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# PENNSYLVANIA BULLETIN

Volume 34

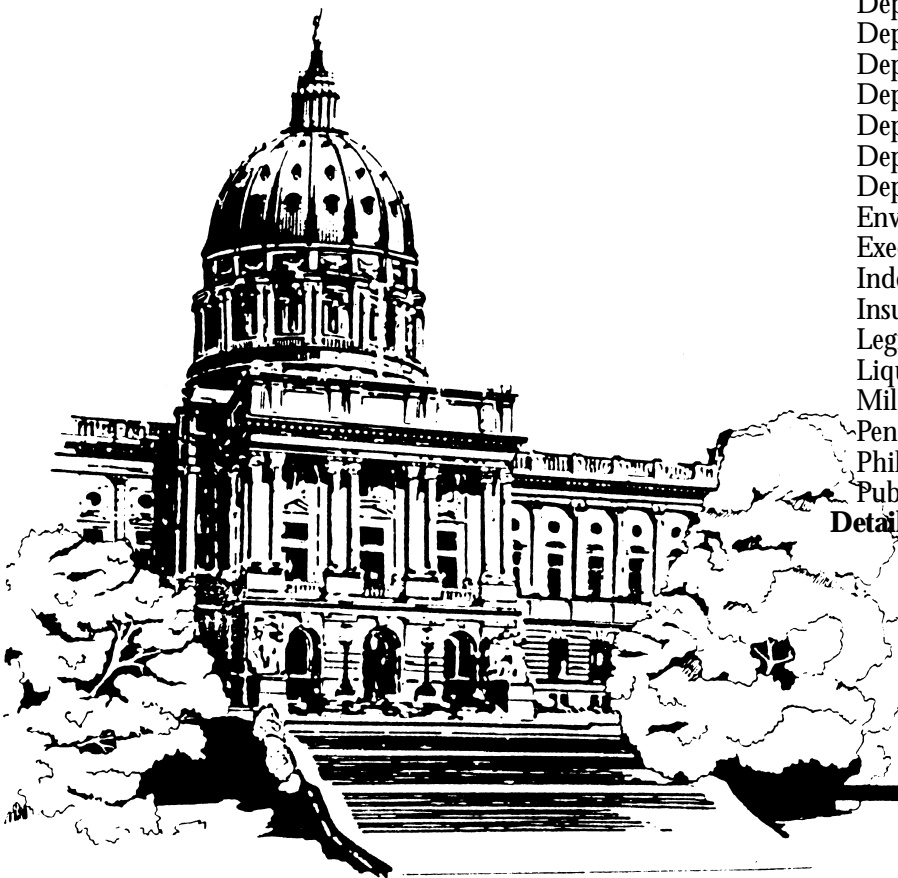
Number 16

Saturday, April 17, 2004 • Harrisburg, Pa.

Pages 2049—2154

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The General Assembly  
The Courts  
Delaware River Basin Commission  
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Department of Conservation and Natural Resources  
Department of Education  
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Department of General Services  
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Legislative Reference Bureau  
Liquor Control Board  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 353, April 2004**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2004-2]

#### Utilization of Commonwealth-Owned and Leased Space

February 18, 2004

*Whereas*, the Commonwealth of Pennsylvania currently owns approximately 11,000 buildings, and its executive agencies lease approximately another 700 buildings; and

*Whereas*, pursuant to Section 2402(a) of The Administrative Code of 1929, 71 P. S. § 632(a), the Department of General Services is responsible for the management of space within the Capitol Complex buildings and those buildings designated as state office buildings, and any building or buildings that may have been devised or may hereafter be devised to the Commonwealth; and

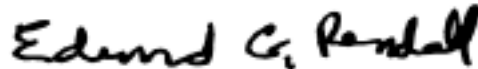
*Whereas*, pursuant to Section 2402(d) of The Administrative Code of 1929, 71 P. S. § 632(d), the Department of General Services is designated as the leasing agent for the Commonwealth and may contract in writing for and rent proper and adequate offices, rooms, or other accommodations outside of the Capitol buildings, for any department, board, or commission which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and

*Whereas*, pursuant to Article XXIV-A of The Administrative Code of 1929, 71 P. S. §§ 651.1—651.9, the Department of General Services is the Commonwealth's agent for the disposal of surplus real property; and

*Whereas*, pursuant to the Downtown Location Law, 73 P. S. §§ 821—825, the General Assembly found it to be in the best interests of this Commonwealth to facilitate the revitalization of traditional central and neighborhood business districts within our communities; and

*Whereas*, the public interest and sound management principles require that one central office shall be designated to manage the utilization of Commonwealth-owned and leased space in order to maximize the use of the Commonwealth's resources and to effectuate the intent of the Downtown Location Law.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby designate the Department of General Services as the central agency to manage the utilization of all Commonwealth-owned and leased space.



Governor

**Fiscal Note:** GOV 04-1. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter AA. UTILIZATION OF COMMONWEALTH-OWNED AND LEASED SPACE

- Sec.  
1.321. Responsibilities.  
1.322. Compliance by State agencies.

- 1.323. Requests for space.
- 1.324. Department relationship with other agencies.
- 1.325. Effective date.
- 1.326. Termination date.
- 1.327. Rescission.

**§ 1.321. Responsibilities.**

(a) The Department of General Services is responsible for:

- (1) The central management of the allocation of Commonwealth-owned and leased space and shall have all necessary authority to do so properly.
- (2) Maintaining an inventory of all Commonwealth-owned and leased space and shall regularly inspect these facilities to ensure that they are being fully and economically used by the tenant agencies.
- (3) Upon receipt of a request from an agency for additional space or for the renewal of a lease for existing space, determining the following:
  - (i) Whether there exists proper justification for the request.
  - (ii) Whether the type of facility, its size and location are justified on the basis of its intended use and the actual complement of personnel using the space.
  - (iii) Whether the request can be accommodated by the use of already existing Commonwealth-owned or leased space, or by consolidation with existing owned or leased space.
  - (iv) Whether, in the case of a request for a renewal, the lease should be renewed and the terms of the renewal outlined in writing.
- (4) Terminating or amending leases.
- (5) Decreasing the amount of space leased.
- (6) Ordering the consolidation of space within or among facilities and agencies.
- (7) Moving agencies from leased space to owned space.
- (8) Declaring property surplus to the needs of an agency.
- (9) Taking any other action that will result in the elimination of unnecessary or inefficiently used space and the comprehensive and economic use of all existing facilities and land.

(b) No approval or consent of the tenant agency will be required for the Department of General Services to take action under this section.

**§ 1.322. Compliance by State agencies.**

Administrative departments, boards and commissions shall:

- (1) Comply with sections 508 and 2402(a) of The Administrative Code of 1929 (71 P. S. §§ 188 and 632(a)) and 62 Pa.C.S. § 322 (relating to specific construction powers, duties and procedures) when expending funds in connection with planning for or when altering, repairing or improving Capitol Complex buildings or those buildings designated as State office buildings.
- (2) Obtain approval from the Department General Services before changing the location of space assigned in Capitol Complex buildings or those buildings designated as State office buildings.
- (3) Obtain approval from the Department of General Services before leasing space or renewing or renegotiating leases.
- (4) Comply with section 2402(a) of The Administrative Code of 1929 by providing the Department of General Services a listing of all annual surveys of real property under their jurisdiction, and identifying among the real properties those that are surplus to their current needs.

**§ 1.323. Requests for space.**

Agency heads are responsible for requesting additional space, if needed, or for renewing leases. To request additional space or to renew a lease, alternatives to doing so should be reviewed by agency heads, including the possibility of consolidations within their agency or with other agencies in

already-leased or Commonwealth-owned facilities. Agency heads' efforts, in this regard, shall be fully detailed in any request to the Department of General Services for space.

(1) Upon receipt of the Department of General Services' response to any request for space, the agency head of the requesting agency shall direct a staffperson to prepare and provide the Department of General Services with whatever agency authorization is required, and to cooperate and comply with the Department of General Services' decision.

(2) Consistent with the Downtown Location Law (73 P. S. §§ 821—840) and guidelines developed by the Department of General Services, agency heads are strongly encouraged to lease space in downtown areas, whenever possible. The Department of General Services will take all measures necessary to ensure that the goals of the Downtown Location Law are met, and that lessors with facilities located in downtown areas are provided with opportunities to lease those facilities to Commonwealth agencies.

**§ 1.324. Department relationship with other agencies.**

To implement the purpose of this subchapter, the Department of General Services may request and receive from any department, board, commission or any other agency under the jurisdiction of the Governor, cooperation, information and data needed to properly carry out its powers and duties. Independent agencies are also encouraged to participate with the provisions outlined in this subchapter.

**§ 1.325. Effective date.**

This subchapter is effective immediately.

**§ 1.326. Termination date.**

This subchapter will remain in effect unless revised or rescinded by the Governor.

**§ 1.327. Rescission.**

Executive Order 1991-2, Utilization of Commonwealth-Owned and Leased Space, is rescinded.

[Pa.B. Doc. No. 04-642. Filed for public inspection April 16, 2004. 9:00 a.m.]

# THE GENERAL ASSEMBLY

## Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 022 through 023</b>					
022	Apr 1	SB1026	PN1514	immediately	Public Authorities and Quasi-Public Corporations (64 Pa.C.S.)—economic development financing and appropriation to Department of Community and Economic Development for Base Retention and Conversion Pennsylvania Action Committee
023	Apr 1	SB0010	PN1515	July 1, 2004	Commerce and Trade (12 Pa.C.S.)—Infrastructure and Facilities Improvement Program

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 04-643. Filed for public inspection April 16, 2004, 9:00 a.m.]

## Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 024 through 028</b>					
024	Apr 5	HB1206	PN3537	immediately	Local Tax Enabling Act, The—applicability of 2002 amendments relating to definitions regarding earned income tax
025	Apr 5	HB1597	PN2017	immediately	Repeals—obsolete laws relating to draining of swampy and wet lands
026	Apr 5	HB0506	PN1647	60 days	Crimes and Offenses (18 Pa.C.S.)—deceptive or fraudulent business practices
027	Apr 5	SB0907	PN1174	immediately	Conveyance—Commonwealth property in Adams County

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
028	Apr 5	SB0975	PN1302	immediately	Conveyance—Commonwealth property in City of Butler, Butler County

\* denotes an effective date with exceptions

#### **Effective Dates of Statutes**

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

#### **Advance Copies of Statutes**

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 04-644. Filed for public inspection April 16, 2004, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

#### Adoption of Rule 302 of the Pennsylvania Bar Admission Rules; No. 333 Supreme Court Rules; Doc. No. 1

##### Order

*Per Curiam:*

*And Now*, this 30th day of March, 2004, Rule 302 of the Pennsylvania Bar Admission Rules is adopted to read as follows.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendment adopted hereby shall be effective in 180 days from the date of this order.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

#### Subchapter C. RESTRICTED PRACTICE OF LAW IN GENERAL

#### Rule 302. Limited In-House Corporate Counsel Li- cense.

(a) *General Rule.* Every attorney not a member of the bar of this Commonwealth, who is employed by and performs legal services in this Commonwealth for a corporation, company, partnership, association or other non-governmental business entity, shall obtain a Limited In-House Corporate Counsel License in order to provide such services if such services are performed in this Commonwealth on more than a temporary basis by the attorney or if the attorney maintains an office or other systematic and continuous presence in this Commonwealth.

(b) *Scope of Legal Activities.* Attorneys issued a Limited In-House Corporate Counsel License may provide advice or legal services to the employer named in the application subject to the following qualifications:

(1) The legal services provided to the employer shall be limited to:

(a) giving legal advice to the directors, officers, employees, and agents of the business organization with respect to its business affairs;

(b) negotiating and documenting all matters for the business organization;

(c) representing the business organization in its dealings with any administrative agency or commission if authorized by the rules of the agency or commission.

(2) In providing legal services, attorneys practicing under a Limited In-House Corporate Counsel License shall not:

(a) represent their employer in any case or matter pending before the courts of this Commonwealth, unless they have been admitted *pro hac vice*;

(b) represent or give advice to any shareholder, owner, partner, officer, employee or other agent with respect to any personal matter or transaction;

(c) offer legal services or advice to any third party having dealings with the attorney's employer; or

(d) offer legal services or advice to the public or hold themselves out as authorized to offer legal services or advice to the public.

(3) Notwithstanding the fact that the practice of law by a lawyer licensed under this rule is limited to the practice of law for the employer furnishing the statement required by this rule, a lawyer licensed under this rule may participate in the provision of *pro bono* services offered under the auspices of organized legal aid societies or state/local bar association projects, or provided under the supervision of an attorney licensed to practice law in Pennsylvania who is also working on the *pro bono* representation.

(c) *Application.* An applicant for a Limited In-House Corporate Counsel License shall file with the board a written application, in the form of a verified statement on the form prescribed by the board, setting forth those matters which the board deems necessary, and pay an application fee fixed by the board. The application shall be processed in accordance with the provisions of Rules 212 through 231.

(d) *Requirements.* The general requirements for issuance of a Limited In-House Corporate Counsel License are:

(1) Completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from a law school;

(2) Admission to practice law in another state, territory of the United States or the District of Columbia on active status at the time of filing the application;

(3) Absence of prior conduct by the applicant which in the opinion of the board indicates character and general qualifications (other than scholastic) incompatible with the standards expected to be observed by members of the bar of this Commonwealth;

(4) Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application shall not be eligible for a Limited In-House Corporate Counsel License;

(5) Presentation of a sworn statement by the applicant certifying that he/she will perform legal services in this Commonwealth solely for the employer identified in the application, and that such employer's lawful business consists of activities other than the practice of law or the provision of legal services;

(6) Presentation of a statement signed by an officer, director or general counsel of the applicant's employer stating that the applicant is an employee for such employer and performs legal services in this Commonwealth for such employer.

