF-MF).

2. To install and maintain a 20-foot long, 48-inch diameter HDPE culvert (Culvert B) in and along a tributary to Pocopson Creek (TSF-MF).

3. To install and maintain a 20-foot long, 42-inch diameter HDPE culvert (Culvert C) in and along a tributary to Pocopson Creek (TSF-MF)

4. To install and maintain a 6-foot wide by 60-foot long pedestrian bridge over the Pocopson Creek (TSF-MF).

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

E35-391. Kincel Ventures, LP, R. R. 2, Box 2058, Moscow, PA 18444-9637, in Newton Township, **Lackawanna County,** United States Army Corps of Engineers, Baltimore District.

To construct and maintain a single-span, steel I-beam bridge, having a span of 25 feet and an underclearance of 6 feet across a tributary to Gardner Creek (CWF) for the purpose of providing access to a single residential dwelling. This permit is a reissuance of Permit No. E35-313 which expired on December 31, 2002. The project is located on the south side of T-383, approximately 0.2 mile east of the intersection of T-382 and T-383 (Ransom, PA Quadrangle N: 14.6 inches; W: 1.9 inches).

ACTIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0041645	Department of Transportation Safety Rest Area—Site L Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Springfield Township Erie County	UNT to Turkey Creek 15-LE	Y

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

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

NPDES Permit No. PA-0065056, Industrial Waste, **Mobil Pipeline Company**, Room CCM 15, 1545 Route 22 East, Annandale, NJ 08801. This proposed facility is located in South Whitehall Township, **Lehigh County**.

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

NPDES Permit No. PA-0065013, Industrial Waste, **Municipal Authority of the Township of Blythe**, 374 Valley Street, New Philadelphia, PA 17959. This proposed facility is located in Blythe Township, **Schuylkill County**.

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

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

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

WQM Permit No. 4505401, Sewerage, **Arrowhead Sewer Company, Inc.**, H. C. 88, Pocono Lake, PA 18347. This proposed facility is located in Coolbaugh Township, **Monroe County**.

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

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

WQM Permit No. 2205403, Sewerage, **Mountainview Thoroughbred Racing Association**, P. O. Box 32, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval to construct a 0.23 mgd annual average Sequencing Batch Reactor wastewater treatment plant and a duplex submersible pump station rated at 206 gpm to serve Penn National of Grantville.

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

WQM Permit No. WQG018413, Sewerage, **David J. Dlugas**, 8093 Cherry Street, 8093 Cherry Street Extension, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie County**.

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

WQM Permit No. WQG018429, Sewerage, **Mark Beuger**, 430 Conewango Avenue, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033104003	Petersburg Water Authority P. O. Box 257 Petersburg, PA 16669-0257	Huntingdon	Logan Township	Reed's Run (HQ-CWF) UNT Shaver Creek (HQ-CWF) and UNT to Juniata River (HQ-CWF)
PAI034405003	Edgwood Country Estates 289 Walnut Street Bellville, PA 17004	Mifflin	Brown Township	UNT Tea Creek (HQ-CWF)

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hellertown Borough Northampton County	PAG2004805036	Ashley Development 559 Main St. Bethlehem, PA 18018	Saucon Creek East Branch CWF	Northampton Co. Cons. Dist. (610) 746-1971
Upper Saucon Township Lehigh County	PAG2003905029	Monogram Land Holding, Ltd. Tony Caciolo 6366 Robin Lane Coopersburg, PA 18036	Saucon Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Wayne Township Schuylkill County	PAG2005405021	William and Linda Spotts 612 Hillcroft Ave. Schuylkill Haven, PA 17972	Panther Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Salem Township Mercer County	PAG048719	Richard D. Story 19 South Summit Road Greenville, PA 16125	UNT to Booth Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township Erie County	PAG048748	Patrick E. Dunn 12417 US 6N Albion, PA 16401	UNT to Marsh Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0905506, Public Water Supply.

Applicant	Northampton, Bucks County Municipal Authority 111 Township Line Road Richboro, PA 18954
Township	Northampton
County	Bucks
Type of Facility	PWS
Consulting Engineer	INTEX Environmental Group, Inc. 6205 Easton Road Pipersville, PA 18947
Permit to Construct Issued	November 8, 2005

Permit No 2305503, Minor Amendment. Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Township Springfield

County **Delaware**

Type of Facility PWS

Consulting Engineer CET Engineering Services, Inc.
1240 N. Mountain Road
Harrisburg, PA 17112

Permit to Construct Issued November 8, 2005

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

Operations Permit issued to **Borough of Jim Thorpe**, 421 North Street, Jim Thorpe, PA 18229-2528 (PWS ID 3130043) Jim Thorpe Borough, **Carbon County** on November 3, 2005, for the operation of facilities approved under Construction Permit Minor Amendment issued August 29, 2005.

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

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant **Danville Municipal Authority**

Township or Borough Danville Borough

County **Montour**

Responsible Official Walter Shultz, Chairperson
Danville Municipal Authority
12 West Market Street
Danville, PA 17821

Type of Facility Public Water
Supply—Construction

Consulting Engineer David E. Marks, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Permit Issued Date 11/10/2005

Description of Action Construction of the
polyaluminum chloride facility.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Longswamp Township	1112 State St. Mertztown, PA 19539	Berks
Rockland Township	41 Deysher Rd. Fleetwood, PA 19532	Berks

Plan Description: The approved plan provides for the proposed 28 lot residential subdivision known as the Feld-3 Subdivision (formerly Fenstamacker Subdiv.) located along Cider Mill Rd. and Forrest Rd. in both Longswamp and Rockland Townships, Berks County.

Each of the lots will be served by an onlot septic system. The Department of Environmental Protection's (Department) Code numbers are as followed: Longswamp Township, B3-06939-121-2 and Rockland Township, B3-06956-131-2. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Ronca Diesel Fuel Spill, Marietta Borough, **Lancaster County**. Liberty Environmental, Inc., 10 North 5th Street, Suite 800, Reading, PA 19601, on behalf of Michael F. Ronca & Sons, Inc., 179 Mikron Road, Bethlehem, PA 18020, submitted a Final Report concerning remediation of site soils contaminated with diesel

fuel. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Residential Statewide Health Standard.

PPL Carlisle Manufactured Gas Plant, Carlisle Borough, **Cumberland County**. Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 18101, on behalf of PPL Corporation, GENA2-4, Two North Ninth Street, Allentown, PA 18101-1179 and UGI Utilities, 100 Kachel Boulevard, Reading, PA 19612, submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead, heavy metals, solvents, BTEX and PAHs. The report is intended to document remediation of the site to the Site Specific and Statewide Health Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the

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

The Department has received the following plans and reports:

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

Intermet Site, East Hempfield Township, **Lancaster County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of the County of Lancaster, 50 North Duke Street, Lancaster, PA 17603, submitted a revised Final Report concerning the remediation of site soils contaminated with heavy metals and PAHs. The final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 7, 2005.

RESIDUAL 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 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. WMGR107. General Electric International, Inc., 184 South Avenue, Tallmadge OH 44278. General Permit No. WMGR107 authorizes processing of non-PCB transformer oil in mobile units for reuse as transformer oil. The processing is limited to filtration, heating, application of vacuum and addition of antioxidant. The permit was issued by Central Office on November 9, 2005.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of 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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit modification under the Solid Waste Management Act (35 P. S. Section 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 101538. WSI Sandy Run Landfill, Broad Top Township, **Bedford County**. Major Permit Modification to Solid Waste Permit No. 101538 for the operation of Sandy Run Landfill issued in accordance with Article V of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003). This modification approves an increase in the

average daily volume from 300 to 750 tons per day and the maximum daily volume from 400 to 1,000 tons per day. Compliance with the terms and conditions set forth in the permit is mandatory. Individuals have the right to file an appeal as to these terms and conditions.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

39-310-025G: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 9, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at Huckleberry Estates, 4359 Huckleberry Road, South Whitehall Township, **Lehigh County**.

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

GP3-36-03159: Haines and Kibblehouse, Inc. (303 Quarry Road, Peach Bottom, PA 17563) on November 4, 2005, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Fulton Township, **Lancaster 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.

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

23-0009C: Boeing Co.—Integrated Defense System Rotocraft (Stewart Avenue and Route 291, Eddystone, PA 19013) on November 8, 2005, to operate an aerospace paint booth in Ridley Township, **Delaware County**.

46-0242A: BAE Systems Information and Electronics System Integration (305 Richardson Road, Lansdale, PA 19446-1485) on November 8, 2005, to operate a FE emission cap/NOx in Montgomery Township, **Montgomery County**.

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

07-03034C: Fry Metals, Inc. (4100 6th Avenue, Altoona, PA 16602) on November 8, 2005, to modify the air pollution control system on the Refinery and Dross Treatment Operations in the City of Altoona, **Blair County**.