(e) *Duration.* The Limited In-House Corporate Counsel License shall expire if:

(1) such attorney is admitted to the bar of this Commonwealth under any other rule,

(2) fails to fulfill the obligations required of active members of the bar of this Commonwealth,

(3) is suspended or disbarred from the practice of law in another jurisdiction,

(4) fails to maintain active status for admission to the practice of law in at least one state, territory of the United States or the District of Columbia; or

(5) such attorney ceases to be employed by the employer listed on such attorney's application; provided, however, that if such attorney, within 30 days of ceasing to be an employee for the employer listed on such attorney's application, becomes employed by another employer within this Commonwealth for which such attorney shall perform legal services, such attorney may apply for a new certificate recommending the issuance of a Limited In-House Corporate Counsel License under this Rule by filing with the board, within 30 days of commencing the new employment, a statement identifying his or her new employer, and the date on which his prior employment ceased and his new employment commenced, and submitting the documents required by sections (d)(5) and (6) of this rule with respect to the new employer.

(f) *Issuance of License.* At any time within six months of the receipt of a certificate from the board recommending the issuance of a Limited In-House Corporate Counsel License, an applicant may file a motion with the Prothonotary, on a form prescribed by the board for issuance of a Limited In-House Corporate Counsel License. The motion shall be accompanied by the certificate from the board recommending issuance of the license and the fee required by the Prothonotary. Upon receipt of the appropriate documents and fee, the Prothonotary shall enter the name of the applicant upon the docket of persons issued a Limited In-House Corporate Counsel License, notify the Administrative Office of the issuance of a limited license to such attorney and issue an engrossed Limited In-House Corporate Counsel License under seal.

(g) *Status.* When a license is required under this rule for the performance of legal services in this Commonwealth solely for an attorney's employer, the performance of such services by the attorney shall be considered to be the active engagement in the practice of law for all purposes and shall subject the attorney to all duties and obligations of active members of the Pennsylvania bar including, but not limited to the Rules of Professional Conduct, the Rules of Disciplinary Enforcement and the Rules of Continuing Legal Education. Prior to the effective date of this rule, when an attorney performed legal services in this Commonwealth solely as an employee of a business organization, whose business consisted of activities other than the practice of law or the provision of legal services, the rendering of such legal services shall be deemed for all purposes to have been the authorized active engagement in the practice of law in this Commonwealth, if such attorney, at the time of the performance of

such legal services met the requirements set forth in sections (d) (1), (2), (3) and (4) of this rule.

[Pa.B. Doc. No. 04-645. Filed for public inspection April 16, 2004, 9:00 a.m.]

## PART IV. ADMISSION TO PRACTICE LAW

### [204 PA. CODE CH. 71]

## Amendment of Rule 204 of the Pennsylvania Bar Admission Rules; No. 334 Supreme Court Rules; Doc. No. 1

### Order

*Per Curiam:*

*And Now,* this 30th day of March, 2004, Rule 204 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa. B.A.R. 204 is hereby found to be required in the interest of justice and efficient administration. This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendment adopted hereby shall be effective in 180 days from the date of this order.

### Annex A

## TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

#### Subchapter B. ADMISSION TO THE BAR GENERALLY

#### IN GENERAL

#### Rule 204. Admission of domestic attorneys.

As an alternative to satisfying the requirements of Rule 203 [ **relating to admission of graduates of accredited and unaccredited institutions** ], an attorney [ **of** ], **licensed to practice law in** another state may be admitted to the bar of this Commonwealth if the applicant [ **has** ] **meets the following requirements:**

(1) **Has** completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from an accredited law school [ **, is** ].

(2) **Is** a member of the bar of a reciprocal state **on active status** at the time of filing of the application for admission to the bar of this Commonwealth [ **and meets the following qualifications:** ].

[ (1) ] (3) \* \* \*

[ (2) ] (4) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth [ **:** ] **devoted a major portion of time and energy to the practice of law in one or more states.**



[ (i) engaged in the practice of law in a state or states outside this Commonwealth; or

(ii) provided legal services as an attorney for the federal government regardless of the location of the services; or

(iii) served full time as a law clerk to a judge of any court of the United States or of any state or territory of the United States regardless of the location of the service;

provided the applicant had at some time been engaged in the practice of law or otherwise performed the legal functions set forth in subparagraphs (ii) and (iii) in reciprocal jurisdictions for at least five years or had been engaged in the practice of law or otherwise performed the legal functions set forth in subparagraphs (ii) and (iii) in reciprocal jurisdictions for a substantial portion of the five out of the seven year period immediately preceding the application or for such portion of time for which credit is being sought in combination with subparagraphs (iv) and (v). For purposes of this paragraph, the phrase "engaged in the practice of law" is defined as "devoting a major portion of one's time and energy to the rendering of legal services";

(iv) engaged full-time in the teaching of law at one or more accredited law schools, colleges or universities in the United States provided a substantial portion of such time was spent teaching at an accredited law school; or

(v) served on active duty in the United States military service, as a judge advocate or law specialist, as those terms are defined in the Uniform Code of Military Justice, 10 U.S.C. Sec. 801, as amended, regardless of the location of the service.

Service under subparagraphs (i), (ii), (iii), (iv) and (v) may be combined to satisfy the five year service requirement of this subparagraph. ]

(5) Presentation of proof satisfactory to the board that the applicant has either taken and passed the bar examination in a reciprocal state or has devoted a major portion of time and energy to the practice of law in a reciprocal state for five years of the last seven years immediately preceding the date on which an application was filed under this rule.

[ (3) ] (6) \* \* \*

[ (4) ] (7) \* \* \*

[ (5) ] (8) \* \* \*

For purposes of this rule, the phrase "practice of law" is defined as engaging in any of the following legal activities, provided such activities were performed in a state in which the applicant was admitted to practice law or in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction:

(i) Representation of one or more clients in the private practice of law.

(ii) Providing legal services as an attorney with a local, state or federal agency.

(iii) Teaching law full time at an accredited law school, college or university in the United States, provided a substantial portion of such time was spent teaching at an accredited law school.

(iv) Service as a judge in a federal, state or local court of record.

(v) Service full time as a judicial law clerk to any judge of any court of the United States or of any state or territory of the United States.

(vi) Service as corporate counsel.

(vii) Service on active duty in the United States military service, as a judge advocate or law specialist, as those terms are defined in the Uniform Code of Military Justice, 10 U.S.C. Sec. 801, as amended.

The term "practice of law" shall not include providing legal services in any of the above referenced areas, when such services as undertaken constituted the unauthorized practice of law in the state in which the legal services were performed or in the state in which the clients receiving the unauthorized services were located.

\* \* \* \* \*

[Pa.B. Doc. No. 04-646. Filed for public inspection April 16, 2004, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 19]

Order Amending Pa.R.A.P. No. 1931 and Note; No. 151 Appellate Procedural Rules; Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 1st day of April, 2004, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 33 Pa.B. 4552 (September 13, 2003).

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 1931, and Note thereto, are adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective 60 days after adoption.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

#### RECORD ON APPEAL FROM LOWER COURT

#### Rule 1931. Transmission of the Record.

\* \* \* \* \*

(c) *Duty of clerk to transmit the record.* When the record is complete for purposes of the appeal, the clerk of the lower court shall transmit it to the prothonotary of the appellate court. The clerk of the lower court shall number the documents comprising the record and shall

transmit with the record a list of the documents correspondingly numbered and identified with reasonable definiteness. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he is directed to do so by a party or by the prothonotary of the appellate court. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight. Transmission of the record is effected when the clerk of the lower court mails or otherwise forwards the record to the prothonotary of the appellate court. The clerk of the lower court shall indicate, by endorsement on the face of the record or otherwise, the date upon which [ it ] the record is transmitted to the appellate court.

(d) *Service of the List of Record Documents.* The clerk of the lower court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple appeals.* Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.

\* \* \* \* \*

**Explanatory Comment—2004**

It is hoped that the 2004 amendment to Rule 1931 will alleviate the potential waiver problem which results when counsel is unable to ascertain whether the entire record in a particular case has been transmitted to the appellate court for review. The rule change is intended to assist counsel in his or her responsibility under the Rules of Appellate Procedure to provide a full and complete record for effective appellate review. See *Commonwealth v. Williams*, 552 Pa. 451, 715 A.2d 1101 (1998) (“The fundamental tool for appellate review is the official record of what happened at trial, and appellate courts are limited to considering only those facts that have been duly certified in the record on appeal.”); *Commonwealth v. Wint*, 1999 Pa. Super. 81, 730 A.2d 965 (1999) (“Appellant has the responsibility to make sure that the record forwarded to an appellate court contains those documents necessary to allow a complete and judicious assessment of the issues raised on appeal.”). In order to facilitate counsel’s ability to monitor the contents of the original record which is transmitted from the trial court to the appellate court, new subdivision (d) requires that a copy of the list of record documents be mailed to all counsel of record, or to the parties themselves if unrepresented, and that the giving of such notice be noted on the record. Thereafter, in the event that counsel discovers that anything material to either party has been omitted from the certified record, such omission can be corrected pursuant to Pa.R.A.P. 1926.

[Pa.B. Doc. No. 04-647. Filed for public inspection April 16, 2004, 9:00 a.m.]

# Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VII]

## Order Adopting Revision of Comment to Rule 702; No. 335 Supreme Court Rules; Doc. No. 1

### Order

*Per Curiam:*

Now, this 1st day of April, 2004, upon the recommendation of the Committee on Rules of Evidence, this proposal along with a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the comment to Rule of Evidence 702 is hereby revised in the following form.

This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective May 10, 2004.

### Annex A

#### TITLE 225. RULES OF EVIDENCE ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

#### Rule 702. Testimony By Experts.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

Adoption of Pa.R.E. 702 does not alter Pennsylvania’s adoption of the standard in *Frye v. United States*, 293 F. 1013 (D. C. Cir. 1923), which requires scientific evidence to have “general acceptance” in the relevant scientific community. See *Commonwealth v. Dunkle*, *supra*; *Commonwealth v. Nazarovitch*, 496 Pa. 97, 436 A.2d 170 (1981); *Commonwealth v. Topa*, 471 Pa. 223, 369 A.2d 1277 (1977). In 1993, the United States Supreme Court held that *Frye* was superseded in the federal courts by the adoption of F.R.E. 702. *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U. S. 579 (1993). [ Pennsylvania courts have not yet decided whether the rationale in *Daubert* supersedes or modifies the *Frye* test in Pennsylvania. *Commonwealth v. Crews*, 536 Pa. 508, n.2, 640 A.2d 395 (1994). ] In *Grady v. Frito-Lay, Inc.*, \_\_\_ Pa. \_\_\_, 839 A.2d 1038 (2003), a majority of the Pennsylvania Supreme Court rejected the *Daubert* standard and affirmed the applicability of the *Frye* standard in the Pennsylvania state courts.

\* \* \* \* \*

#### FINAL REPORT

#### Comment Revision of Pa.R.E. 702

On April 1, 2004, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted the changes to Pa.R.E. 702 comment effective May 10, 2004. This change is made to alert the legal profession that the Supreme Court has affirmed the *Frye* standard for the admissibility of expert testimony. In so doing, the Supreme Court rejected the *Daubert* standard. Heretofore, Pennsylvania courts had not decided whether the rationale in *Daubert* superseded or modified the *Frye*

test. That question has now been answered in *Grady v. Frito-Lay, Inc.*, \_\_\_ Pa. \_\_\_, 839 A.2d 1038 (2003).

[Pa.B. Doc. No. 04-648. Filed for public inspection April 16, 2004, 9:00 a.m.]

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## SUPREME COURT

### Investment Advisory Board; Request for Proposals

The Supreme Court of Pennsylvania, through its Investment Advisory Board (IAB), plans to issue a request for proposal (RFP) for investment advisory services. The RFP will cover the investment operations of three court-appointed boards operating independently of each other, within the purview of the Supreme Court. The Supreme Court has decided to consolidate the investment activity of the boards to maximize overall investment returns, reduce investment costs, and increase operating efficiencies. The IAB is responsible for this consolidation and future investment oversight. The purpose of this notice is to determine your firm's interest in responding to the soon-to-be-released RFP.

The services being sought will be to review the investment activity of each of the three boards with the intent to:

1. recommend a consolidated investment policy, strategy and asset allocation;

2. recommend an operating structure to accommodate the consolidation of board deposited funds for investment and the withdrawal of invested funds for individual board operating use, with separate accounting to assure the fair allocation of investment income at the board level;

3. assist in the selection of money managers once an investment policy, strategy and asset allocation plan are developed;

4. provide monthly, quarterly and annual reports to the IAB on investment performance, and quarterly reports to the IAB on money manager performance, advising the IAB accordingly; and

5. make annual recommendations to the IAB, to include but not limited to, modifications to the current investment policy, strategy and asset allocations.

The expected size of the consolidated portfolio is in the \$20 million range. Source of funds are attorney assessments and fees for service. Offices of the three boards are located in the Harrisburg, Pennsylvania area.

If you are interested in receiving a copy of the RFP, please contact by letter the Administrative Office of Pennsylvania Courts, P. O. Box 719, Mechanicsburg, PA 17055, Attention IAB-RFP, or email to IAB-RFP@pacourts.us, by May 17, 2004.

MANUEL STAMATAKIS,  
*Chairperson*

[Pa.B. Doc. No. 04-649. Filed for public inspection April 16, 2004, 9:00 a.m.]

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

### Lake Redesignations

The Environmental Quality Board (Board) proposes to amend §§ 93.9e, 93.9f and 93.9m (relating to drainage list E; drainage list F; and drainage list M) to read as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of February 17, 2004.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. *Statutory and Regulatory Authority*

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

#### D. *Background of the Proposed Rulemaking*

Water quality standards are in-stream water quality goals that are implemented by imposing specific requirements (such as treatment requirements and effluent limits) on individual sources of pollution. The standards are codified in Chapter 93 (relating to water quality standards).