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

63-00027A: Allegheny Ludlum (100 River Road, Brackenridge, PA 15014) on November 7, 2005, to add a second, natural gas fired, reheat furnace to the 110-inch mill at their Jessop Steel, LLC plant in Washington City, **Washington County**. This is a Title V facility.

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

24-131J: SGL Carbon, LLC (900 Theresia Street, St. Marys, PA 15857) on November 8, 2005, to expand the CVD Department by adding two reactors similar to Reactors 1—4 along with a scrubber to control the two new reactors in the City of St. Marys, **Elk County**. This is a Title V facility.

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

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

46-0222: Bostik Inc. (1740 County Line Road, Huntingdon Valley, PA 19006) on November 7, 2005, to operate storage silos and charging stations in Upper Moreland Township, **Montgomery County**.

15-0094: Metallurgical Products Co. (P. O. Box 598, West Chester, PA 19380) on November 9, 2005, to operate a bag filter dust collector in West Goshen Township, **Chester County**.

46-0035B: SmithKline Beecham d/b/a GlaxoSmith Kline (1250 South Collegeville Road, Collegeville, PA 19426) on November 8, 2005, to operate an emergency electric generator in Upper Merion Township, **Montgomery County**.

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

16-132B: Clarion Boards, Inc. (143 Fiberboard Road, Shippenville, PA 16245) on October 30, 2005, to install a scrubber in Paint Township, **Clarion County**.

16-132C: Clarion Boards, Inc. (143 Fiberboard Road, Shippenville, PA 16245) on November 30, 2005, to operate dryers, venturi and cyclonic separator in Paint Township, **Clarion County**.

37-0237A: Essroc Cement—McQuiston Plant (300 Small Ferry Road, Bessemer, PA 16112) on October 31, 2005, to reactivate a limestone crushing and screening plant controlled with a baghouse in North Beaver Township, **Lawrence County**.

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

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

46-00091: Sunoco Partners Marketing and Terminal, LP (1801 Market Street, 19/10 PC, Philadelphia, PA

19103) on November 8, 2005, to operate the facility Title V Operating Permit in Upper Moreland Township, **Montgomery County**.

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.

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

09-00133: Webcraft, LLC (250 West Pratt Street, 18th Floor, Baltimore, MD 21201) on November 8, 2005, to operate the facility Synthetic Minor Operating Permit in Bristol Township, **Bucks County**.

09-00110: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on November 8, 2005, to operate the facility Natural Minor Operating Permit in Bristol Township, **Bucks County**.

09-00182: Armoloy Co. of Philadelphia, Inc. (1105 Miller Avenue, Croydon, PA 19021) on November 9, 2005, to operate the facility Natural Minor Operating Permit in Bristol Township, **Bucks County**.

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

67-03052: BiMax, Inc. (158 Industrial Road, Glen Rock, PA 17327-8626) on November 4, 2004, to produce specialty chemicals at their facility in Springfield Township, **York County**. This is a renewal of the State-only operating permit.

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

S05-007: RichardsApex, Inc. (4202-24 Main Street, Philadelphia, PA 19127) on November 8, 2005, to operate a metal working lubricants manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two natural gas or No. 5 oil-fired boilers each rated at 8.375 mmBtu/hr.

S05-009: PECO Oregon Shop (2610 Columbus Boulevard, Philadelphia, PA 19148) on November 8, 2005, to operate a maintenance facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 13 combustion units each rated at less than 5.0 mmBtu/hr, 1 765 hp emergency generators, 2 paint shop spray booths with dry panel filters, 1 transformer shop paint spray booth with dry panel filters and a gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems.

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.

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

36-03019: Flury Foundry (1160 Elizabeth Avenue, Lancaster, PA 17601-4364) on November 8, 2005, to operate a brass and bronze foundry in Manheim Township, **Lancaster County**. This Operating Permit was administratively amended to incorporate plan approval 36-03019A. This is revision No. 1.

36-05123: Corixa Corp. (206 North Biddle Street, Marietta, PA 17547-0304) on November 8, 2005, to operate a pharmaceutical manufacturing facility in East Donegal Township, **Lancaster County**. This Operating Permit was administratively amended to reflect a change of ownership from Wyeth Pharmaceuticals. This is revision No. 1.

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.

11733701 and NPDES Permit N/A, Robindale Energy Services, Inc. (224 Grange Hall Road, Armagh, PA 15920), to renew the permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County** a coal refuse disposal site. No additional discharges. Permit issued November 9, 2005.

30841317. NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Morris Township, **Washington County** to install airshafts, boreholes and portal facilities. Surface Acres Proposed: 62.0. Receiving stream: UNT to Short Creek, classified for the following use: TSF. Permit issued November 9, 2005.

03813704. NPDES Permit No. PA0002283, Keystone Coal Mining Corporation (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Keystone No. 1 Coal Refuse Disposal Area in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. Permit issued November 9, 2005.

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

Permit No. 11900101 and NPDES No. PA0598721. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface auger mine in Adams and Summerhill Townships, **Cambria County**, affecting 180.0 acres. Receiving streams: UNTs to South Fork of Little Conemaugh River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Highland Sewer & Water Authority Beaverdam. Application received September 23, 2005. Permit issued: November 8, 2005.

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

02880102 and NPDES Permit No. PA0591190. William J. Kisow (82 Petrie Road, Coraopolis, PA 15108). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Kennedy and Robinson Townships, **Allegheny County**, affecting 116.1 acres. Receiving streams: UNT to Chartiers Creek to Chartiers Creek to the Ohio River. Application received: August 4, 2005. Renewal permit issued: November 8, 2005.

63020102 and NPDES Permit No. PA0250309. Muligan Mining, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit revised to add 30 acres to the permit area, add a house release and redesign a collection ditch at a bituminous surface mining site located in Smith Township, **Washington County**, now affecting 147.6 acres. Receiving streams: UNTs to Little Raccoon Run and Raccoon Creek. Applications received April 28, June 30 and September 12, 2005, and merged into one application; Revision issued November 9, 2005.

65970104 and NPDES Permit No. PA0202053. Britt Energies, Inc. (2450 Philadelphia St., Indiana, PA 15701). Transfer permit from MB Energy, Inc. for continued operation and reclamation of a bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 146 acres. Receiving streams: UNTs to Union Run. Transfer application received: December 14, 2004. Transfer permit issued: November 10, 2005.

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

16050107 and NPDES Permit No. PA0257931. T. C. Mining (252 Lower Hayes Run Rd., Kittanning, PA 16201) Commencement, operation and restoration of a bituminous strip operation in Madison Township, **Clarion County** affecting 111.7 acres. Receiving streams: UNTs to Catfish Run and UNTs to the Allegheny River. Application received: May 4, 2005. Permit Issued: November 8, 2005.

61020101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous strip operation to change the postmining land use from forestland to unmanaged natural habitat on the Martha A. Hoffman and Donna Duffola properties in Irwin Township, **Venango County** affecting 25.5 acres. Receiving stream: UNT to Scrubgrass Creek. Application received: September 14, 2005. Permit Issued: November 8, 2005.

Noncoal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 9621-3118.

40050802. Valley Seeding Company, Inc. (306 West County Road, Sugarloaf, PA 18249), commencement, operation and restoration of a small noncoal (topsoil, shale and sandstone) quarry operation in Black Creek Township, **Luzerne County** affecting 3.0 acres. Receiving streams: Black Creek and Nescopeck Creek. Application received July 11, 2005. Permit issued November 7, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be

regulated by the mining permit for that coal or noncoal mining activity.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603C, Greensburg, PA 15601-0982, (724) 925-5500.

65054008. KESCO, Inc. (P. O. Box 95, Adrian, PA 16210-0095). Blasting activity permit for construction at the Latrobe Airport, located in Unity Township, **Westmoreland County**, with an expected duration of 180 days. Permit issued: November 8, 2005.

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

40054127. D. C. Guelich Explosives (R. R. 3, Box 125A, Clearfield, PA 16830), construction blasting at Greater Wilkes-Barre Development Corporation in Wilkes-Barre Township, **Luzerne County** with an expiration date of July 31, 2006. Permit issued November 8, 2005.

36054169. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033-9734), construction blasting at Highlands Professional Office in Warwick Township, **Lancaster County** with an expiration date of November 30, 2006. Permit issued November 8, 2005.

15054126. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507-0528), construction blasting at Cold Springs Run in West Goshen Township, **Chester County** with an expiration date of December 31, 2006. Permit issued November 8, 2005.

06054116. Schlouch Incorporated (P. O. Box 69, Blandon, PA 19510), construction blasting at Brookfield Manor in Spring Township, **Berks County** with an expiration date of November 1, 2006. Permit issued November 8, 2005.