The purpose of this proposed rulemaking is to provide the correct aquatic life use designation in the water quality standards for three Commonwealth lakes. In most cases within Chapter 93, lakes have been classified according to the aquatic life use designation of their associated streams. In many of these cases, however, a lake is incapable of supporting the same use as the stream. One example of this is the presence of a lake in a basin designated for Cold Water Fishes (CWF). Because

the impounded water is warmed by solar radiation, it is too warm to support fish species indigenous to a cold water habitat. This type of lake typically supports a Warm Water Fishery (WWF) and is so managed. This normal condition should be recognized in the drainage lists. In some cases, the Fish and Boat Commission (Commission) may stock a warm water lake with trout at certain times of the year to provide a put-and-take recreational fishery. Because trout cannot be supported year round, this is a seasonal fishery use. Those lakes should be designated Trout Stocking (TSF) to recognize this seasonal use. For both of these types of lakes, the designated use in the water quality standards should mirror the existing use.

The three lakes included in this proposed rulemaking are:

Blue Marsh Reservoir, Berks County  
Lake Luxembourg, Bucks County  
Walker Lake, Snyder County

The Department's Bureau of Water Supply and Wastewater Management reviewed fishery data on these three lakes from surveys conducted by the Commission, as well as physical data from a number of sources. A description of the conditions in each lake and the recommended use designations follows.

*Blue Marsh Reservoir*—Blue Marsh Reservoir is a multipurpose impoundment owned and operated by the United States Army Corps of Engineers and is located near Reading. The reservoir has never supported CWF species. The Commission manages this lake as a WWF through natural reproduction of species such as largemouth bass, white and black crappie, bluegill, channel catfish and carp. They also supplement the natural population with stocking of white-striped bass hybrids and walleye. The Commission has never stocked the reservoir with trout. Physical data indicate that water temperature often exceeds levels tolerated by CWF species. It is recommended that Blue Marsh Reservoir be redesignated from TSF to WWF. All tributaries to the lake will retain their current designations.

*Lake Luxembourg*—Lake Luxembourg is a primary feature in Bucks County's Core Creek County Park. The lake has never supported CWF species. The Commission has always managed the lake as a WWF that includes naturally reproducing populations of yellow perch, white and black crappie, bluegill and carp. Because the largemouth bass population is suboptimal, fingerlings are stocked. Channel catfish and walleye are stocked to supplement the population. The presence of American eel shows that Lake Luxembourg harbors Migratory Fishes (MF). Physical data show temperatures inimical to survival of CWF species. The Commission stocks adult trout in Lake Luxembourg several times each year for angler recreation. The designation of Lake Luxembourg should be changed from CWF, MF to TSF, MF. Tributaries to the lake will retain their CWF, MF designation.

*Walker Lake*—Walker Lake is owned and managed by the Commission and is located near Troxelville. This lake supports a WWF with reproducing populations of largemouth bass, white and black crappie, yellow perch, bluegill and carp. These species are supplemented by stocking of fingerling northern pike by the Commission.

Lake water temperatures often exceed values that can support survival of CWF species. It is proposed that the use designation of Walker Lake be changed from TSF to WWF. Tributaries to the lake will retain their CWF designation.

Lake	County
Blue Marsh Reservoir	Berks
Lake Luxembourg	Bucks
Walker Lake	Snyder

\*WWF = Warm Water Fishes  
 CWF= Cold Water Fishes  
 TSF = Trout Stocking  
 MF = Migratory Fishes

Section 93.4(b) (relating to Statewide water uses) requires that less restrictive uses may only be adopted when it is demonstrated that the designated use is more restrictive than the existing use, the use cannot be attained by implementing controls on point and nonpoint sources and one or more of a number of conditions exist. One of those conditions is that dams, diversions or other hydrologic modifications preclude the attainment of the use and it is not feasible to restore the water body to its original condition or to operate the modification in a way that would result in attainment.

The Department's review of the Commission's fishery data determined that the designated fish and aquatic life use in these three lakes is more restrictive than the existing use in all cases. The warm water conditions and the resulting WWF communities are the result of impoundment of the streams. The impounded water is warmed by solar radiation.

All of the lakes are managed primarily as WWF and provide recreational angling opportunities. Lake Luxembourg is stocked with adult trout by the Commission to provide a seasonal recreational fishery. Blue Marsh Reservoir is operated as a flood control impoundment to reduce the potential for downstream property damage. All of these lakes provide benefits to the citizens of this Commonwealth. In addition, it is not feasible to remove these dams or to operate them in a way that would achieve attainment of the designated use in the impoundment. As a result, the Board proposes the redesignations described in this preamble and set forth in Annex A.

The Department's evaluation report for these lakes is available electronically through the Department's website. The report can also be obtained from Edward R. Brezina whose address and phone number are listed in Section B of this preamble.

The redesignations proposed in this rulemaking will be implemented through the Department's National Pollutant Discharge Elimination System (NPDES) permit and approval actions. Impacts on current or future NPDES permits associated with the lakes in this package are anticipated to be negligible, since effluent limitations in these permits are established to protect the water quality of the existing and revised designated water uses of the lakes in this rulemaking. Furthermore, the changes in designated and existing uses for these lakes will not compromise tributaries or downstream uses; they will remain protected from new and expanded permitted discharges.

In developing this proposed rulemaking, the Department discovered a minor error that resulted from a

As part of its continuing water quality management program and ongoing review of water quality standards, the Department recommends that the Board adopt the following amendments to §§ 93.9e, 93.9f and 93.9m as set forth in Annex A and summarized as follows:

List	Present* Designation	Recommended* Designation
F	TSF	WWF
E	CWF, MF	TSF, MF
M	TSF	WWF

previous rulemaking. The turbidity criterion for the lower segment of Mill Creek, from Watson Creek to Mouth, was proposed as Tur<sub>3</sub> at proposed rulemaking (see 28 Pa.B. 4431 (August 29, 1998)), but recommended for change to Tur<sub>1</sub> at final rulemaking (see 30 Pa.B. 6059 (November 18, 2000)). However, due to an oversight, the change to Tur<sub>1</sub> was not made. The error is corrected in Annex A.

#### E. Benefits, Costs and Compliance

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

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for, the Commonwealth or its political subdivisions. No costs will be imposed directly upon local governments by this proposal.

Persons conducting or proposing activities or projects that could impact a lake must comply with the regulatory requirements relating to the designated use. For discharges, treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the lake and many other factors.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program and is consistent with water quality standards requirements established by the Federal Clean Water Act and The Clean Streams Law (35 P. S. §§ 691.1—691.1001). All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect designated and existing water uses.

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

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions or the private sector. These regulatory revisions are based on existing Department regulations.

F. *Pollution Prevention*

The water quality standards program is a major pollution prevention tool because the objective is to protect in-stream and in-lake water uses. The proposed designated use changes will ensure protection of the existing use in these lakes.

G. *Sunset Review*

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

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 7, 2004, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In addition to the proposed rulemaking, IRRC and the Committees have been provided a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

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

these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

I. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments by June 1, 2004. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 1, 2004. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed rulemaking will be considered. If sufficient interest is generated as a result of this publication, public hearings will be scheduled at appropriate locations to receive additional comments.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. The Board must also receive comments submitted electronically by June 1, 2004.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-388. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS**

**§ 93.9e. Drainage List E.**

**Delaware River Basin in Pennsylvania**

***Delaware River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * *	* * *		
3—Mill Creek	Basin, Watson Creek to Mouth	Bucks	WWF, MF	Add [ Tur <sub>3</sub> ] Tur <sub>1</sub>
3—Core Creek	Basin, Source [ PA Rte 620 Dam ] to Inlet of Lake Luxembourg	Bucks	CWF, MF	Add Tur <sub>2</sub>
<b>3—Core Creek</b>	<b>Lake Luxembourg</b>	<b>Bucks</b>	<b>TSF, MF</b>	<b>Add Tur<sub>2</sub></b>
<b>4—Unnamed Tributaries to Lake Luxembourg</b>	<b>Basins, Source to Slackwater of Lake Luxembourg</b>	<b>Bucks</b>	<b>CWF, MF</b>	<b>Add Tur<sub>2</sub></b>
3—Core Creek	Basin, [ PA Rte 620 ] Lake Luxembourg Dam to Mouth	Bucks	WWF, MF	Add Tur <sub>1</sub>
3—Mill Creek	Basin	Bucks	WWF, MF	Add Tur <sub>1</sub>
	* * *	* * *		

## § 93.9f. Drainage List F.

## Delaware River Basin in Pennsylvania

*Schuylkill River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Tulpehocken Creek	Basin, Source to T 560 near <b>Ramona</b>	<b>[ Berks ] Lebanon</b>	CWF	None
3—Tulpehocken Creek	Main Stem, T 560 to <b>[ Tailwaters ] Inlet</b> of Blue Marsh Reservoir	Berks	TSF	None
4—Unnamed Tributaries to Tulpehocken Creek	Basins, T 560 to <b>[ Tailwaters ] Inlet</b> of Blue Marsh Reservoir	Berks	TSF	None
4—Owl Creek	Basin	Lebanon	WWF	None
<b>3—Tulpehocken Creek</b>	<b>Blue Marsh Reservoir</b>	<b>Berks</b>	<b>WWF</b>	<b>None</b>
<b>4—Unnamed Tributaries to Blue Marsh Reservoir</b>	<b>Basins, Source to Slackwater of Blue Marsh Reservoir</b>	<b>Berks</b>	<b>TSF</b>	<b>None</b>
4—Northkill Creek	Basin, Source to I-78 Bridge	Berks	EV	None
4—Northkill Creek	Basin, I-78 Bridge to <b>[ Mouth ] Slackwater of Blue Marsh Reservoir</b>	Berks	CWF	None
4—Licking Creek	Basin, <b>Source to Slackwater of Blue Marsh Reservoir</b>	Berks	TSF	None
4—Spring Creek	Basin, Source to Furnace Creek	Berks	CWF	None
5—Furnace Creek	Basin, Source to Water Authority Dam	Berks	HQ-CWF	None
5—Furnace Creek	Basin, Water Authority Dam to Mouth	Berks	CWF	None
4—Spring Creek	Basin, Furnace Creek to Hospital Creek	Berks	CWF	None
5—Hospital Creek	Basin	Berks	TSF	None
4—Spring Creek	Basin, Hospital Creek to <b>[ Mouth ] Slackwater of Blue Marsh Reservoir</b>	Berks	TSF	None
<b>[ 3—Tulpehocken Creek</b>	<b>Basin, Blue Marsh Reservoir</b>	<b>Berks</b>	<b>TSF</b>	<b>None ]</b>
3—Tulpehocken Creek	Main Stem, Blue Marsh Reservoir Dam to T 921	Berks	CWF	None
		* * * * *		

## § 93.9m. Drainage List M.

## Susquehanna River Basin in Pennsylvania

*Susquehanna River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
4—North Branch Middle Creek	Main Stem, <b>Source to Inlet of Walker Lake</b>	Snyder	TSF	None
5—Unnamed Tributaries to North Branch Middle Creek	Basins, <b>Source to Inlet of Walker Lake</b>	Snyder	CWF	None
<b>4—North Branch Middle Creek</b>	<b>Walker Lake</b>	<b>Snyder</b>	<b>WWF</b>	<b>None</b>

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
<b>5—Unnamed Tributaries to Walker Lake</b>	<b>Basins, Source to Slackwater of Walker Lake</b>	<b>Snyder</b>	<b>CWF</b>	<b>None</b>
5—Moyers Mill Run	Basin, <b>Source to Slackwater of Walker Lake</b>	Snyder	CWF	None
<b>4—North Branch Middle Creek</b>	<b>Main Stem, Walker Lake Dam to Mouth</b>	<b>Snyder</b>	<b>TSF</b>	<b>None</b>
<b>5—Unnamed Tributaries to North Branch Middle Creek</b>	<b>Basins, Walker Lake Dam to Mouth</b>	<b>Snyder</b>	<b>CWF</b>	<b>None</b>
5—Swift Run	Basin	Snyder	HQ-CWF	None
5—Stony Run	Basin	Snyder	CWF	None

\* \* \* \* \*

[Pa.B. Doc. No. 04-650. Filed for public inspection April 16, 2004, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-00030162]

## Permanent Standards of Conduct

The Pennsylvania Public Utility Commission, on September 18, 2003, adopted a proposed rulemaking order which sets forth standards of conduct governing the relationships among natural gas distribution companies and affiliated natural gas suppliers.

### Executive Summary

Sections 62.141 and 62.142 of the Commission's regulations establish permanent standards of conduct to govern the relationships between natural gas distribution companies (NGDCs) and their affiliated natural gas suppliers (NGSs). The regulations have the effect of transforming what had been binding interim standards into a permanent code of conduct, thus satisfying the Commission's statutory mandate to create permanent standards pursuant to the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212.

By Order entered on September 18, 2003 at Docket No. L-00030162, the Commission adopted a Proposed Rulemaking Order to add 52 Pa. Code §§ 62.141 and 62.142. The Commission held that adopting the binding interim guidelines without substantive change into formal and permanent regulations would be the best course of action. Further, this was consistent with the recommendation of the industry working group which had originally been formed to draft the binding interim standards of conduct. Those in the working group stated that the industry has approximately 3 years of operating experience under the binding interim guidelines and have successfully adjusted thereto. The Commission is confident that under the regulations, consumers of natural gas will be able to shop for gas that is marketed on a level playing field for all market participants.

Although the Commission is adopting permanent standards of conduct, the Commission shall leave in place its policy statements found at 52 Pa. Code §§ 69.191—69.192. The Commission does so because there will

remain a number of local NGDCs which, because of their small size, are not subject to the Competition Act, which is a prerequisite to the applicability of these regulations. In this way, all customers shall be protected from unfair market conditions when buying gas from an affiliated supplier.

### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 6, 2004, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. A copy of this material is available to the public upon request.

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

Public Meeting held  
September 18, 2003

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Glen R. Thomas; Kim Pizzingrilli

*Permanent Standards of Conduct Pursuant to 66 Pa.C.S. § 2209(b); Doc. No. M-00991249 F0004; L-00030162*

## Proposed Rulemaking Order

### By the Commission:

The Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (Competition Act), was signed into law by former Governor Tom Ridge on June 22, 1999. The Competition Act revised the Public Utility Code, 66 Pa.C.S. §§ 101, et. seq., to restructure the natural gas industry to allow the retail sale of natural gas in an open market. Today we are initiating a rulemaking proceeding to adopt regulations governing the relationships between Natural Gas Distribution Companies (NGDCs) and their



affiliated Natural Gas Suppliers (NGSs). We initiate this rulemaking to comply with the Legislature's directive, explained below, and to ensure that consumers of natural gas will be able to shop for gas that is marketed on a level playing field for all market participants.

The Competition Act allows individual customers to choose from independent suppliers of gas which are not necessarily affiliated with the local gas utility. Additionally, the Competition Act in section 2209(a) requires the Pennsylvania Public Utility Commission (Commission) to establish interim Standards of Conduct governing natural gas distribution companies and their affiliated natural gas suppliers.

On November 22, 1999, the Commission fulfilled the requirements of section 2209(a) and adopted binding interim Standards of Conduct. *Binding Interim Standards of Conduct Pursuant to 66 Pa.C.S. § 2209(a)*, Docket No. M-00991249 F0004, Final Order, entered November 22, 1999, as amended, Order entered March 30, 2000. Pursuant to the Competition Act, the Standards of Conduct are to remain in effect until the Commission promulgates regulations setting forth permanent Standards of Conduct governing these same activities. 66 Pa.C.S. § 2209(b). Now that the industry has three years of operating experience under the Binding Interim Standards of Conduct, the Commission believes it is appropriate to adopt permanent Standards of Conduct.

To this end, we reconvened the working group that assisted us in drafting the Interim Standards of Conduct. The working group convened on April 28, 2003, and consisted of representatives from natural gas distribution companies, natural gas suppliers, the Office of Consumer Advocate, other interested parties and our staff. The working group indicated that the Interim Standards of Conduct are working well and that they are now invested in the current regulatory framework. Therefore, we propose to carry out the mandate of 66 Pa.C.S. § 2209(b) and establish regulations governing the relationship among natural gas distribution companies, their natural gas suppliers, and the rest of the natural gas industry. These proposed regulations are substantially the same as the binding Interim Standards of Conduct.

We note that, although we are proposing new regulations governing the conduct of natural gas distribution companies, we shall leave in place our policy statements found at 52 Pa. Code §§ 69.191—69.192. We adopted these two policy statements prior to the passage of the Competition Act. Once the proposed regulations are effective, they will have the force of law and will supercede the policy statements with respect to those NGDCs which are subject to the Competition Act. Nonetheless, there will remain a number of local natural gas distribution companies which, because of their small size, are not subject to the Competition Act and, therefore, these regulations. We leave these policy statements in place so that the customers of these companies shall have protection from unfair market conditions when buying gas from an affiliated supplier.

The proposed regulations, which are adopted directly from the binding interim Standards of Conduct and the Competition Act, successfully address all of the statutory requirements delineated in 66 Pa.C.S. § 2209(c). We invite comments from interested parties on these regulations. It is important that these regulations help to promote and not impede the open market for natural gas.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and sections 201—204 of the act

of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1204) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we amend the regulations in 52 Pa. Code §§ 62.141—62.142 as noted above and as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. The proposed rulemaking at the L-docket will consider the regulations set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comment to the Independent Regulatory Review Commission and Legislative Standing Committees.

4. The Secretary shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*. The Secretary shall specify publication of the order.

5. An original and 15 copies of any comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Copies of all comments must also be submitted to the contact persons identified herein at the same address.

6. The contact persons for this rulemaking are Lawrence F. Barth, Law Bureau, (717) 772-8579 and Blair Hopkin, Law Bureau, (717) 783-6152.

7. A copy of this order and Annex A shall be served upon the Energy Association of Pennsylvania, all jurisdictional natural gas utilities, the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-229. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

##### Subchapter E. STANDARDS OF CONDUCT

Sec.  
62.141. Definitions.  
62.142. Standards of conduct.

#### § 62.141. Definitions.

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

*Affiliated NGS—*

(i) An NGS engaging in marketing activities related to natural gas supply services by the marketing division or marketing operation of an NGDC.

(ii) The term does not include a utility's marketing department or division to the extent that it informs existing or prospective customers of the availability and

price of the regulated sales service that utility furnishes in its role as supplier of last resort.

*Commission*—The Pennsylvania Public Utility Commission.

*NGDC*—*Natural gas distribution company*—A public utility or city natural gas distribution operation that provides natural gas distribution services and which may provide natural gas supply services and other services. For purposes of this standard of conduct, the term does not include:

(i) A public utility subject to the jurisdiction of the Commission which has annual gas operating revenues of less than \$6 million per year, except:

(A) When the public utility voluntarily petitions the Commission to be included within the definition of NGDC.

(B) When the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.

(ii) A natural gas public utility subject to the jurisdiction of the Commission that is not interconnected to an interstate gas pipeline by means of a direct or indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

*NGS*—*Natural gas supplier*—

(i) An entity other than an NGDC, but including NGDC marketing affiliates without regard to structural relationship, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of an NGDC. The term includes:

(A) An NGDC that provides natural gas supply services outside its certificated service territories.

(B) A municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

(I) As provided prior to July 1, 1999, the effective date of 66 Pa.C.S. Chapter 22 (relating to natural gas competition), under a certificate of public convenience if required under this title.

(II) Total natural gas supply services in de minimis amounts.

(III) Natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided.

(IV) Natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of 66 Pa.C.S. Chapter 22.

(ii) The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of 66 Pa.C.S. (relating to the Public Utility Code), an NGS that is not an NGDC is not a public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) to the extent that the NGS is utilizing the jurisdictional distribution facilities of an NGDC or is providing other services authorized by the Commission.

### § 62.142. Standards of conduct.

(a) *General requirements.* NGDCs and NGSs shall comply with the following requirements:

(1) An NGDC shall apply its tariffs in a nondiscriminatory manner to its affiliated NGS and a nonaffiliated NGS.

(2) An NGDC may not apply a tariff provision in a manner that would give its affiliated NGS an unreasonable preference over other NGSs with regard to matters such as scheduling, balancing, transportation, storage, curtailment, capacity release and assignment, nondelivery and other services provided to its affiliated NGS.

(3) Mandatory tariff provisions may not be waived by an NGDC for an NGS absent prior approval of the Commission.

(4) When a tariff provision is not mandatory or provides for waivers, an NGDC shall grant the waivers without preference to its affiliated NGS or nonaffiliated NGS.

(5) An NGDC shall maintain a chronological log of tariff provisions for which it has granted waivers. Entries must include the name of the party receiving the waiver, the date and time of the request, the specific tariff provision waived and the reason for the waiver. The chronological log must be open for public inspection during normal business hours.

(6) An NGDC shall process requests for distribution services promptly and in a nondiscriminatory fashion with respect to other requests received in the same or a similar period. An NGDC shall maintain a chronological log showing the processing of requests for transportation services. The chronological log must be open for public inspection during normal business hours.

(7) If an NGDC provides a distribution service discount, fee waiver or rebate to its favored customers, or to the favored customers of its affiliated NGS, the NGDC shall offer the same distribution service discount, fee waiver or rebate to other similarly situated customers. Offers may not be tied to an unrelated service, incentive or offer on behalf of either the NGDC or its affiliated NGS. A chronological log must be maintained showing the date, party, time and rationale for the action. The chronological log must be open for public inspection during normal business hours.

(8) Subject to customer privacy or confidentiality constraints, an NGDC may not disclose, directly or indirectly, any customer proprietary information to its affiliated NGS unless authorized by the customer. To the extent that an NGDC does disclose customer information without customer authorization, it shall contemporaneously provide this same information to other similarly situated NGSs in a similar fashion so as not to selectively disclose, delay disclosure or give itself or its affiliated NGS an advantage related to the disclosure. A chronological log must be maintained showing the date, party, time and rationale for the disclosure. The chronological log must be open for public inspection during normal business hours.

(9) An NGDC shall reasonably allocate to its affiliated NGS the costs or expenses for general administration or support services provided to its affiliated NGS.

(10) NGDCs may not condition or tie the provision of a product, service or price agreement by the NGDC, including release of interstate pipeline capacity, to the provision of a product or service by its affiliated NGS.

(11) An NGDC may not give its affiliated NGS preference over a nonaffiliated NGS in the provision of goods and services including processing requests for information, complaints and responses to service interruptions. An NGDC shall provide comparable treatment in its provision of goods and services without regard to a customer's chosen NGS.

(12) An NGDC and its affiliated NGS shall maintain separate books and records. Transactions between the NGDC and its affiliated NGS may not involve cross-subsidies. Shared facilities must be fully and transparently allocated between the NGDC function and the affiliated NGS function. The NGDC accounts and records must be maintained so that the costs incurred on behalf of an affiliated NGS are clearly identified.

(13) NGDC employees who have responsibility for operating the distribution system, including natural gas delivery or billing and metering, may not be shared with an affiliated NGS, and their offices shall be physically separated from the offices used by those working for the affiliated NGS. NGDC employees may transfer to an affiliated NGS provided the transfer is not used as a means to circumvent these standards of conduct.

(14) Neither the NGDC nor its affiliated NGS may directly, or by implication, falsely and unfairly represent to a customer, NGS or third party that an advantage may accrue to a party through use of the NGDC's affiliates or subsidiary, such as:

(i) The Commission-regulated services provided by the NGDC are of a superior quality when services are purchased from its affiliated NGS.

(ii) The merchant services for natural gas are being provided by the NGDC when they are in fact being provided by an affiliated NGS.

(iii) The natural gas purchased from a nonaffiliated NGS may not be reliably delivered.

(iv) Natural gas must be purchased from an affiliated NGS to receive Commission-regulated services.

(15) When an affiliated NGS markets or communicates to the public using the NGDC name or logo, it shall include a legible disclaimer that states that:

(i) The affiliated NGS is not the same company as the NGDC.

(ii) The prices of the affiliated NGS are not regulated by the Commission.

(iii) A customer does not have to buy natural gas or other products from the affiliated NGS to receive the same quality of service from the NGDC.

(16) When an affiliated NGS advertises or communicates verbally through radio or television to the public using the NGDC name or logo, the affiliated NGS shall include at the conclusion of the communication a legible disclaimer that includes all of the disclaimers in paragraph (15)(i)–(iii).

(17) Except in competitive bid situations, an NGDC may not:

(i) Jointly market or jointly package its Commission-regulated services with the services of an affiliated NGS.

(ii) Offer or provide to its affiliated NGS products or services, including bill inserts in its NGDC bills, promoting an affiliated NGS's services or a link from the NGDC's website, unless the NGDC offers or provides the products or services to nonaffiliated NGSs on the same terms and conditions.

(18) An NGDC may not offer or sell natural gas commodity or capacity to its affiliated NGS without simultaneously posting the offering electronically on a source generally available to the market or by otherwise making a sufficient offer to the market. The NGDC shall maintain a chronological log of these public disseminations. The chronological log must be open for public inspection during normal business hours.

(19) An NGDC shall establish and file with the Commission complaint procedures for dealing with alleged violations of the standards of conduct, with the exception of paragraph (9), which is exclusively under the purview of the Commission. These procedures shall be developed in consultation with interested parties during consideration of tariffs guided by this section and § 69.191 (relating to general). The Commission may grant an exception to these requirements if warranted by the facts or circumstances.

(20) An NGDC shall keep a chronological log of any complaints filed, excepting those filed to paragraph (9), regarding discriminatory treatment of NGSs. This chronological log must include the date and nature of the complaint and the resolution of the complaint. The chronological log must be open for inspection during normal business hours.

(b) *Dispute resolution procedures.* In addition to the procedures in subsection (a)(19):

(1) When a dispute between an NGDC, an affiliated NGS or a nonaffiliated NGS alleging a violation of the standards of conduct provisions occurs, the NGS shall provide the NGDC or affiliated NGS, as applicable, a written notice of dispute that includes the names of the parties and customers, if any, involved and a brief description of the matters in dispute.

(2) Within 5 days of an NGDC's or affiliated NGS's receipt of a notice of dispute, a designated senior representative of each party shall attempt to resolve the dispute on an informal basis.

(3) If the representatives are unable to resolve the dispute by mutual agreement within 30 days of receipt, they shall refer the complaint to the Commission's Office of Administrative Law Judge for mediation. A party may request mediation prior to that time if informal resolution is not productive.

(4) If mediation is not successful, the Office of Administrative Law Judge will convert the matter to a formal proceeding before a Commission administrative law judge.

(5) A party may file a complaint concerning the dispute with the Commission under relevant provisions of 66 Pa.C.S. (relating to the Public Utility Code).

(6) Parties alleging violations of the standards of conduct may pursue their allegations through the Commission's complaint procedures. A complainant bears the burden of proof consistent with 66 Pa.C.S. § 332 (relating to procedures in general) in regard to the allegations and may request penalties for violations under 66 Pa.C.S. § 3301 (relating to civil penalties for violations).

(c) *Adoption as company policy.* An NGDC and its affiliated NGS shall formally adopt and implement these provisions as company policy and take appropriate steps to train and instruct employees in their content and application.

[Pa.B. Doc. No. 04-651. Filed for public inspection April 16, 2004, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective April 7, 2004.