15054127. Austin Powder Company (25800 Science Park Drive, Properties Department, Cleveland, OH 44122-7311), construction blasting at East Brandywine Municipal Building in East Brandywine Township, **Chester County** with an expiration date of November 7, 2006. Permit issued November 8, 2005.

45054007. West End Drilling & Blasting, Inc. (4196 Deer Lane, Saylorsburg, PA 18322), construction blasting at Mt. View Estates in Stroud Township, **Monroe County** with an expiration date of October 31, 2006. Permit issued November 9, 2005.

36054035. Mazzuca Enterprises, Inc. (14th and Laurel Boulevard, Pottsville, PA 17901), construction blasting for Paradise Township Sewer Authority/New Sewer in Paradise Township, **Lancaster County** with an expiration date of October 18, 2006. Permit issued November 9, 2005.

15054007. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at 714 North Valley Road/New House Foundation in Tredyffrin Township, **Chester County** with an expiration date of October 26, 2006. Permit issued November 9, 2005.

45054006. West End Drilling & Blasting, Inc. (4196 Deer Lane, Saylorsburg, PA 18322), construction blasting at Shawnee Oakdale Estates in Middle Smithfield and Smithfield Townships, **Monroe County** with an expiration date of October 4, 2006. Permit issued November 9, 2005.

15054008. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at Harmony

Farm in Uwchlan Township, **Chester County** with an expiration date of October 31, 2006. Permit issued November 9, 2005.

SPECIAL NOTICES

Project Proposals Received

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

EGS No. 05001, Broad Top Township, P. O. Box 57, Defiance, PA 16633. A water pollution abatement project is a planned to construct a passive abandoned mine drainage treatment system on the Dodson Brother's property located on the north and northeast edge of Finleyville, PA. Shreves Run is the receiving stream for this project. Project received June 20, 2005. Project issued: November 7, 2005.

EGS No. 11002, Clearfield Creek Watershed Association, 216 Beldin Hollow Road, Ashville, PA 16613. A water pollution abatement project to construct a passive abandoned mine drainage treatment system on the Blair County Solid Waste Authority, Angels' Coal Trust; Alyce Hite, Dolores Puckey and Ronald Dodson properties located north of SR 36 between Buckhorn and Ashville in the headwaters of Little Laurel Run. Project received August 16, 2005. Project issued: November 7, 2005.

[Pa.B. Doc. No. 05-2174. Filed for public inspection November 23, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website at 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.

Final Technical Guidance—Substantive Revision

DEP ID: 291-4100-001. Title: Bureau of Radiation Protection Compliance and Enforcement Policy. Description: This guidance establishes standard procedures for

encouraging compliance with, and enforcing the regulations, which the Bureau of Radiation Protection (Bureau) has the authority to administer. The Bureau's regulatory responsibilities are authorized by the Radiation Protection Act (35 P. S. §§ 7110.101—7110.703), the Radon Certification Act (63 P. S. §§ 2001—2014) and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905). Substantive changes were made to the guidance to incorporate guidelines issued in the Department's policy on "Standards and Guidelines for Identifying, Tracking and Resolving Violations." Notice requesting public comment on these changes was published at 34 Pa.B. 5858 (October 23, 2004). No public comments were received during the 30-day public comment period, which concluded on November 22, 2004. Effective Date: November 26, 2005. Contact: Ben Seiber, Bureau of Radiation Protection, (717) 783-7702, bseiber@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-2175. Filed for public inspection November 23, 2005, 9:00 a.m.]

Proposed Revisions to General Plan Approval and General Operating Permit (BAQ-GPA/GP-5)

The Department of Environmental Protection (Department) proposes to revise the General Plan Approval and Operating Permit BAQ-GPA/GP-5 (GP-5) for Natural Gas Compression Facilities and rename it for Natural Gas Production or Coal Bed Methane Recovery Facilities (General Permit).

The primary purpose of this revision is to include coal bed methane recovery facilities in this General Permit and also to reflect the way General Permit conditions have evolved since GP-5 was issued initially. Other changes are proposed to clarify that the General Permit may be used either as a general plan approval or as a general operating permit for a natural gas production or coal bed methane recovery facility, as outlined under proposed Permit Condition 2—Applicability/Source Coverage Limitations. Previous requirements for visible, odor and other emission limitations are moved to Condition 13, Emissions Limits for Natural Gas Production or Coal Bed Methane Recovery Facilities. Also, Conditions 3—12, 14 and 15 in the current General Permit document are changed due to routine internal evaluations. Conditions 16—18 of this document reflect minor changes in the numbering of current conditions cited as cross references.

The following are the conditions affected by this revision. The condition numbers listed here reflect how they appear in the proposed revision.

Proposed Permit Conditions

1. Statutory Authority and General Description

In accordance with Section 6.1(f) of the Air Pollution Control Act, 35 P. S. § 4006.1(f), 25 Pa. Code §§ 127.514 and 25 Pa. Code § 127.611, the Department of Environmental Protection (Department) hereby issues this general plan approval and/or general operating permit for Natural Gas Production or Coal Bed Methane Recovery Facilities.

2. Applicability/Source Coverage Limitations

This General Permit authorizes construction and/or operation of a natural gas production or coal bed methane recovery facility.

This General Permit is limited to a facility engaged in the production of natural gas from natural gas production or coal bed methane recovery wells only. It does not include facilities operated as a part of a transmission pipeline or gas storage field, nor does it cover the compression of other types of gases from landfills, refineries, coke ovens, etc. A natural gas production or coal bed methane recovery facility may include internal combustion (compressor) engines, gas dehydration units, crude oil and brine storage tanks, vents and other equipment associated with this activity.

This General Permit has been established in accordance with the provisions described in 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and operating permits). If the natural gas production or coal bed methane recovery facility cannot be regulated under the requirements of this General Permit, a plan approval and/or an operating permit issued in accordance with 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements) and/or Subchapter F (relating to operating permit requirements) will be required, or if the facility is a Title V facility, a Title V operating permit issued in accordance with Subchapter F and Subchapter G (relating to Title V operating permits) will be required.

Plan Approval

Once authorization to use this General Permit is granted, construction of the natural gas production or coal bed methane recovery facility designated in the application may proceed.

This General Permit authorizes the construction of internal combustion engine(s); dehydrator(s) and associated equipment that meet the best available technology (BAT) required under 25 Pa. Code §§ 127.1 and 127.12(a)(5), provided the respective construction is not subject to the requirements of 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration), or 25 Pa. Code Chapter 127, Subchapter E (relating to new source review). For purposes of this General Permit, BAT for an internal combustion engine with a rated capacity equal to or greater than 100 brake horsepower (bhp) shall include the installation and operation of available control measures that reduce emissions to the limitations described in Condition 13.b. Any internal combustion engine with a rated capacity equal to or greater than 1500 bhp may not be installed under this General Permit.

BAT for a dehydrator that has a total uncontrolled potential emission rate of volatile organic compound (VOC) emissions equal to or greater than 10 (ten) tons per year includes the installation of an air cleaning device in accordance with Condition 13.c. Additional construction authorized by this General Permit includes the temporary replacement in-kind of engines for a period up to six months if an engine experiences an emergency breakdown. Under all other circumstances, replacement engines must meet the BAT requirements specified in Condition 13.b.

Operating Permit

This General Permit authorizes the operation of the natural gas production or coal bed methane recovery facility unless the respective operation is located in a facility subject to the requirements of 25 Pa. Code Chapter 127, Subchapter F, or Subchapters F and G. A natural gas production or coal bed methane recovery facility that is constructed under this General Permit and located in a facility subject to the requirements of Subchapter F or Subchapters F and G may, however, be operated under

this General Permit on a temporary basis until such time as the operating permit required pursuant to Subchapter F or Subchapters F and G has been obtained or amended to include the terms and conditions of this General Permit.

Once authorization to use this General Permit is granted, operation may proceed provided that the permittee notifies the Department in accordance with Condition 6.

3. Application for Use

Pursuant to 25 Pa. Code § 127.621, any person proposing to construct and/or operate a natural gas production or coal bed methane recovery facility under the General Permit shall make application to the Department using the "Natural Gas Production or Coal Bed Methane Recovery Facility General Permit Application" form provided by the Department and shall receive written authorization from the Department prior to using this General Permit. This form shall be accompanied by the appropriate application fee and any additional forms and information as may be specified or requested by the Department and shall be submitted to the Department's Regional Office responsible for authorizing the use of this general permit in the county in which the respective natural gas production or coal bed methane recovery facility is to be constructed and/or operated. The Department will take action on the application within 30 days of receipt.