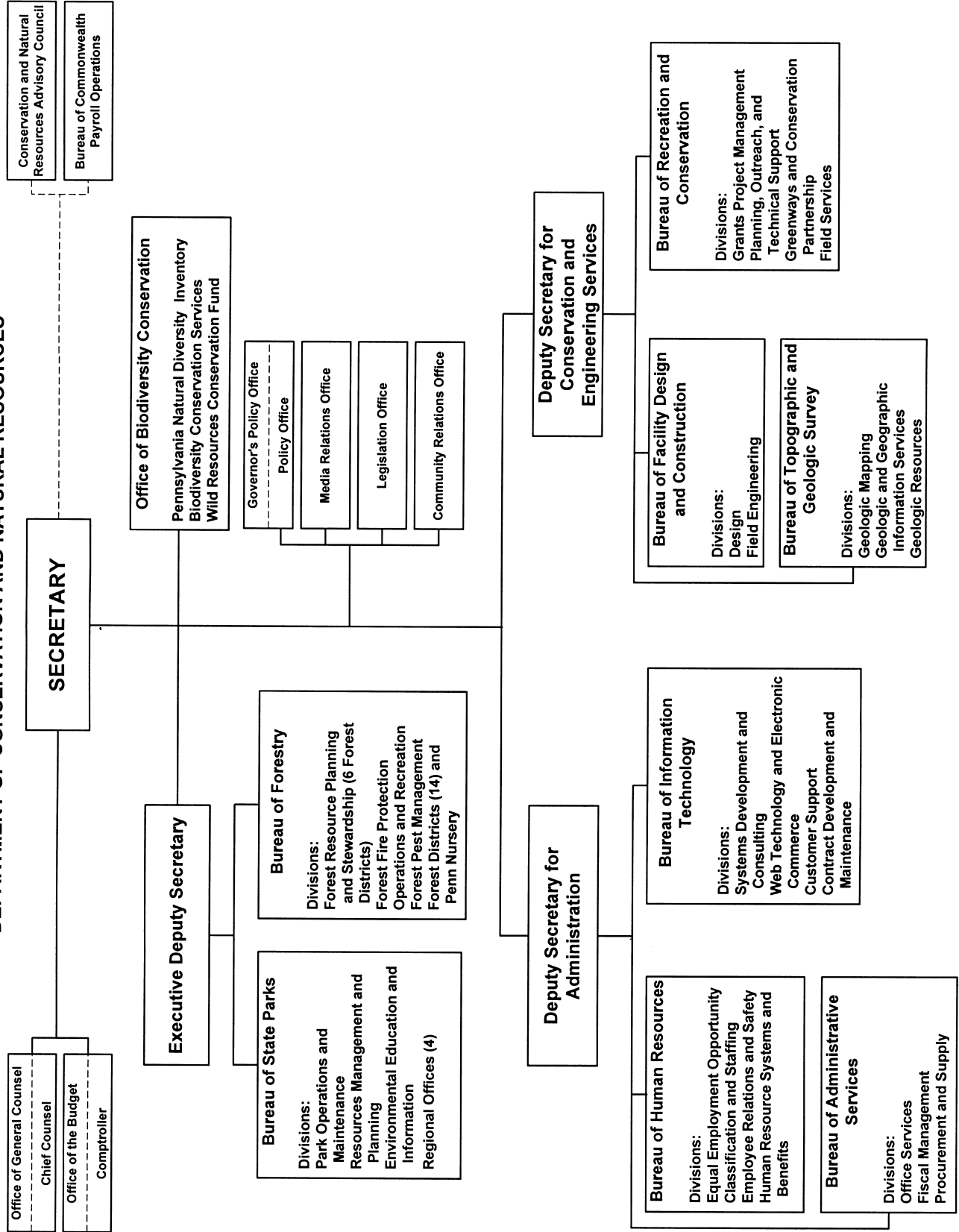
The organization chart at 34 Pa.B. 2076 (April 17, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(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. 04-652. Filed for public inspection April 16, 2004, 9:00 a.m.]

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



# 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, April 21, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and the business meeting are open to the public and will be held at the New York State Department of Environmental Conservation (NYSDEC), 625 Broadway, Albany, NY.

The conference among the commissioners and staff will begin at 10 a.m. Topics of discussion will include: an update on the development and completion of the Water Resources Plan for the Delaware River Basin; a presentation and discussion regarding responses to comments on the proposed Resolution to Establish an Experimental Augmented Conservation Release Program for the New York City Delaware Basin Reservoirs for the period beginning May 1, 2004, and ending May 31, 2007; an update on proposed Water Quality Standards revisions; a presentation and discussion regarding the proposed designation of the lower Delaware River as a Special Protection Water; a proposed rule change authorizing the Commission to require waste minimization plans from point source dischargers; and a presentation on the status of New York state's map modernization and flood plain mapping program.

The subjects of the public hearing to be held during the 2 p.m. business meeting include the following dockets:

1. *Greater Pottsville Area Sewer Authority D-2002-41 CP*. An application to replace a 4.5 million gallons per day (mgd) sewage treatment plant (STP) with a new 8.2 mgd plant which will continue to provide secondary treatment by means of a conventional extended aeration system. The project is located on the west side of Route 61, about 0.2 mile northwest of its intersection with SR 2015. The expansion is needed to phase out the applicant's West End STP and to also connect and treat flows from some onlot septic systems. The applicant will serve Pottsville City, portions of the Boroughs of Mechanicsville, Mount Carbon, Palo Alto and Port Carbon, plus Norwegian, East Norwegian and North Manheim Townships, all in Schuylkill County. STP effluent will continue to be discharged to the Schuylkill River.

2. *Slatington Borough and Slatington Borough Authority D-2003-15 CP*. An application to rerate a 0.995 mgd STP to process 1.5 mgd while continuing to provide secondary treatment. The project STP is located just west of the Lehigh River to which it discharges in the Borough of Slatington, Lehigh County. The plant will continue to serve Slatington Borough and a small portion of Washington Township, both in Lehigh County, and the Borough of Walnutport in Northampton County. The project is located in the Lower Delaware River Management Plan drainage area.

3. *Aqua Pennsylvania, Inc. (formerly Pennsylvania Suburban Water Company) D-2003-33 CP*. An application to transfer up to 0.5 mgd (15 million gallons (mg)/30 days) of potable water from Downingtown Municipal Authority (DMUA) to the applicant's distribution system

by means of a proposed interconnection. DMUA has adequate capacity to meet the applicant's needs within the existing 2.5 mgd water allocation from the East Branch Brandywine Creek, as supported by releases from Marsh Creek Reservoir. The 0.5 mgd water transfer represents an alternative to, and is proposed instead of, the use of water supply from the applicant's previously approved Cornog Quarry project (approved under Commission Doc. No. D-98-11 CP on April 3, 2002). Commission Resolution No. 2003-22, dated October 15, 2003, suspended the authority to proceed with the surface water components of Doc. D-98-11 CP. Doc. D-98-11 CP remains suspended. The proposed Doc. D-2003-33 CP will also consolidate all the applicant's sources in the UGS Northern Division distribution system, including those previously approved under Doc. D-98-11 CP and Doc. D-2002-5 CP, including the use of Kay Wells B and C on other than a seasonal basis. Upon Doc. D-2003-33 CP becoming effective, Doc. D-98-11 CP and Doc. D-2002-5 CP will be rescinded. The project will serve portions of East Brandywine, West Brandywine and Caln Townships, all located in Chester County.

4. *Northampton Borough Municipal Authority D-2004-13 CP*. An application to construct new water treatment plant process wastewater treatment facilities to process potable water filtration plant backwash and rinse water to be located approximately 1,000 feet north of the intersection of Second Avenue and Roosevelt Boulevard in North Whitehall Township, Lehigh County. The permit proposes an average daily treated wastewater discharge of 0.311 mgd compared to 0.0833 mgd under an existing permit. The existing discharge location will be relocated approximately 200 feet downstream on Spring Creek, approximately 500 feet from its confluence with the Lehigh River in Whitehall Township. The proposed wastewater treatment facilities will provide clarification and dechlorination prior to discharge. The project is located in the Lower Delaware River Management Plan drainage area, approximately 24.7 river miles upstream from the Delaware River. The project will continue to serve the Boroughs of Northampton and North Catasauqua and a portion of Allen Township in Northampton County and the Borough of Coplay plus portions of North Whitehall and Whitehall Townships in Lehigh County.

5. *Creek Road Development, L. P. D-2004-18*. An application for approval of a ground water withdrawal project to provide up to 8.6 mg/30 days of water for supplemental irrigation of the applicant's proposed golf course from one existing well, designated Ramex No. 1 in the Stockton Formation. In conjunction with the ground water withdrawal, the golf course will also receive supplemental irrigation from treated effluent from the adjacent Country Crossing Waste Water Treatment Plant. The project is located in the Little Neshaminy Creek Watershed in Warwick Township, Bucks County and is located in the Southeastern Ground Water Protected Area.

6. *Riverfront Development Corporation of Delaware D-2004-19*. An application for approval of a wetland enhancement project to restore and enhance an approximately 200-acre area of tidal marsh located on the Christina River at the Russell W. Peterson Urban Wildlife Refuge. The project is located in the Brandywine-Christina Watershed in the City of Wilmington, New Castle County, DE.

The Commission's 2 p.m. business meeting also will include a resolution to establish an experimental augmented conservation release program for the New York City Delaware Basin Reservoirs for the period from May 1, 2004, through May 31, 2007, or a resolution to extend the existing release program or take other provisional action. In addition, the meeting will include: adoption of the minutes of the March 3, 2004, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; and a report by the Commission's general counsel.

Draft dockets scheduled for public hearing on April 21, 2004, are posted on the Commission's website: [www.drbc.net](http://www.drbc.net) (select "Next DRBC Meeting"). Additional documents relating to the dockets and other items may be examined

at the Commission's offices. Contact William Muszynski, (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 at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 04-653. Filed for public inspection April 16, 2004, 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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 6, 2004.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-1-04	National Penn Bancshares, Inc., Boyertown, to acquire 100% of Peoples First Inc., Oxford	Boyertown	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-04	First Financial Bank Downingtown Chester County  Purchase of assets/assumption of liabilities of one branch office of PNC Bank, N. A., Pittsburgh, Located at: 112 Old Lincoln Highway Coatesville Chester County	Downingtown	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-31-04	Indiana First Savings Bank Indiana Indiana County	915 Route 22 Highway West Blairsville Burrell Township Indiana County	Filed
4-1-04	Iron and Glass Bank Pittsburgh Allegheny County	Three Park Manor Drive Robinson Township Allegheny County	Filed

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	To: 70 Towne Square Way Pittsburgh Allegheny County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 4110 Brownsville Road Pittsburgh Allegheny County	

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-04	CSB Bank Curwensville Clearfield County	Route 879 Clearfield/ Curwensville Highway Clearfield Lawrence Township Clearfield County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
3-31-04	Royal Bank of Pennsylvania Narberth Montgomery County	Amendment to Article 1 provides for a change in corporate title to Royal Bank America.	Approved Effective 4-1-04

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-654. Filed for public inspection April 16, 2004, 9:00 a.m.]

**DEPARTMENT OF  
CONSERVATION AND  
NATURAL RESOURCES**

**Conservation and Natural Resources Advisory  
Council Meeting**

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, April 28, 2004, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf, (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-655. Filed for public inspection April 16, 2004, 9:00 a.m.]

**Proposed Exchange of Subsurface Oil, Gas and  
Mineral Rights**

The Department of Conservation and Natural Resources (Department), acting through the Bureau of For-

estry (Bureau), and John Young of Ithaca, NY, are proposing to negotiate an exchange of subsurface oil, gas and mineral interests in Potter County.

The Bureau is proposing to acquire from John Young nine tracts of oil, gas and mineral rights in East Fork District, Wharton, Summit and Sylvania Townships. These interests comprise a total of approximately 4,284 net acres beneath current State forest lands.

In return, the Bureau proposes to convey to John Young three tracts of oil, gas and mineral rights in Pike, Ulysses and West Branch Townships, comprising a total of approximately 3,975 net acres. The current surface ownership is privately held.

As is the policy of the Department, the public is notified of this proposed exchange. A 30-day period for public inquiry or comment will begin April 19, 2004, and end May 18, 2004. Oral or written comments or questions concerning this proposed exchange should be addressed to Daniel A. Devlin, Chief, Forest Resource Planning and Information Division, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2105. Oral and written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-656. Filed for public inspection April 16, 2004, 9:00 a.m.]



### Tookany Creek Watershed Management Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation (Bureau), has approved the Tookany Creek Watershed Management Plan (Plan) and is placing the portion of the Tookany Creek Watershed studied in the Plan in Montgomery and Philadelphia Counties on the Pennsylvania Rivers Conservation Registry (Registry).

Cheltenham Township submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and is placing the following on the Registry:

1. A portion of the Tookany Creek Watershed located within the municipal boundaries of Abington and Cheltenham Townships and Jenkintown and Rockledge Boroughs, Montgomery County—16.2 square miles.

2. All tributary streams within the Tookany Creek Watershed area, except the Burholme Creek Watershed, that are located within the municipal boundaries of Abington and Cheltenham Townships and Jenkintown and Rockledge Boroughs, Montgomery County.

3. The watershed area of Burholme Creek Watershed located within the municipal boundaries of Abington and Cheltenham Townships, Montgomery County and the City of Philadelphia, Philadelphia County.

This action becomes effective April 17, 2004. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Township of Cheltenham, Administration Building, 8230 Old York Road, Elkins Park, PA 19027-1589, (215) 887-1000; and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Cheltenham Township Administration Building.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-657. Filed for public inspection April 16, 2004, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of Workforce Investment Act, Title II, Section 223 Funds for State Leadership Activities for July 1, 2004—June 30, 2005

#### I. Authorization.

The Bureau of Adult Basic and Literacy Education (Bureau) is releasing these priorities based on knowledge as of this date.

A. Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the

Department of Education (Department) for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency.

2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children.

3. Assist adults in the completion of a secondary school education.

B. Eligible applicants include local education agencies (LEA) and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with an LEA or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act for Program Year 2004-05, the Department will give primary consideration to programs for the educationally disadvantaged.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide a 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

C. Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not more than 12 1/2% of the State's allotment shall be used for State Leadership activities.

2. Not more than 5% of a local applicant's grant may be used for administrative costs, unless the Bureau approves a higher percent in advance.

#### II. Application Procedures and Program Guidelines.

A letter of intent is due at the Bureau by May 7, 2004. The letter of intent should state the priority number for which the application is intended and a one-paragraph description of the proposed project. Applications for State Leadership funds are due June 11, 2004, and must be completed online and submitted to the Bureau through the e-grant website: [www.egrants.ed.state.pa.us](http://www.egrants.ed.state.pa.us). Instructions and the application guidelines are on the e-grant website and the Bureau's website: [www.paadulted.org](http://www.paadulted.org). Faxes will not be accepted.