4. Compliance

Any facility operating under this General Permit must comply with the terms and conditions of the General Permit. The facility shall be:

- a. operated in such a manner as not to cause air pollution, as defined in 25 Pa. Code § 121.1.
- b. operated and maintained in a manner consistent with good operating and maintenance practices; and
- c. operated and maintained in accordance with the manufacturer's specifications and the applicable terms and conditions of this General Permit.

5. Permit Modification, Suspension and Revocation

This General Permit may be modified, suspended, or revoked if the Department determines that the affected facility cannot be adequately regulated under this General Permit.

Any authorization to construct and/or operate a natural gas production or coal bed methane recovery facility under this General Permit that is granted to a person by the Department may be suspended or revoked if the Department determines that, at any time, that person has failed to construct and/or operate the natural gas production or coal bed methane recovery facility in compliance with the terms and conditions of this General Permit. Upon suspension or revocation of the authorization to construct and/or operate a natural gas production or coal bed methane recovery facility under this General Permit, construction shall immediately be ceased and/or the respective natural gas production or coal bed methane recovery facility shall not thereafter be operated.

6. Notice Requirements

The applications and notifications required by 25 Pa. Code § 127.621 shall be submitted to the appropriate Regional Office responsible for issuing general permits in the county in which the natural gas production or coal bed methane recovery facility is or will be located. As

required under § 127.621(b), the application shall be either hand delivered or transmitted by certified mail, return receipt requested.

The permittee shall not construct a new source under this General Permit until and unless the appropriate Regional Office is notified that the construction is to be conducted and written approval to construct is received. This General Permit may be used by a new source to authorize operation provided that the Department receives written notice from the permittee of the completion of construction and the intent to commence operation at least five (5) working days prior to completion of construction.

The permittee shall notify the Department by telephone within twenty four (24) hours of the discovery of any malfunction of a natural gas production or coal bed methane recovery facility operating pursuant to this General Permit, or any malfunction of an associated air cleaning device that results in, or may possibly be resulting in, the emission of air contaminants in excess of any applicable limitation specified herein or in excess of the limitations specified in any applicable rule or regulation contained in 25 Pa. Code Chapters 121 through 145, or that otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any applicable condition of this General Permit. If the permittee is unable to provide notification within twenty four (24) hours of discovery due to a weekend or holiday, the notification shall be made to the Department by no later than 4 p.m. on the first Department business day following the respective weekend or holiday. The permittee shall additionally provide whatever subsequent written report the Department may request regarding any reported malfunction.

7. Term of Permit

Authority to operate under this General Permit is granted for a fixed term of five (5) years. The Department will notify each applicant, in writing, when authority to operate under this General Permit is granted.

8. Permit Fees

This General Permit establishes the following plan approval application, operating permit application and operating permit renewal fee:

Three hundred seventy-five (\$375.00) dollars.

A plan approval application and fee is required each time the permittee installs or modifies a natural gas production or coal bed methane recovery facility in accordance with this General Permit.

9. Expiration and Renewal of Authorization

The permittee's right to construct and/or operate under this General Permit terminates on the date of expiration of the authorization unless a timely and complete renewal application is submitted to the Department thirty (30) days prior to the expiration date.

Upon receipt of a complete and timely application for renewal to construct and/or operate under this General Permit, the permittee may continue to construct and/or operate the natural gas production or coal bed methane recovery facility subject to final action by the Department on the renewal application, provided, in case of operation, that the natural gas production or coal bed methane recovery facility is operated in compliance with all terms and conditions of this General Permit. This right shall, however, cease to exist if the applicant fails to submit, by

the deadline specified by the Department, any information required by the Department to process the renewal application.

The application for renewal shall include the identity of the owner or operator, location of the facility, current permit number, description of the engines and equipment located at the facility, information regarding previously imposed limitations, the appropriate renewal fee listed in Condition 8 and any other information requested by the Department.

10. Applicable Laws

Nothing in this General Permit relieves the permittee from the obligation to comply with all applicable Federal, state and local laws and regulations.

11. Prohibited Use

Any stationary air contamination source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapters D, E, G, or 25 Pa. Code § 129.91 (relating to control of major sources of NO_x and VOCs) may not construct or operate a natural gas production or coal bed methane recovery facility under this General Permit. This General Permit shall not be used for the installation of internal combustion engine(s) with a rated capacity of more than 1500 bhp.

12. Transfer of Ownership or Operation

The permittee may not transfer the authorization to operate the natural gas production or coal bed methane recovery facility. New owners or operators shall submit a new application and fees as described in Condition 8.

13. Emissions Limits for Natural Gas Production or Coal Bed Methane Recovery Facilities

a. Natural gas production or coal bed methane recovery facilities operated under this General Permit may not, at any time, result in the emission of:

i. Visible emissions in excess of the limitations specified in 25 Pa. Code § 123.41 (relating to limitations) as follows:

A. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any one hour.

B. Equal to or greater than 60% at any time.

ii. Malodorous air contaminants in such a manner that the malodors are detectable outside the facility property.

b. Internal combustion engines for which construction commenced after March 10, 1997, and which have rated capacity equal to or greater than 100 bhp but no greater than 1500 bhp.

These internal combustion engines shall be equipped and operated with air cleaning devices that reduce emissions to levels equal to or less than:

i. NO_x at rated bhp and operating at rated speed—two grams per bhp-hour (gms/bhp-hr);

ii. VOC at rated bhp and operating at rated speed—two gms/bhp-hr;

iii. CO at rated bhp and operating at rated speed—two gms/bhp-hr; and,

iv. At operating conditions less than rated capacity, internal combustion engines shall, on a pounds-per-hour basis, emit no more than they emit at rated bhp and rated speed.

v. Visible emissions in excess of the following limitations:

A. Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any one hour.

B. Equal to or greater than 30% at any time.

c. Glycol dehydrators for which construction commenced after March 10, 1997, and which have a total uncontrolled potential emission rate of VOCs in excess of ten tons per year.

A Glycol Dehydrator is exempt from the requirements of this condition if it can be shown that by using GRI-GLYCalc™ computer software, or an alternative method as approved by the Department total uncontrolled potential emission rate of VOC emissions from the unit is equal to or less than ten (10) tons per year and the unit can be operated without creating malodors as prescribed in Condition 13.c.v.

i. The VOC emissions from the dehydrator still vent stream shall be controlled by at least 85% either with a condenser, a flare or other air cleaning device, or any alternative methods as approved by the Department. This control efficiency requirement must be demonstrated to the satisfaction of the Department.

ii. A Glycol Dehydrator using a condenser as an air cleaning device shall daily achieve an average final exhaust temperature of less than 110 degrees Fahrenheit (110°F).

iii. A Glycol Dehydrator using a flare as an air cleaning device shall ensure destruction of VOC emissions to the flare stack by maintaining the heat content of the flare gas above 300 BTU/scf, and by documenting daily visual observations of the continuous presence of a flame.

iv. Visible emissions from a Glycol Dehydrator using a flare shall not exceed the following limitations:

A. Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any one hour.

B. Equal to or greater than 30% at any time.

v. A Glycol Dehydrator shall not emit malodorous air contaminants in such a manner that the malodors are detectable outside the facility property.

14. Emission Limitations and/or Operating Requirements Previously Established Pursuant to a Case-by-Case Best Available Technology Determination and/or Imposed to Give Synthetic Minor Status

This General Permit cannot be used to vacate BAT or other emission limitations or requirements established through the air quality permitting process.

15. Requirements for Engines Installed After July 1, 1972, Without Obtaining Plan Approval

a. Engines that commenced construction prior to January 1, 1990, shall comply with all requirements of this General Permit except Condition 13.b.

b. Engines that commenced construction after January 1, 1990, but before March 10, 1997, and that have NOx emissions that do not exceed twenty (20) tons per year per engine, shall comply with all requirements of this General Permit except Condition 13.b.

c. Engines that commenced construction after January 1, 1990, but before March 10, 1997, and that have NOx emissions over twenty (20) tons per year per engine, shall comply with all the requirements of this General Permit, including Condition 13.b.

16. Performance Testing

a. The Department shall require verification of NOx emissions from the facility if the NOx emissions are estimated to be equal to or greater than ninety (90) tons per year. The verification may include: vendor guarantees, performance testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing), portable analyzers, recent on-site test data on similar engines, or any other means approved by the Department.

b. When a new internal combustion engine is installed in accordance with Conditions 2 and 13.b., compliance with the emission limitation shall be demonstrated to the satisfaction of the Department. The demonstration may include: vendor guarantees, performance testing in accordance with applicable provisions of 25 Pa. Code Chapter 139, results from portable analyzers, recent on-site test data on similar engines, or any other means approved by the Department.

i. For a new internal combustion engine installed in accordance with Conditions 2 and 13.b. and that has a rated capacity equal to or less than 500 bhp, vendor guarantees shall be sufficient to fulfill this requirement. However, when the NOx emissions from the facility are estimated to be equal to or greater than ninety (90) tons per year, the Department reserves the right to require an additional verification of emission rates, which may include source testing.

ii. For a new internal combustion engine installed in accordance with Conditions 2 and 13.b., and that has a rated capacity greater than 500 bhp, but no greater than 1500 bhp, the permittee shall perform stack testing in accordance with 25 Pa. Code Chapter 139, within one hundred eighty (180) days of issuance of this General Permit. A Department-approved portable analyzer may be used in lieu of initial stack testing. The submittal of the initial testing will be extended to one year should the permittee elect to demonstrate compliance, in lieu of testing, through an alternate means. Alternate means may include parametric monitoring of engine parameters to confirm that engine emissions are within the emission limitations.