*Note:* The Bureau reserves the right to consider proposals received after the deadline and, if appropriate, to approve them if and when funds become available.

III. Funds for State Leadership activities are made available under section 222(a)(2) for one or more of the following activities.

Specific priorities that support these activities for Program Year 2004-2005 follow.

1. The establishment or operation of professional development programs to improve the quality of instruction provided under local activities required under section 231(b).

2. The provision of technology assistance, including staff training, to eligible providers of adult education and

literacy activities to enable the eligible providers to improve the quality of activities.

3. The support of State or regional networks of literacy resource centers.

4. The monitoring and evaluation of the quality of, and improvement in, adult education and literacy activities.

5. Incentives for program coordination and integration and performance awards.

6. Developing and disseminating curricula.

7. Other activities of Statewide significance that promote the purpose of this title.

8. Coordination with existing support services, such as transportation, childcare and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in the activities.

9. Integration of literacy instruction and occupational skills training and promoting linkages with employers.

10. Linkages with postsecondary educational institutions.

### **Specific Priorities—State Leadership 2004-05**

#### *1. Communications for professional development*

The successful applicant will provide support for the design and/or publication of the Bureau's newsletters, reports, handbooks and brochures as needed. The project will direct and provide systematic communication and coordination for the Bureau, Professional Development Centers (PDC) and professional development projects. Specifically, this project will support Bureau communication by providing:

- Quarterly publication of *Fieldnews*.
- Annual production of the Bureau Provider Directory and Annual Report.
- Annual update of *ABLE Pages*.
- Maintenance of the Bureau's website.
- Assistance for PDC publications and websites.
- Support for Bureau-related websites.

#### *2. Outstanding adult learners and outstanding adult practitioners*

The successful applicant will manage the outstanding student recognition event for the Bureau. This includes the identification, selection and recognition of ten exemplary adult learners enrolled in adult basic and family literacy education programs whose success stories focus on the role of adult basic education in their lives. Approximately 300 copies of a Success Stories booklet featuring both past and current winners and their Adult Basic and Literacy Education (ABLE) programs will be prepared, published and disseminated to agencies, legislators, CareerLinks and State directors. In addition, the successful applicant will manage the event recognizing outstanding adult education and family literacy practitioners in this Commonwealth whose interaction with adult learners, colleagues and programs is indicative of best practices in adult teaching and learning. The successful applicant will use the standards and performance indicators set forth by the Pennsylvania Adult Teacher Competencies project for the selection of excellent educators and instructors. The applicant will coordinate activities with an identified Bureau staff person.

#### *3. Support of adult education professional development*

The successful applicant will be responsible for administration, fiscal management and support of Statewide adult basic education professional development activities and other Department activities to include provision for support of State Leadership requirements and initiatives under the Workforce Investment Act of 1998, support of various adult basic and literacy conference activities, support of Act 42 Council activities and provision of honoraria for presenters at State-sponsored activities.

#### *4. Supports for ABLE workforce coalitions*

The successful applicant will provide technical assistance to ABLE coalitions, building on activities begun in the Planning for Change project funded in 2001-02. Grantees will guide and support adult education coalitions in attaining regional workforce development goals, including increased/improved communication with regional Workforce Investment Boards and CareerLink Centers, and the development, implementation and monitoring of an Adult Education Coalition Workforce Plan. The project applicant will provide support to all Statewide coalitions.

#### *5. Training*

The successful applicant will work with the Bureau to coordinate the maintenance of existing expertise and existing training opportunities in areas including assessment and instruction in learning differences, technology, English as a Second Language, workforce, reading, writing and numeracy. Activities in this project can be provided by one agency, several agencies or a network of agencies. If several agencies or a network are funded, a lead agency will be identified for fiscal activities and a lead agency will be identified for program activities. The same agency can be, but does not have to be, the lead agency for both fiscal and program activities. Applicants should indicate what portion of this activity they are proposing to address. In the case of a network, all members must be identified, including the lead agency.

Activities in this project should build on the expertise that has been developed in this Commonwealth in the specific areas being addressed. The project must show the capacity to have lead trainers to provide support to PDC trainers when necessary, the ability to provide training when appropriate and the intent to respond to various Bureau requests.

No funding in this priority is to be used for the development of new training activities without Bureau approval. The Bureau will look favorably upon activities that build on capacity and expertise that have been developed through previous State Leadership activities.

#### *6. Continuous program improvement*

The successful applicant for this initiative will work with Bureau staff to ensure the continuation of program improvement activities in ABLE-funded agencies. The applicant will work with the Bureau to identify a strategy for supporting continuous program improvement and to implement multiple processes by which ABLE-funded agencies can engage in continuous program improvement. Processes that will be considered for supporting ongoing program improvement include inquiry, data logs, action research and mentoring. No funding in this priority is to be used for the development of new models or training activities without Bureau approval.

*7. Statewide technology support for administrative activities*

The successful applicant for this ongoing initiative will strengthen the Bureau's ability to collect accurate data on agencies' educational services and on Statewide professional development activities. This project will provide agency staff members with necessary training and technical assistance to use technology for administrative activities, especially data management. This training and support will be provided through working with and building capacity among PDC staff, if appropriate. The training and support will be provided directly by the project staff, when appropriate. The project will maintain the current electronic databases and registration system for agency and professional development activities. It will also provide PDC staff members with necessary training and technical assistance to use technology for tracking professional development activities, enabling the PDC to collect and report data for the Bureau's professional development system. No funding in this priority is to be used for the development of new training activities without Bureau approval.

*8. State literacy resource center*

The successful applicant will maintain a clearinghouse of adult basic education materials and resources for learners and educators in this Commonwealth. The recipient will be responsible for collecting materials from recently funded Bureau projects to establish a comprehensive collection of Pennsylvania publications. Beginning in this contract year, the grantee will ensure that copies of all final reports, products and other materials from Department-funded projects will be collected and housed in the resource center. The recipient will also identify, collect and disseminate information on exemplary projects, reports and other products, both hardcopy and electronic, that are produced outside the Department-funded system. As much as possible, resources will be made available through a website that is linked to the ABLE website and includes research citing evidence-based practices and recent publications of interest to adult basic education and family literacy practitioners. Dissemination of hard copies to meet requests from the field will also be a responsibility of the grantee.

*9. Analysis of professional development system*

The successful applicant will work with the Bureau to design and conduct an evaluation of the current ABLE

professional development system and recommend a framework that will ensure ongoing high quality, clear, user-friendly, accessible professional development services for this Commonwealth's adult basic education, literacy and family literacy practitioners. Project staff will work closely with staff of the Bureau's State Leadership Division, as well as with staff of the PDC and other State leadership projects to achieve the following:

- Documentation and analysis of this Commonwealth's professional development system as it now exists. This is to include identifying and summarizing all initiatives, products, activities and methods of training and communication currently functioning within the system.
- Facilitation of discussion of best practices in professional development. This will include providing research-based information on best practices in professional development and information on existing ABLE professional development systems in other states and countries. It will involve initiating and coordinating discussion among the Bureau and this Commonwealth's current professional development providers on this information and its implications for this Commonwealth's professional development system.
- Evaluation of the current components of this Commonwealth's professional development system. This will include analyzing current training activities, delivery methods and evaluation methods and tools. It will also involve identifying strengths, weaknesses, redundancies and gaps within the professional development system as it now functions.
- Development of a framework for implementing and maintaining future professional development services in this Commonwealth. This framework will reflect sound principles of professional development design and effective methods of training delivery that address the Commonwealth's needs. It will provide clear scope and sequence of training activities and recommend evaluation tools for monitoring the effectiveness of ABLE's professional development services over time.

VICKI L. PHILLIPS, Ed.D.,  
Secretary

[Pa.B. Doc. No. 04-658. Filed for public inspection April 16, 2004, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

## **I. NPDES Renewal Applications**

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0047198 Minor Sewage	Crown American Properties, L. P. Pasquerilla Plaza Johnstown, PA 15907	New Castle Township Schuylkill County	Unnamed tributary to Mud Run 3A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0085715 Sewage	Lloyd and Bertha Geib, Jr. 504 Hemlock Ln. Lebanon, PA 17042-9015	Lebanon County Cornwall Borough	UNT Shearer's Creek 7G	Y
PA0043672 IW	General Dynamics P. O. Box 127 Red Lion, PA 17356	York County Red Lion Borough	Fishing Creek 7I	Y
PA0086282 IW	Texas Eastern Transmission, LP Grantville Compressor Station 5400 Westheimer Court Houston, TX 77056	Dauphin County East Hanover Township	UNT Bow Creek 7D	Y
PA0087998 Sewage	T/A Urban Acres Mobile Home Park 35 Ridge Drive Fleetwood, PA 19522	Berks County Alsace Township	Bernhart Creek 3C	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0083283 Sewage	Arthur Bruaw, Jr. Bruaw Mobile Home Park P. O. Box 277 St. Thomas, PA 17252	Perry County Watts Township	UNT Susquehanna River 6C	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0102270	Skyline Development, Inc. Summit Road MHP SR 4001 Summit Road Greenville, PA 16125	West Salem Township Mercer County	Unnamed tributary to Booth Run 20-A	Y

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

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

**PA0057363**, Sewage, **ARCCA Real Estate Corporation**, 2288 Second Street Pike, Penns Park, PA 18943. This facility is in Wrightstown Township, **Bucks County**.

Description of Proposed Activity: Renewal of permit to discharge treated sewage effluent from a small flow treatment facility.

The receiving stream, an unnamed tributary to Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Suburban Water Company is on Neshaminy Creek, 8.2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 2,000 gallons per day. The limits are the same as in the current permit except for an additional requirement to monitor total phosphorus.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub> (5-1 to 10-31)			10		20
(11-1 to 4-30)			20		
Total Suspended Solids			10		40
NH <sub>3</sub> -N					20
(5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			9.0		18.0
Fecal Coliform			200 #/100 ml		
Dissolved Oxygen			3.0 min.		
pH (STD Units)			6.0 min.		
Total Residual Chlorine			0.5		9.0
Phosphorus (4-1 to 10-31)			Monitor		1.3

The EPA waiver is in effect.

**PA0011282**, Industrial Waste, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is in Springfield Township, **Delaware County**.

Description of Proposed Activity: Existing discharge of treated industrial wastewater generated at the Crum Creek Water Filtration Plant.

The receiving stream, Crum Creek, is in the State Water Plan watershed 3G and is classified for WWF. There are no downstream public water supply intakes between the proposed discharge and the PA/DE border.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		30	60	75
Aluminum, Total		1.24	2.48	3.10
Iron, Total		2.0	4.0	5.0
Manganese, Total		1.0	2.0	2.5
pH (Standard Units)	6.0			9.0

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine		0.5	1.0	1.2
Chlorodibromomethane			Monitor and Report	
Chloroform			Monitor and Report	
Dichlorobromomethane			Monitor and Report	

The proposed effluent limits for Outfall 002 are based on a design flow of 1.7 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		30	60	75
Aluminum, Total		4.0	8.0	10.0
Iron, Total		2.0	4.0	5.0
Manganese, Total		2.0	4.0	5.0
pH (Standard Units)	6.0			9.0
Total Residual Chlorine		0.5	1.0	1.2
Chlorodibromomethane			Monitor and Report	
Chloroform			Monitor and Report	
Dichlorobromomethane			Monitor and Report	
Turbidity				Monitor and Report

The proposed effluent limits for Outfall 002 are based on a design flow of 0.018 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		30	60	75
Aluminum, Total		4.0	8.0	10.0
Iron, Total		2.0	4.0	5.0
Manganese, Total		2.0	4.0	5.0
pH (Standard Units)	6.0			9.0
Total Residual Chlorine		0.5	1.0	1.2
Chlorodibromomethane			Monitor and Report	
Chloroform			Monitor and Report	
Dichlorobromomethane			Monitor and Report	
Turbidity				Monitor and Report

The proposed effluent limits for Outfall 003 and 004 for emergency discharges only are as follows.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			Monitor and Report	
Aluminum, Total			Monitor and Report	
Iron, Total			Monitor and Report	
Manganese, Total			Monitor and Report	
pH (Standard Units)	6.0			9.0

The proposed effluent limits for Outfall 005 are based on a design flow of 2.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		30	60	75
Aluminum, Total		4.0	8.0	10.0
Iron, Total		2.0	4.0	5.0
Manganese, Total		1.0	2.0	2.5
pH (Standard Units)	6.0			9.0
Total Residual Chlorine		0.5	1.0	1.2
Chlorodibromomethane			Monitor and Report	
Chloroform			Monitor and Report	
Dichlorobromomethane			Monitor and Report	

The proposed effluent limits for Outfall 013 are based on a design flow of 0.003 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
pH (Standard Units)	6.0			9.0
Total Residual Chlorine		0.5		1.0

**PA0038296**, IW, SIC 5171, **Sunoco Partners Marketing and Terminals, L. P.**, 1801 Market Street 3/10 PC, Philadelphia, PA 19103-1699. This facility is in Upper Moreland Township, **Montgomery County**.

Description of Proposed Activity: Stormwater runoff from petroleum marketing terminal for storage and distribution of petroleum product.

The receiving stream, unnamed tributary to Pennypack Creek, is in the State Water Plan watershed 3J and is classified for TSF and MF.

The proposed effluent limits for Outfall 001 are based on a design flow of average storm event.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons					Monitor and Report

The proposed effluent limits for Outfall 001 only during hydrostatic testwater discharges, are as follows:

<i>Parameters</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (GPM)	Monitor and Report
Duration (Hours)	Monitor and Report
Dissolved Oxygen	minimum of 5.0 mg/l
Total Suspended Solids	60
Oil and Grease	30
Iron	7.0
Benzene*	0.0025
BETX*	0.25
Ethylbenzene*	Monitor and Report
Toluene*	Monitor and Report
Xylene (Total)*	Monitor and Report
Total Residual Chlorine**	0.5 mg/l
pH (STD Units)	between 6 to 9 STD units at all times

\*Not applicable to new pipelines and/or tanks.

\*\*Applicable only if chlorinated water is used as the source of testwater.

In addition to the effluent limits, the permit contains the following major special conditions: product contaminated stormwater runoff; additional monitoring report requirement; PPC plan requirement; other wastewater discharges associated with the facility; and hydrostatic test water discharge requirements.

**PA0055344**, SEW, SIC 4952, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 400 gpd of treated sewage into unnamed tributary to Jericho Creek.

The receiving stream, unnamed tributary to Jericho Creek, is in the State Water Plan watershed 2E and is classified for WWF. The nearest downstream public water supply intake for the Keystone Water Company is on the Delaware River, 8.2 miles below the point of discharge.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	Monitor and Report	Monitor and Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA0011428**, IW, SIC 5171, **Amerada Hess Corporation**, One Hess Plaza, Woodbridge, NJ 07095-0961. This proposed facility is in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: Bulk storage and distribution of petroleum products.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for WWF and MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.008 MGD.

<i>Parameters</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbon	Monitor and Report
Benzene	Monitor and Report
Methyl Tert Butyl Ether	Monitor and Report

The proposed effluent limit for Outfall 001 during hydrostatic test water discharges are as follows:

<i>Parameters</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report
Duration	Monitor and Report
Dissolved Oxygen	minimum of 5.0
Total Suspended Solids	60
Oil and Grease	30
Iron	7.0
Benzene*	0.0025
BETX*	0.25
Ethylbenzene	Monitor and Report
Toluene*	Monitor and Report
Xylenes (Total)*	Monitor and Report
Total Residual Chlorine	0.5
pH (STD units)	6 to 9

\*These parameters are applicable for existing tanks and/or pipelines.

In addition to the effluent limits, the permit contains the following major special conditions: remedial measures if public nuisance; applicable BAT/BCT; product contaminated runoff; groundwater monitoring requirement; and hydrostatic test water discharge requirements.

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

**PA0083542**, Industrial Waste, SIC Codes 7629, 3625, 5065 and 3825, **Flight Systems, Inc., Hempt Road Facility**, 505 Fishing Creek Road, Lewisberry, PA 17339-9517. This facility is in Silver Spring Township, **Cumberland County**.

Description of activity: Renewal of an NPDES permit for a existing discharge of treated industrial waste.

The receiving stream, a drainage swale to Hogestown Run, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Pennsylvania American Water Company is on the Conodoguinet Creek, approximately 4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00054 MGD are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Trichloroethylene	0.0005	0.010	0.0125

In addition to the effluent limits, the permit contains the following major special condition: the cleanup operation shall continue until the Department has approved the Final Report demonstrating the attainment of an Act 2 standard for groundwater.

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

The EPA waiver is in effect.

**PA0087921**, Sewage, **Berwick Township**, 85 Municipal Road, Hanover, PA 17331-8992. This facility is in Berwick Township, **Adams County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving waters, UNT of Pine Run, is in Watershed 7-F and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Wrightsville Water Supply Co. is on the Susquehanna River, approximately 59 miles downstream. The discharge is not expected to affect the water supply.



The proposed effluent limits for Outfall 001 based on an annual average flow rate of 0.3 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	15	XXX	20
Total Suspended Solids	10	15	XXX	20
Total Phosphorus	2.0	XXX	XXX	4.0
NH <sub>3</sub> -N				
(5-1 to 10-31)	1.5	XXX	XXX	3.0
(11-1 to 4-30)	3.3	XXX	XXX	6.6
Total Copper	XXX	XXX	Monitor and Report	XXX
Dissolved Oxygen			minimum of 5.0 at all times	
pH			from 6.0 to 9.0 inclusive	
Fecal Coliform				
(5-1 to 9-30)			200/100 ml as a geometric average	
(10-1 to 4-30)			24,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

**PA0033995**, SIC Code 4952, Sewage, **County of Berks (County STP)**, Sixth and Court Streets, 14th Floor, Reading, PA 19601. This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Plum Creek in Watershed 3-C (Tulpehocken Creek) in Bern Township, **Berks County**.

The receiving stream is classified for WWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Borough on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.30 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	5.5	11
(11-1 to 4-30)	16.5	33
Total Residual Chlorine	0.36	1.2
Dissolved Oxygen		minimum of 5.0 at all times
pH		from 6.0 to 9.0 inclusive
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
10-1 to 4-30)		18,000/100 ml as a geometric average

The proposed final effluent limits for Outfall 001 for a design flow of 0.50 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	5.5	11
(11-1 to 4-30)	16.5	33
Total Residual Chlorine	0.36	1.2
Dissolved Oxygen		minimum of 5.0 at all times
pH		from 6.0 to 9.0 inclusive
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		10,000/100 ml as a geometric average

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

The EPA waiver is in effect.

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

**PA0027928**, Industrial Waste, SIC 5171, **Gulf Oil Limited Partnership**, 400 Grand Avenue, Pittsburgh, PA 15225. This application is for renewal of an NPDES permit to discharge treated process water, stormwater and untreated hydrostatic test water from the Neville Island Plant in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River (Back Channel), which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply is the Robinson Township Authority.

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Recoverable Hydrocarbons	Monitor and Report				
Suspended Solids			30		60
Oil and Grease			15		30

\*Flow is dependent on rain event.

Other Conditions: Applicable petroleum marketing terminal standard conditions.

The EPA waiver is in effect.

**PA0028029**, Industrial Waste, SIC, 5171, **Gulf Oil Limited Partnership**, 90 Everett Avenue, Chelsey, MA 02150-2337. This application is for renewal of an NPDES permit to discharge treated stormwater from Delmont in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Turtle Creek, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania American Water Company at Monongahela River-Becks, approximately 12 miles below the discharge point.

Outfall 101: existing discharge, design flow of varied mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Total Petroleum Hydrocarbons	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing discharge, design flow of varied MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Benzene			0.001		0.0025
Total Betx			0.100		0.250
Ethylbenzene	Monitor and Report				
Toluene	Monitor and Report				
Total Xylenes	Monitor and Report				
Dissolved Iron					7.0
MITBE	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0021628**, Sewage, **Salisbury Borough**, P. O. Box 343, 171 Smith Avenue, Salisbury, PA 15558. This application is for renewal and amendment of an NPDES permit to discharge treated sewage from the Salisbury Sewage Treatment Plant in Salisbury Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Casselman River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Municipal Water Works on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.1 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			

## NOTICES

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply when the treatment plant is expanded to a flow of 0.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0030651**, Sewage, **Canon-McMillan School District**, One North Jefferson Avenue, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated sewage from the Wylandville Elementary School Sewage Treatment Plant in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Chartiers Creek, which are classified as a HQ WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority on the Ohio River.

*Outfall 001*: existing discharge, design flow of 0.0088 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.1
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0030694**, Sewage, **Girl Scouts of Southwestern Pa.**, 606 Liberty Avenue, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge treated sewage from the Camp Henry Kaufmann Sewage Treatment Plant in Fairfield Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.0216 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	12.5			25.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0046116**, Sewage, **Pressley Ridge School**, 305 Pressley Ridge Road, Ohiopyle, PA 15470. This application is for renewal of an NPDES permit to discharge treated sewage from the Wilderness School for Boys STP in Henry Clay Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Beaver Creek, which are classified as a HQ CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.0045 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.1			2.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0092894**, Sewage, **Consol Pennsylvania Coal Company**, P. O. Box 355, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from Bailey Mine-Main Portal Sewage Treatment Plant in Richhill Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Enlow Fork, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of Sistrerville Water Company on the Ohio River.

*Outfall 004*: existing discharge, design flow of 0.05 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0239496**, Sewage, **Forest Area School District**, 210 Vine Street, Tionesta, PA 16353-9707. This proposed facility is in Hickory Township, **Forest County**.

Description of Proposed Activity: New treated sewage discharge from an existing elementary and high school.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River, approximately 67 miles below point of discharge.

The receiving stream, the Allegheny River, is in watershed 16-F and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Fecal Coliform		200/100ml as a geometric average	
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA0021598**, Sewage, **Conneaut Lake Joint Municipal Authority**, First Street Extension, Conneaut Lake, PA 16316. This proposed facility is in Sadsbury Township, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River at Emlenton, approximately 50 miles below point of discharge.

The receiving stream, the Conneaut Outlet, is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.175 MGD.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow					
CBOD <sub>5</sub>					
(5-1 to 10-31)	147	220	15	22.5	30
(11-1 to 4-30)	245	392	25	40	50
Total Suspended Solids	294	441	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	41		4.2		8.4
(11-1 to 4-30)	122		12.5		25
Total Residual Chlorine			.04		.13
Fecal Coliform					
(5-1 to 9-30)			200/100ml as a geometric average		
(10-1 to 4-30)			6,000/100ml as a geometric average		
Dissolved Oxygen			minimum of 3 mg/l at all times		
pH			6.0 to 9.0 standard units at all times		

The EPA waiver is not in effect.

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

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

**WQM Permit No. 6404402**, B'nai B'rith, 2020 K Street NW, Washington, DC 20006. This proposed facility is in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: This project consists of the construction of an ultraviolet disinfection system to replace the existing chlorine disinfection system at the camp's existing 48,000 GPD wastewater treatment plant for the B'nai B'rith Perlman Camp.

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

**WQM Permit No. 6304201**, Industrial Waste, **U. S. Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. This proposed facility is in Charleroi Borough, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of the Left Bank Concrete Batch Plant and Staging Area, Charleroi L/D Monongahela River.

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

**WQM Permit No. 2004403**, Sewerage, **Jesse Arnett**, 4104 US Highway 19, Cochranon, PA 16314. This proposed facility is in Greenwood Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve two existing homes and a small studio plus two proposed homes.

**WQM Permit No. 1004403**, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046. This proposed facility is in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station and sewer extension to serve the Gables at Brickyard Hill Development and the Adams Township Elementary School.

**WQM Permit No. 2504410**, Sewerage, **Salvatore Orlando**, 9595 Donation Road, Waterford, PA 16441. This proposed facility is in Summit Township, **Erie County**.

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

**WQM Permit No. 4304407**, Sewerage, **David F. Grim**, 523 North Neshannock Road, Hermitage, PA 16137. This proposed facility is in Hermitage City, **Mercer County**.

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

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#### IV. NPDES Applications for Stormwater Discharges from MS4

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#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10D119-1	Habitat for Humanity of Bucks County Emerald Hollow Phase II 340 N. Broad St. Doylestown, PA 18901	Bucks	Milford Township	Barrel Run Creek HQ-TSF
PAI011504016	Calvary Baptist Church of Pottstown Driveway Construction 2096 Schuylkill Road Pottstown, PA 19465	Chester	East Coventry Township	Unnamed tributary Schuylkill River HQ-TSF
PAI011504017	Fred Gunther Auto Repair Collision Center 399 East Market Street West Chester, PA 19380	Chester	East Whiteland Township	Unnamed tributary Little Valley Creek EV
PAI011504018	Penn Devco The Shoppes at Jenner's Village—Phase II 402 Bayard Rd., Suite 200 Kennett Square, PA 19348	Chester	Penn Township	East Branch Big Elk Creek HQ-TSF
PAS10G337-R	Prime Hospitality Corporation Americustes Hotel/Restaurant 656 E. Swedesford Rd., Suite 109 Wayne, PA 19087	Chester	East Whiteland Township	Little Valley Creek EV

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

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504008	Adams Outdoor Advertising, LP US Route 209, Box 5197 East Stroudsburg, PA 18301	Monroe	Hamilton Township	McMichaels Creek HQ-CWF

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q161-R	Gary Cleaver 991 Highway 22, Suite 100 Bridgewater, NJ 08807	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

*Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

*NPDES Permit No.*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204001	Lowe's Home Improvement Warehouse and Retail Center Route 6 LLC Charles Miller 6205 Barfield Rd., Suite 245 Atlanta, Georgia 30328	Pike	Westfall Township	UNT to Delaware River HQ-CWF
PAS10V034-1	Richard Snyder Milford Landing P. O. Box 927 Milford, PA 18337	Pike	Westfall Township	UNT to Delaware River HQ-CWF

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

*Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050204003	Fox Chapel Area School District 611 Field Club Road Pittsburgh, PA 15238	Allegheny	O'Hara Township	Guyasuta Run HQ

*Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056304001	Metz Development, Inc. 524 Waterdam Road McMurray, PA 15317	Washington	North Strabane Township	Little Chartiers Creek HQ-WWF

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

*Elk Conservation District: P. O. Box 448, 300 Center Street, Ridgway, PA 15853, (814) 776-5373.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062404001	MiCale Construction Services, Inc. MiCale Kersey Subdivision 416 Main Street Kersey, PA 15846	Elk	Fox Township	Tributary to Byrnes Run EV

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI090304001	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Armstrong	West Franklin Township	Unnamed tributary to Buffalo Creek HQ-TSF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

### PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determi-

nations 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 determi-

nation may be appealed to the Environmental Hearing Board.

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 0904502**, Public Water Supply.

Applicant **Olde Colonial Greene**  
 Township Doylestown  
 Responsible Official Donna Cawthorne  
 Olde Colonial Drive  
 Doylestown, PA 18901  
 Type of Facility PWS  
 Consulting Engineer Weldon C. Harris & Associated,  
 Consulting Environmental  
 P. O. Box 1361  
 Doylestown, PA 18901  
 Application Received Date March 26, 2004  
 Description of Action Change the disinfection from gas chlorination to liquid sodium hypochlorite at wells 1 and 2.

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

**Permit No. 4004503**, Public Water Supply.

Applicant **United Water Pa.**  
 4211 East Park Circle  
 Harrisburg, PA  
 Township or Borough Harvey's Lake Borough,  
**Luzerne County**  
 Responsible Official Warren A. Rogers  
 Type of Facility PWS System  
 Consulting Engineer John D. Hollenbach, P. E.  
 Application Received Date March 8, 2004  
 Description of Action The reactivation of an existing permitted well and the addition of treatment for disinfection, sequestering and general corrosion control.