In addition to the stack testing required by this condition, within twelve (12) months after the initial stack testing, and annually thereafter, the permittee shall perform NOx emissions tests upon each of the respective engines as stated in Condition 13.b. herein using a portable analyzer approved by the Department. The Department may alter the frequency of annual portable analyzer tests based on the results. The Department may also waive all or parts of this requirement if the permittee demonstrates compliance, in lieu of testing, through alternate means satisfactory to the Department.

The Department reserves the right to require stack tests in accordance with EPA reference methods should the data from the portable analyzer warrant. The purpose of this testing is to demonstrate compliance with the emission limitations required for new engines.

iii. If, at any time, the Department has cause to believe that air contaminant emissions from the facility covered by this General Permit are in excess of the limitations specified in, or established pursuant to, any applicable regulation contained in 25 Pa. Code, Subpart C, Article III, the Department shall require the permittee to conduct tests deemed necessary to demonstrate compliance. The permittee shall perform such testing in accordance with the applicable provisions of 25 Pa. Code Chapter 139

(relating to sampling and testing) and in accordance with any restrictions or limitations established by the Department at the time the permittee is notified, in writing, of the testing requirement.

17. Monitoring, Recordkeeping and Reporting

a. The permittee shall maintain comprehensive, accurate records which, at a minimum, shall include the following:

i. The number of hours per calendar year that each engine or piece of equipment operated.

ii. The amount of fuel used per calendar year in each engine or piece of equipment.

b. When a new internal combustion engine is installed in accordance with Conditions 2 and 13.b. and is required to conduct a performance test, the permittee shall maintain records or report the following:

i. Records including a description of testing methods, results, all engine operating data collected during the tests, and a copy of the calculations performed to determine compliance with emission standards.

ii. Copies of the report that demonstrates that the engines were operating at rated bhp and rated speed conditions during performance testing.

iii. Submittal of reports in accordance with the requirements and schedules outlined in Condition 16.a. of this General Permit.

c. When a new dehydrator is installed in accordance with Conditions 2 and 13.c., the permittee shall maintain the following:

i. A record of the results of any testing conducted to determine compliance with Condition 13.c.

ii. If a Glycol Dehydrator using a condenser as an air cleaning device is installed, a record of final exhaust temperature and time observed shall be recorded twice per week on different days during daylight hours.

iii. If a Glycol Dehydrator using a flare as an air cleaning device is installed, a record of daily visual observations of the continuous presence of a flame shall be recorded.

iv. The date of any maintenance and repair of the required air cleaning device and duration of uncontrolled emissions during such activities.

d. For a Glycol unit for which exemptions from Conditions 2 and 13.c. are being claimed, the permittee shall maintain the following records:

i. VOC emissions using GRI-GLYCalc™ computer software or an alternative method as approved by the Department.

ii. A record of actual throughput per day and the glycol circulation rate.

These records shall be retained for a minimum of two years and shall be made available to the Department upon request. The Department reserves the right to expand the list contained in this condition as it may reasonably prescribe pursuant to the provisions of Section 4 of the Pennsylvania Air Pollution Control Act (35 P. S. §§ 4004), and as it may deem necessary to determine compliance with any condition contained herein.

18. Start-up and Shut-down Exclusion

The emission limitations stated in Conditions 13.a.i, 13.b., and 13.c. shall apply at all times except during periods of start-up and shut-down, provided, however,

that the duration of start-ups and shut-downs do not exceed one hour per occurrence.

Opportunity to Comment

A copy of the draft revised General Permit will be made available on the Department's website at www.depweb.state.pa.us (DEP Keyword: Public Participation; select Proposals Open for Comment). A copy of the draft revised General Permit may also be obtained by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-5984.

The Department requests written comments on the proposed revisions to the General Permit by January 10, 2006. Comments received by facsimile will not be accepted. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Craig A. Evans, Chief, Title V/NSR Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed General Permit.

Upon conclusion of the public comment period, the Department will publish a notice in the *Pennsylvania Bulletin* concerning the issuance of the modified General Permit.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-2176. Filed for public inspection November 23, 2005, 9:00 a.m.]

Request for Applications for Watershed Restoration and Protection Grants Through the Growing Greener I and II Programs

As part of the 2006 Department of Environmental Protection's (Department) Growing Greener I and II Programs, applications are now being accepted for watershed protection and restoration grants. Under the Environmental Stewardship and Watershed Protection Act (27 Pa.C.S. §§ 6101—6113), the Department is authorized to allocate these grants to a variety of eligible applicants including: counties, authorities and other municipalities; county conservation districts; watershed organizations recognized by the Department who promote local watershed conservation efforts, council of governments, and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth. Growing Greener II provides additional focus on capital improvement projects related to watershed protection, mine and abandoned mine remediation and plugging of abandoned oil and gas wells.

For the upcoming grant round, the Department will invest in projects that will ultimately protect and/or restore this Commonwealth's watersheds from impairment due to nonpoint source pollution. Special priority areas include: comprehensive watershed plan implementation, legacy sediment and stream restoration, nutrient and sediment trading, denitrifying onlot systems and long-term operation, maintenance and repair of existing and future growing greener funded projects.

Eligible projects could include reducing nonpoint source pollution in watersheds where streams are impaired; designing practices and activities that support water quality trading initiatives; integrating stormwater management and flood protection into watershed management; encouraging the beneficial use of abandoned mine pool water; and integrating air deposition controls and management with mitigating water quality problems.

The deadline for submitting applications to the Department's Growing Greener Grants Center (Center) is March 3, 2006. Applications must be postmarked no later than March 3, 2006. If hand delivered, the package must be received by the Center by 4:30 p.m. on March 3, 2006, at the address that follows. Late submissions will not be considered.

Through the same application, applicants can apply for additional funding through the Department's Flood Protection Grant Program. Flood protection grants are for communities that operate and maintain State and Federal flood protection projects.

To request or download an application or obtain more information concerning the Growing Greener Programs, visit the Growing Greener website at www.depweb.state.pa.us (DEP Keyword: Growing Greener). Persons can send e-mails to GrowingGreener@state.pa.us or contact the Center at (717) 705-5400. Written correspondence should be addressed to the DEP Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-2177. Filed for public inspection November 23, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Bureau of Managed Care Address Change

Under 28 Pa. Code § 9.703(d) (relating to internal complaint process), the Department of Health (Department) gives notice that the address for purposes of complaint and grievance information is Department of Health, Bureau of Managed Care, Health and Welfare Building, Room 912, 7th and Forster Streets, Harrisburg, PA 17120.

The Department has discontinued the use of its address including its post office box number to protect the confidentiality of information mailed to the Department.

Persons with questions regarding this notice should contact James Ratcliff, Room 912, Health and Welfare Building, Department of Health, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-5193 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

Persons who require an alternative format of this notice (for example, large print, audiotape, Braille) may contact James Ratcliff at the previously listed address or telephone numbers so that necessary arrangements can be made.

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

[Pa.B. Doc. No. 05-2178. Filed for public inspection November 23, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Procedure Code Changes for Renal Dialysis Services

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule for renal dialysis services.

Fee Schedule Revisions

Effective with dates of service on or after November 1, 2005, local procedure codes W0918—W0926, W0928, W0929, W0982 are being end-dated. Except as set forth as follows, these local procedure codes are being replaced with National procedure codes.

Local procedure code W0927 titled "Water Softener, Monthly Rental" is being end-dated and not replaced with a National procedure code because no claims have been submitted using this procedure code from January 1, 2001, to September 20, 2005. The Department is not cross walking W0927 to a National procedure code.

A Medical Assistance Bulletin will be issued to physicians and renal dialysis centers setting forth the local procedure codes that are being end-dated and, if applicable, the National procedure codes that are replacing them.

Services rendered on or after November 1, 2005, must be billed using the National procedure code.

Fiscal Impact

The conversion from local to National procedure codes is anticipated to be budget neutral; therefore, these changes will have no fiscal impact.

Public Comment

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

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-449. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2179. Filed for public inspection November 23, 2005, 9:00 a.m.]

Medical Assistance Program Fee Schedule Revisions

The purpose of this notice is to announce the end-dating of the following procedure codes from the Medical Assistance (MA) Program Fee Schedule effective with dates of service January 1, 2006:

- 90701, diphtheria, tetanus toxoids and whole-cell pertussis vaccine (DTP), for intramuscular use.
- 90712, poliovirus vaccine, any type, (OPV), live, for oral use.
- 90720, diphtheria, tetanus toxoids and whole cell pertussis vaccine and Hemophilus influenza B vaccine (DTP+Hib), for intramuscular use.

These procedure codes were used for the administration of the DTP, OPV and DTP+Hib vaccines, respectively. MA-enrolled providers billed the Department of Public Welfare (Department) for the related vaccine products by indicating the National Drug Code (NDC) for the corresponding drug or vaccine on the billing form. The Department end-dated the NDCs on the PROMISE™ Drug/NDC Fee Schedule when it was advised that the vaccine products were no longer being manufactured.

The vaccines are no longer recommended for use. The Centers for Disease Prevention and Control's Advisory Committee for Immunization Practices (ACIP) recommended that, beginning in the year 2000, only intravenous polio vaccine should be used for routine immunizations due to the progress in global poliomyelitis eradication and the reduction of the burden of vaccine-associated paralytic polio. In addition, ACIP recommended that acellular pertussis vaccines combined with diphtheria and tetanus toxoids (DTaP), rather than whole-cell pertussis DTP, be used for all five doses of the vaccine series because of the lower frequency of adverse effects. Currently, only DTaP is available in the United States.

The Pennsylvania Chapter of the American Academy of Pediatrics was contacted and confirmed that the end-dating of these procedure codes would not adversely affect their pediatric practices as providers are not currently using these vaccines.

Fiscal Impact

The end-dating of these obsolete procedure codes will have no fiscal impact.

Public Comments

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, P. O. Box 2675, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the 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 (TTD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-450. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 05-2180. Filed for public inspection November 23, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by COELL Properties, LP seeking to lease highway right-of-way located along SR 0028 to the rear of Division Road (Legislative Route 1037 Section 1 R/W), Frazer Township, Allegheny County, containing 28,314± square feet or 0.650± acre, for the purpose of displaying and storing vehicles.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-2181. Filed for public inspection November 23, 2005, 9:00 a.m.]

Transportation Funding and Reform Commission Public Meeting

The Transportation Funding and Reform Commission will hold a meeting on Wednesday, November 30, 2005, at the Erie Intermodal Transportation Center, 208 East Bayfront Parkway, Erie, PA. The meeting is scheduled to begin at 9:30 a.m. with Chairperson Allen D. Biehler presiding.

The meeting is open to the public to attend.

The meeting location is accessible to persons having disabilities. Persons having special needs or requiring special aides are requested to contact Jeanie Schneider, Department of Transportation, Bureau of Public Transportation at (717) 787-3921 prior to the meeting in order that disability needs may be accommodated.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-2182. Filed for public inspection November 23, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION

2006 Designations and Redesignations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) has designated, redesignated or removed the following streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations) effective January 1, 2006:

58 Pa. Code § 65.2. Delayed Harvest Fly-Fishing Only Areas

The Commission has removed the following stream sections from the list of Delayed Harvest Fly-Fishing Only Areas under 58 Pa. Code § 65.2:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Adams	Conewago Creek	1.1 miles From 0.1 mile downstream of T-340 downstream to SR 34
Bedford	Yellow Creek	0.9 mile From cable near Red Bank Hill downstream to mouth of Maple Run (Jacks Run)
Cameron	Driftwood Branch, Sinnemahoning Creek	1.4 miles From Shippen Township Building downstream to near SR 120 west of Emporium
Chester	French Creek	0.9 mile From dam at Camp Sleepy Hollow downstream to Hollow Road
Cumberland	Green Spring Creek	1.0 mile From near confluence with Bulls Head Branch downstream to mouth
Dauphin	Clark Creek	1.9 miles From Game Commission (Commission) rifle range parking area on SR 325 downstream to Commission access road at the Iron Furnace
Delaware	Ridley Creek	0.6 mile From falls in Ridley Creek State Park downstream to mouth of Dismal Run
Elk	West Branch Clarion River	0.5 mile From wire across stream downstream to intersection of SR 219 and SR 4003
Fayette	Dunbar Creek	4.1 miles From confluence of Glade Run downstream to stone quarry along SR 1055
Franklin	East Branch Antietam Creek	1.0 mile From SR 16 downstream to T-365
Indiana	Little Mahoning Creek	4.1 miles From Cesna Run downstream to SR 1034 at Rochester Mills
Jefferson	North Fork Redbank Creek	1.9 miles From SR 322 in Brookville upstream for a distance of 1.9 miles except 110-yard section from Water Authority Dam downstream to wire across stream
Lancaster	Donegal Creek	2.4 miles From 275 yards downstream of SR 772 downstream to T-334
Lancaster	West Branch Octoraro Creek	2.1 miles From 30 yards downstream of SR 0472 Bridge downstream to near confluence with second unnamed tributary downstream of SR 2010
Lawrence	Slippery Rock Creek	0.5 mile From Heinz Camp property downstream to 0.25 mile downstream of SR 2022 bridge

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Lehigh	Little Lehigh Creek	1.8 miles From downstream face of bridge on T-508 (Wild Cherry Lane) downstream to upstream face of bridge on T-510 (Millrace Road)
McKean	Marvin Creek	1.1 miles From vicinity of high voltage line (3 miles south of Smethport) downstream
Monroe	Bushkill Creek	6.1 miles Resica Falls Scout Reservation property except 200 yards on each side of the falls
Potter	Kettle Creek	1.7 miles From the sign located 500 feet downstream of SR 144 bridge upstream to sign located 1.7 miles upstream
Somerset	Clear Shade Creek	1.0 mile From cable 1 mile upstream of Windber Water Dam downstream to dam
Union	White Deer Creek	3.1 miles From Centre/Union County line downstream to Cooper Mill Road
Venango	Little Sandy Creek	1.3 miles From old bridge at Polk Center pump house downstream to SR 3024 bridge at Polk
Warren	Caldwell Creek	1.4 miles From Selkirk highway bridge downstream to approximately 0.5 mile upstream of Dotyville Bridge
Wayne	Dyberry Creek	0.8 mile From Widmer property line about 1 mile downstream of Tanner's Falls downstream to Mary Wilcox Bridge on SR 4009
Wyoming	Bowman Creek	1.0 mile From vicinity of SR 292 downstream to near the confluence with Marsh Creek
York	Muddy Creek	1.6 miles From 300 yards downstream of Bruce Road Bridge (T-628) in Bruce downstream to 300 yards upstream of Bridgeton Road (SR 2032) bridge in Bridgeton

58 Pa. Code § 65.3. Heritage Trout Angling Program

The Commission has removed the following stream sections from the list of waters regulated and managed under the Heritage Trout Angling Program under 58 Pa. Code § 65.3:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Centre	Spring Creek (Fisherman's Paradise)	1.0 mile From a point adjacent to Stackhouse School Pistol Range downstream to lower Boundary of Bellefonte State Fish Hatchery
Cumberland	Big Spring Creek	1.1 miles From 100 feet downstream of source (Big Spring) downstream to the Nealy Road Bridge
Cumberland	Letort Spring Run	1.5 miles From 300 yards upstream of the bridge on T-481 downstream to the Reading Railroad bridge at the southern edge of Letort Spring Park
Franklin	Falling Spring Branch	2.4 miles From Briar Lane bridge downstream to a wire fence crossing the Thomas L. Geisel property

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Lehigh	Little Lehigh Creek	1.0 mile From upstream face of Fish Hatchery Road bridge downstream to near the 24th Street bridge
Lycoming/Tioga	Slate Run	7.0 miles From the confluence of the Cushman and Francis Branches downstream to the mouth
Tioga	Francis Branch, Tributary to Slate Run	1.7 miles From Kramer Hollow downstream to mouth

58 Pa. Code § 65.4a. All-Tackle Trophy Trout

The Commission has removed the following stream sections from the list of waters regulated and managed as All-Tackle Trophy Trout under 58 Pa. Code § 65.4a:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Blair/Huntingdon	Little Juniata River	From the railroad bridge at the east (downstream) border of Ironville downstream to the mouth, a distance of 13.5 miles
Elk	Clarion River	From the confluence of the East and West Branches downstream to the confluence with Elk Creek, a distance of 8.5 miles

58 Pa. Code § 65.5. Catch-and-release Areas

The Commission has removed the following stream section from the list of Catch-and-Release Areas regulated and managed under 58 Pa. Code § 65.5:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Potter	East Fork Sinnemahoning Creek	From the confluence of Wild Boy Run downstream to the confluence with Camp Run, a distance of 2.9 miles

58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only (DHALO) Areas

The Commission has designated the following stream section as a DHALO Area regulated and managed under 58 Pa. Code § 65.6:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Dauphin	Wiconisco Creek	From the western edge of the Ned Smith Center for Nature and Art (RM 2.43) downstream to the power line crossing 1.7 miles upstream from the mouth (RM 1.69), a distance of 0.74 mile

The Commission has removed the following stream sections from the list of DHALO Areas regulated and managed under 58 Pa. Code § 65.6:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Adams	Bermudian Creek	From the SR 1009 (Wierman Mill) Bridge downstream to T-619, a distance of 1.0 miles
Bradford	Schrader Creek	From the State Game Lands #36 boundary downstream to 100 yards downstream of the confluence of Bull Run, a distance of 1.2 miles

58 Pa. Code § 65.10. Early Season Trout Stocked Waters Program

The Commission has added the following waters to the list of waters regulated and managed under the Early Season Trout Stocked Waters Program pursuant to 58 Pa. Code § 65.10:

<i>County</i>	<i>Water</i>
Montgomery	Deep Creek Dam
Susquehanna	Quaker Lake

58 Pa. Code § 65.14. Catch and Release Fly-Fishing Only Areas

The Commission has designated the following streams sections as Catch and Release Fly-Fishing Only Areas regulated and managed under 58 Pa. Code § 65.14:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Adams	Conewago Creek	1.1 miles From 0.1 mile downstream of T-340 downstream to SR 34
Bedford	Yellow Creek	0.9 mile From cable near Red Bank Hill downstream to mouth of Maple Run (Jacks Run)
Cameron	Driftwood Branch, Sinnemahoning Creek	1.4 miles From Shippen Township Building downstream to near SR 120 west of Emporium
Chester	French Creek	0.9 mile From dam at Camp Sleepy Hollow downstream to Hollow Road
Centre	Spring Creek (Fisherman's Paradise)	1.0 mile From a point adjacent to Stackhouse School Pistol Range downstream to lower Boundary of Bellefonte State Fish Hatchery
Cumberland	Big Spring Creek	1.1 miles From 100 feet downstream of source (Big Spring) downstream to the Nealy Road Bridge
Cumberland	Green Spring Creek	1.0 mile From near confluence with Bulls Head Branch downstream to mouth
Cumberland	Letort Spring Run	1.5 miles From 300 yards upstream of the bridge on T-481 downstream to the Reading Railroad bridge at the southern edge of Letort Spring Park
Dauphin	Clark Creek	1.9 miles From Game Commission (Commission) rifle range parking area on SR 325 downstream to Commission access road at the Iron Furnace
Delaware	Ridley Creek	0.6 mile From falls in Ridley Creek State Park downstream to mouth of Dismal Run
Elk	West Branch Clarion River	0.5 mile From wire across stream downstream to intersection of SR 219 and SR 4003
Fayette	Dunbar Creek	4.1 miles From confluence of Glade Run downstream to stone quarry along SR 1055
Franklin	East Branch Antietam Creek	1.0 mile From SR 16 downstream to T-365
Franklin	Falling Spring Branch	2.4 miles From Briar Lane bridge downstream to a wire fence crossing the Thomas L. Geisel property
Indiana	Little Mahoning Creek	4.1 miles From Cesna Run downstream to SR 1034 at Rochester Mills
Jefferson	North Fork Redbank Creek	1.9 miles From SR 322 in Brookville upstream for a distance of 1.9 miles except 110-yard section from Water Authority Dam downstream to wire across stream
Lancaster	Donegal Creek	2.4 miles From 275 yards downstream of SR 772 downstream to T-334

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Lancaster	West Branch Octoraro Creek	2.1 miles From 30 yards downstream of SR 0472 Bridge downstream to near confluence with second unnamed tributary downstream of SR 2010
Lawrence	Slippery Rock Creek	0.5 mile From Heinz Camp property downstream to 0.25 mile downstream of SR 2022 bridge
Lehigh	Little Lehigh Creek	1.8 miles From downstream face of bridge on T-508 (Wild Cherry Lane) downstream to upstream face of bridge on T-510 (Millrace Road)
Lehigh	Little Lehigh Creek	1.0 mile From upstream face of Fish Hatchery Road bridge downstream to near the 24th Street bridge
Lycoming/Tioga	Slate Run	7.0 miles From the confluence of the Cushman and Francis Branches downstream to the mouth
McKean	Marvin Creek	1.1 miles From vicinity of high voltage line (3 miles south of Smethport) downstream
Monroe	Bushkill Creek	6.1 miles Resica Falls Scout Reservation property except 200 yards on each side of the falls
Potter	Kettle Creek	1.7 miles From the sign located 500 feet downstream of SR 144 bridge upstream to sign located 1.7 miles upstream
Somerset	Clear Shade Creek	1.0 mile From cable 1 mile upstream of Windber Water Dam downstream to dam
Tioga	Francis Branch, Tributary to Slate Run	1.7 miles From Kramer Hollow downstream to mouth
Union	White Deer Creek	3.1 miles From Centre/Union County line downstream to Cooper Mill Road
Venango	Little Sandy Creek	1.3 miles From old bridge at Polk Center pump house downstream to SR 3024 bridge at Polk
Warren	Caldwell Creek	1.4 miles From Selkirk highway bridge downstream to approximately 0.5 miles upstream of Dotyville Bridge
Wayne	Dyberry Creek	0.8 mile From Widmer property line about 1 mile downstream of Tanner's Falls downstream to Mary Wilcox Bridge on SR 4009
Wyoming	Bowman Creek	1.0 mile From vicinity of SR 292 downstream to near the confluence with Marsh Creek
York	Muddy Creek	1.6 miles From 300 yards downstream of Bruce Road Bridge (T-628) in Bruce downstream to 300 yards upstream of Bridgeton Rd. (SR 2032) bridge in Bridgeton

58 Pa. Code § 65.15. Catch and Release All-Tackle Areas

The Commission has designated the following stream sections as Catch and Release All-Tackle Areas regulated and managed under 58 Pa. Code § 65.15:

<i>County</i>	<i>Water</i>	<i>Description</i>
Blair/Huntingdon	Little Juniata River	From the railroad bridge at the east (downstream) border of Ironville downstream to the mouth, a distance of 13.5 miles
Centre	Spring Creek	From the SR 3010 (Boalsburg Road) bridge at Oak Hall upstream of Hanson Quarry (formerly HRI/Neidig Bros Quarry) to the mouth with the exception of the specially regulated area at Fisherman's Paradise and the Exhibition Area in Bellefonte, a distance of 16.5 miles
Chester/Montgomery	Valley Creek and tributaries	Valley Creek at Valley Forge and tributaries including Little Valley Creek. Special bait restrictions exist within Valley Forge National Historical Park
Elk	Clarion River	From the confluence of the East and West Branches downstream to the confluence with Elk Creek, a distance of 8.5 miles

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

[Pa.B. Doc. No. 05-2183. Filed for public inspection November 23, 2005, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on December 13, 2005, at 9:45 a.m. in Hearing Room 1, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Allegheny Plateau Region

1. *Academy Hall*, Normal Street, Edinboro, Erie County.

Southwestern Pennsylvania Region

2. *Hamilton-Ely Farmstead*, 1055 Sugar Run Road, Whitely Township, Greene County.

Ridge and Valley Region

3. *Samuel Dale House*, 1471 Strawridge Road, Buffalo Township, Union County.

Great Valley and Piedmont Region

4. *Thornton Village Historic District*, centered on Glen Mills Road and Concord Road, Thornbury Township, Delaware County.

5. *Hood Octagonal School*, 3500 West Chester Pike, Newtown Township, Delaware County.

Anthracite and Poconos Region

6. *Grace Episcopal Church*, 827 Church Street, Honesdale, Wayne County.

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 05-2184. Filed for public inspection November 23, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
106-8	Environmental Hearing Board Practice and Procedure	11/10/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-2185. Filed for public inspection November 23, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna Health Inc.; Small Group Rate Increase; Rate Filing

On November 7, 2005, Aetna Health Inc. filed for a rate increase for its small group HMO products. The company requests the following rate increases by region: Philadelphia, Pittsburgh, Erie and State College areas 19.6%; Berks area 33.82%; Lancaster and Harrisburg areas 22.73%.

Unless formal administrative action is taken before December 25, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-2186. Filed for public inspection November 23, 2005, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the

Authority's 11 member Board of Directors on Tuesday, December 13, 2005, at 10:30 a.m. at the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 05-2187. Filed for public inspection November 23, 2005, 9:00 a.m.]

PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board is scheduled to be held on Friday, December 16, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda will be available prior to the meeting on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keyword: PEDA). Questions concerning the agenda should be directed to Jeanne Dworetzky, (717) 783-8911, jdworetzky@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amanda Richards at (717) 772-8911 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-2188. Filed for public inspection November 23, 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

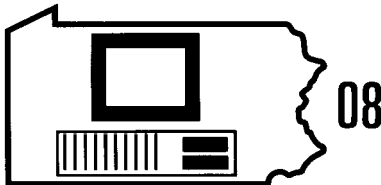
DO BUSINESS WITH STATE AGENCIES

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.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

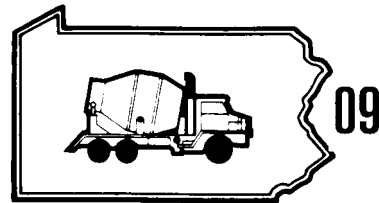
SERVICES



Computer Related Services

RFP# 10078940 Bloomsburg University is seeking vendors interested in responding to a request for proposal for an independent analysis, evaluation and recommendations for internet websites operated by Bloomsburg University of Pennsylvania. Evaluation will need to include focus groups or surveys as well as observations, suggestions, and solutions based on the vendor's recognized expertise in Internet communication. All interested vendors can receive a copy of the RFP By emailing rhakim@bloomu.edu. RFP will be issued on November 23, 2005 and be due on December 21, 2005. Target date for award is February 2006.

Department: State System of Higher Education
Location: Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815
Duration: Undetermined at this time
Contact: Robert Hakim, 570-389-4311



Construction & Construction Maintenance

RFI-Geotechnical Firms Millersville University would like to hear from Geotechnical firms specializing in site, foundation and soil analysis with a possible future RFP for a multi-year open-ended contract in mind. An acceptable firm must also be able to provide a full range of testing and analyzing capabilities. This ad is to request information only and no specific project is available at this time. Please respond by E-mailing a letter of interest and company information to John.Cox@millersville.edu.

Department: State System of Higher Education
Location: Millersville University, Millersville Borough
Duration: N/A at this time
Contact: John Cox, 717-871-2083



Financial and Insurance Consulting

BNKNG-TRUST-001 The Department of Banking seeks an outside review of the policies, procedures, and qualifications of Department of Banking staff responsible for examining and supervising non-depository trust companies as mandated in the Department of Banking Code of 1933. The review shall also include reviewing the adequacy of the Banking Fund in the event of a Department takeover of a non-depository trust company.

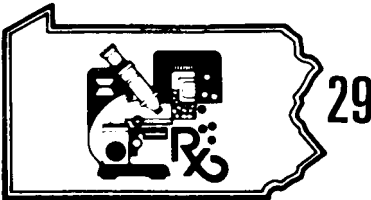
Department: Banking
Location: 333 Market Street, Harrisburg, PA 17101
Duration: Through 6/1/06.
Contact: Christie Sharma, 717-346-9344



Janitorial Services

FM8942 Furnish materials, equipment, and labor to perform janitorial services three (3) visits per week at location listed below. The detailed work schedule and bid specifications must be obtained from the Facility Management Division at 717-705-5952.

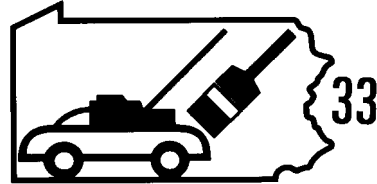
Department: State Police
Location: Pennsylvania State Police, Troop G, Philipsburg Station, 3104 Port Matilda Highway, Philipsburg, PA 16866
Duration: February 1, 2006 through June 30 2008
Contact: Helen Fuhrman, 717-705-5952



Medical Services

CN00017712 Vision examinations for individuals residing at Polk Center by a physician who is a specialist in the diseases of the eye or by an optometrist, certified to Practice in the Commonwealth of Pennsylvania. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.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 contact 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.

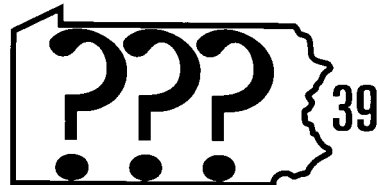
Department: Public Welfare
Location: Polk Center, P O Box 94, Polk, PA 16342
Duration: Anticipated March 1, 2006 through June 30, 2009
Contact: Amy Taterek, 814-432-0229



Property Maintenance

SSHE 401-BL-804 Work under this project consists of removing asbestos tiles in all 160 student rooms, removing and disposing of all built-in furniture, painting all dorm rooms, stairwells, hallways, closets, storage rooms, and laundry rooms, installing new floor tile, minor electrical modifications and attached new University supplied furniture to the walls. This will be a one-prime contract. To obtain a copy of the bid documents submit a \$25.00 non-refundable deposit to Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815, ATTN: Diann Shamburg, phone #570-389-4312, fax #570-389-2017. The pre-bid conference will be held on January 5, 2006 and bids will be due January 19, 2006.

Department: State System of Higher Education
Location: Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815
Duration: 74 calendar days from May 15, 2006 through July 28, 2006
Contact: Diann Shamburg, 570-389-4312



Miscellaneous

RFA#2006-ACS-01 PENNSERVE: The Governor's Office of Citizen Service announces the availability of grant funding for operation of AMERICORPS® State service programs by not-for-profit organizations, community-based, faith-based, government agencies and educational institutions. The grants support the administration of volunteer service programs that meet locally-identified needs in the areas of education, public safety, homeland security, the environment and other human services. The Federal program requires a cash and/or in-kind match from successful applicants. Application instructions are available on the PENNSERVE website, WWW.PENNSERVE.STATE.PA.US or by calling 717-787-1971. All applications are due to PENNSERVE by 4:00 P.M., EST on Tuesday, January 10, 2006.

Department: Labor and Industry
Location: 1306 Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120
Duration: One year upon award. Part of three-year cycle.
Contact: D. MARK SIMPSON, 717-787-1971

2005-5 The Legislative Budget and Finance Committee, pursuant to Senate Resolution 124 and Senate Resolution 131, is required to conduct a study to determine the advantages and disadvantages of creating a separate cabinet-level Department of Veterans Affairs, as well as conduct a comprehensive study and review of veterans services in Pennsylvania. Specifically, the LB&FC is directed to examine how such services are organized, managed, funded and staffed at the state and local levels as well as review the composition, functions and duties of the State Veterans Commission and the advisory councils for veterans homes. The study is also to compare Pennsylvania's veterans services with those that are provided in other states. The study is to include recommendations on how Pennsylvania should best organize, manage, fund and staff veterans programs at the state and local levels to provide the best services in the most cost effective and efficient manner, and to review and consider the costs and benefits of a broad range of options for best providing such services, including, but not limited to creating a separate Department of Veterans Affairs. Responses to the RFP are due by close of business (4:30 p.m.) on December 6, 2005, and the stated project completion date is June 1, 2006.

Department: Legislative Budget and Finance Committee
Location: 400-A Finance Building, North and Commonwealth Streets, Harrisburg, PA; P.O. Box 8737, Harrisburg, PA 17105
Duration: Through project completion targeted for June 1, 2006.
Contact: Philip Durgin, Executive Director, 717.783.1600

RFI 20051114 The Liquor Control Board is issuing this Request For Information (RFI) # 20051114 for the purpose of searching for qualified consultants to assist the Board in developing curriculum for it's wine education program. Minimum qualifications for the consultant include: Ph.D. or Ed.D. in Education (Teacher Education, Adult Education or related field); Minimum of 10 years experience in curriculum development; Consultancy experience in training, curriculum development and/or wine education; Completion of training in wine knowledge/appreciation and/or wine education, specifically with: wine flavor profiles, wine and food pairings and major wine varieties. Interested parties wishing to receive a copy of the detailed Project Scope must submit a request to dbrinser@state.pa.us. Responses to this RFI # 20051114 are due on December 8, 2005 at 1:00 p.m.

Department: Liquor Control Board
Location: Harrisburg
Duration: To be determined
Contact: Debra Brinser, (717) 787-9851

RFP 18-05 The Department of Public Welfare, Office of Mental Health and Substance Abuse Services, is seeking proposals for the expansion of the Health Choices Behavioral Health Program into Lackawanna, Luzerne, Susquehanna and Wyoming Counties. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.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 contact 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. Technical and Disadvantaged Business proposals must be received no later than January 5, 2006 at 2:00 P.M. COST Proposals must be received no later than February 1, 2006 at 2:00 P.M. Please check back often to this site. Updates will be posted as they occur.

Department: Public Welfare
Location: Lackawanna, Luzerne, Susquehanna and Wyoming Counties.
Duration: Approximately 36 months ending June 30, 2009 with one (1) two-year renewal option.
Contact: Beth Trowbridge, 717-783-1083

[Pa.B. Doc. No. 05-2189. Filed for public inspection November 23, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 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