**Permit No. 4804501**, Public Water Supply.

Applicant **Westgate Water Company**  
 Township or Borough Hanover Township,  
**Northampton County**

Responsible Official Richard Lewis, Superintendent  
 Westgate Water Company  
 1403 Statten Avenue  
 Bethlehem, PA 18017  
 Type of Facility PWS  
 Consulting Engineer Charles H. Niclaus  
 Niclaus Engineering Corporation  
 804 Sarah Street, Suite 201  
 Stroudsburg, PA 18360  
 Application Received Date March 23, 2004  
 Description of Action Applicant requests approval to construct a 0.97 million gallon finished water ground storage tank and booster pumping station with associated piping to connect with existing source wells and existing distribution system.

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

**Permit No. 3604504**, Public Water Supply.

Applicant **Fairmount Homes Inc.**  
 Municipality West Earl Township  
 County **Lancaster**  
 Responsible Official Douglas S. Miller, Construction  
 Coordinator  
 219 Cats Back Road  
 Ephrata, PA 17522-8628  
 Type of Facility PWS  
 Consulting Engineer David J. Gettle  
 Kohl Bros., Inc.  
 P. O. Box 350  
 Myerstown, PA 17067  
 Application Received Date February 4, 2004  
 Description of Action The addition of well 4 to augment the existing sources of supply. Also will add new treatment to the existing treatment system that will consist of pH adjustment using caustic soda and polyphosphate addition for sequestering manganese and corrosion control.

*Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996434**, Public Water Supply.

Applicant **Alpine Natural Springs, Inc.**  
 Township or Borough Salineville, OH  
 Responsible Official Joe Harris, Operations Manager  
 Type of Facility Out-of-State Bottled Water System  
 Application Received Date March 12, 2004



Description of Action Applicant requesting major permit amendment to add a new distilled bottled water product to their current PWS permit. Bottled water to be sold in this Commonwealth under the brand names Alpine Natural Springs—Sodium Free Spring Water, Alpine Natural Springs—Premium Spring Water, Alpine Natural Springs—Premium Distilled Water and Giant Eagle Distilled Water.

#### MINOR AMENDMENT

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

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

##### Application No. Minor Amendment.

Applicant	<b>Pennsylvania Utility Company</b>
Township or Borough	Lehman Township, <b>Pike County</b>
Responsible Official	Soung Hong, President Pennsylvania Utility Company 234 The Glen Tamiment, PA 18371
Type of Facility	PWS
Application Received Date	March 31, 2004
Description of Action	Transfer of PWS Permit No. 2520070 from the Tamiment Water Company to the Pennsylvania Utility Company.

#### WATER ALLOCATIONS

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

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

**WA 10-1007**, Water Allocations, **Petroleum Valley Regional Water Authority**, P. O. Box P, Bruin, PA 16022, Bruin Borough, **Butler County**. Subsidiary allocation for 220,000 gpd from East Brady Borough to provide water service to various locations along the Route 68/268 corridor from Bruin to East Brady.

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

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

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

**Permit Application No. 101544. Greater Lebanon Refuse Authority**, North Lebanon and North Annville

Townships, **Lebanon County**. The application is to increase average daily volume from 366 to 750 tons per day and the max daily volume from 535 to 1,100 tons per day. The application was determined to be administratively complete by the Southcentral Regional Office on March 31, 2004. The Department, Host Municipality and Host County has negotiated a total review time of 405 days (May 9, 2005).

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application should contact the Waste Management Program, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

#### PLAN APPROVALS

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

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

**06-05002D: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522-8541) for modification of two long dry cement kilns to fire various alternative fuels at their facility in Maiden Creek Township, **Berks County**. Each kiln is controlled by a cyclone, spray tower and fabric collector. The kilns are subject to 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants from Portland Cement Plants.

**06-05020A: Craft-Maid Kitchens, Inc.** (501 South Ninth Street, Reading, PA 19602) for construction of three paint spray booths controlled by dry filter panels in the City of Reading, **Berks County**.

**21-05012A: M. H. Technologies, Inc.** (1 Mountain Street, P. O. Box C, Mt. Holly Springs, PA 17065) for restarting a 13 million Btu/hr boiler in Mt. Holly Springs Borough, **Cumberland County**. M. H. Technologies, Inc. produces electrical insulation paper at their production facility.

**22-03060: Amerigas Propane, LP** (5400 Paxton Street, Harrisburg, PA 17111) for installation of a propane cylinder filling line in their facility in Swatara Township, **Dauphin County**.

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

**10-027D: Penreco** (138 Petrolia Street, Karns City, PA 16041) for minor modification of Plan Approval 10-027C to add conditions to the permit to reflect the status of the facility as minor for the boiler MACT under 40 CFR Part 63 and to revise the existing permit recordkeeping requirement for NOx emissions for the facility in Karns City, **Butler County**. The facility is a Title V Facility.

**42-178A: Glenn O. Hawbaker, Inc.** (SR 1002, Champlin Hill Road, Turtlepoint, PA 16750) for modification of a plan approval to burn alternative fuels including no. 2, no. 5, no. 6 or reprocessed/recycled oil or natural gas at plant 7—Turtlepoint Asphalt in Annin Township, **McKean County**.

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

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

**46-0029: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19401) for construction and installation of a batch asphalt plant in Montgomery Township, **Montgomery County**. This asphalt plant was operated under OP-46-0029 at Glasgow's Ivy Rock Plant. The plant will use natural gas as primary fuel and no. 2 fuel oil as back up. This installation will not result in change of the current synthetic minor status of the facility. The owner/operator has taken production limitation to stay below the major source threshold for NOx and VOC. The Plan Approval will require the company to perform stack tests for all criteria pollutants (except lead). Emissions of PM are controlled by a cyclone and a baghouse.

**09-0067C: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362-0300) for construction of a potato chip production line with an air emission control device, at their existing facility in West Nottingham Township, **Chester County**. This facility is a non-Title V facility. The Plan Approval will contain operating and recordkeeping requirements designed to keep the facility operating within the allowable emission standards 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.*

**ER-36-05061: Lancaster Malleable Castings Co.** (1170 Lititz Avenue, Lancaster, PA 17601) for an air quality Emission Reduction Credit (ERC) approval of 11.65 tons of VOCs and 25.78 tons of NOx, resulting from the shutdown of the existing malleable iron foundry in Manheim Township, **Lancaster County**. The ERCs generated are based on the March 31, 2003, permanent shutdown of the Lancaster facility.

**07-03048: Chimney Rocks Animal Rest, Inc.** (R. R. 1, Box 136 Chimney Rocks Road, Hollidaysburg, PA 16648) for installation of an animal crematory controlled by a thermal afterburner at the facility in Blair Township, **Blair County**. The unit will have a rated capacity of 75 pounds per hour. Expected NOx emissions will be less than 0.5 ton per year and particulate emissions will be less than 0.20 ton per year. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**22-05012: ISG Steelton LLC—formerly ISG Steelton Inc.** (215 South Front Street, Steelton, PA 17113) for amendment of the facility's Title V Operating Permit 22-05012 to incorporate the change of company name for their facility in the Borough of Steelton, **Dauphin County**. The facility's major sources of emissions include arc furnaces and other heating furnaces and boilers which primarily emit NOx, SOx and VOCs.

**22-05012A: ISG Steelton LLC—formerly ISG Steelton Inc.** (215 South Front Street, Steelton, PA 17113) for construction of a natural gas fired boiler, rated at 99.33 mmBtu/hr, to replace central boiler 2 rated at 200 mmBtu/hr at the Steelton Plant in the Borough of Steelton, **Dauphin County**. The primary emission from this source is NOx and this application will result in reduced NOx emissions. The facility currently has Title V Operating Permit 22-05012. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The facility's major sources of emissions include arc furnaces and other heating furnaces and boilers which primarily emit NOx, SOx and VOCs.

**34-03005B: Energex American, Inc.** (R. R. 5, Box 343, Mifflintown, PA 17059) for modification of the wood pellet manufacturing plant in Walker Township, **Juniata County**. The modifications include the installation of a wet scrubber to control emissions from a wood-fired dryer. The plan approval and operating permit will include emission restrictions, testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

**36-05119: Signature Custom Cabinetry, Inc.** (434 Springville Road, Ephrata, PA 17522) for a coating booth in Ephrata Township, **Lancaster County**. The amendment to the facility permit shall include the woodworking Spray Booth 64 installed as per Plan Approval 36-05119A. The source estimated emission is 4 tpy VOC. The facility VOC emissions shall be kept at less than 50 tpy. Synthetic Minor Operating Permit shall contain monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**67-03121: Oldcastle Stone Products** (P. O. Box 220, Thomasville, PA 17364) to operate three stone packaging lines at the Global Stone PenRoc's Hull Road plant in West Manchester Township, **York County**. The Plan Approval and Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Overall actual emissions of PM10 are not expected to exceed 3.64 tons per year as a result of the operation.

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

**14-00002A: Graymont—PA, Inc.** (P. O. Box 448, Bellefonte, PA 16823) for construction at their facility in Spring Township, **Centre County**. The respective facility is a major facility for which Title V Operating Permit 14-00002 has been issued. The Department intends to issue a plan approval to authorize the applicant to construct the following:

1. A 1,200-ton per day rotary lime kiln, designated as kiln 6, equipped with a 240 million Btu per hour coal/petroleum coke-fired burner, capable of firing on no. 2 fuel oil for startup and a preheater. The air contaminant emissions from the kiln shall be controlled by the installation of a pulse jet fabric collector, designated as 326-PDC-660. The fabric collector shall have a minimum fabric area of 48,833 square feet and handle no more than 155,000 actual cubic feet per minute.

2. A 1,050-ton per day rotary lime kiln, designated as kiln 7, equipped with a 280 million Btu per hour coal/petroleum coke-fired burner, capable of firing on no. 2 fuel oil for startup. The air contaminant emissions from the kiln shall be controlled by the installation of a pulse jet fabric collector, designated as 327-PDC-760. The fabric collector shall have a minimum fabric area of 46,998 square feet and handle no more than 146,000 actual cubic feet per minute.

3. A limestone feed system (a/k/a processed limestone handling operations) comprised of five 24-inch belt conveyors, one 36-inch belt conveyor, two bucket elevators, one storage silo, one load-out spout, one 4-foot by 8-foot double deck screen, one 6-foot by 16-foot triple deck screen and one feed bin. The fugitive air contaminant emissions from three of the 24-inch belt conveyors and the new 6-foot by 16-foot triple deck screen and a primary crushing operation associated with the facility's existing crushing and screening operation, shall be controlled by

the installation of a pulse jet fabric collector, designated as 305-PDC-500. The fabric collector shall have a minimum fabric area of 1,980 square feet and handle no more than 12,000 actual cubic feet per minute. The fugitive air contaminant emissions from three of the 24-inch belt conveyors (one of which is also controlled by collector 305-PDC-500), the 36-inch belt conveyor and one of the feed bins, as well as from two bucket elevators, a storage silo, a load-out spout and a 4-foot by 8-foot double deck screen associated with the hopper unloading systems for fabric collectors 326-PDC-660 and 327-PDC-760, shall be controlled by the installation of a pulse jet fabric collector, designated as 305-PDC-510. The fabric collector shall have a minimum fabric area of 1,636 square feet and handling no more than 10,000 actual cubic feet per minute. The fugitive air contaminant emissions from one of the 24-inch belt conveyors (which is also controlled by collector 305-PDC-500), as well as from sources associated with the facility's existing crushing and screening operation shall be controlled by an existing fabric collector, designated as 12-D-324.

4. A coal/petroleum coke feed system comprised of one 42-inch belt conveyor, five 30-inch belt conveyors two 24-inch belt conveyors, four 20-inch drag conveyors, one bucket elevator, one load hopper, three storage silos, two kiln feed bins and one 100-ton per hour triple roll crusher.

5. A lime discharge system comprised of four 24-inch belt conveyors, three 30-inch apron pan conveyors, two 20-inch drag conveyors, three bucket elevators and two contact lime coolers (four vibrating feeders each). The fugitive air contaminant emissions from sources comprising the system shall be controlled by the installation of a pulse jet fabric collector, designated as 345-PDC-500. The fabric collector shall have a minimum fabric area of 7,068 square feet and handle no more than 30,000 actual cubic feet per minute.

6. A lime storage area comprised of 8 24-inch belt conveyors, 3 existing 30-inch belt conveyors, 4 bucket elevators, 2 4-foot by 8-foot four deck screens and 26 storage silos (10 new, 16 existing) ranging in capacity from 75 tons to 1,400 tons. The fugitive air contaminant emissions from two of the 24-inch belt conveyors, the four bucket elevators and the ten new storage silos (vents only), as well as from sources associated with the lime loading system (list of sources follows), shall be controlled by a pulse jet fabric collector, designated as 345-PDC-510 (description of collector follows). The fugitive air contaminant emissions from six of the 24-inch belt conveyors and the two 4-foot by 8-foot four-deck screens, as well as from two 24-inch belt conveyors associated with the lime discharge system, shall be controlled by an existing pulse jet fabric collector, designated as 345-PDC-6720. The fabric collector shall have a minimum fabric area of 3,267 square feet and handle no more than 15,250 actual cubic feet per minute. The fugitive air contaminant emissions from the 16 existing storage silos (vents and vibrating feeders), as well as from 3 existing 30-inch belt conveyors associated with the lime loading system, shall be controlled by an existing pulse jet fabric collector, designated as 345-PDC-6711. The fabric collector shall have a minimum fabric area of 3,015 square feet and handle no more than 19,185 actual cubic feet per minute.

7. A lime loading system comprised of 4 36-inch belt conveyors, 9 24-inch belt conveyors, 2 20-inch drag conveyors, 6 bucket elevators, 2 5-foot by 7-foot 5-deck screens, 2 100-ton per hour double roll crushers, 4 loading spouts and 12 storage silos ranging in capacity from 36

tons to 115 tons. The fugitive air contaminant emissions from two of the 36-inch belt conveyors, three of the 24-inch belt conveyors, one 20-inch drag conveyor, four of the bucket elevators, one of the 5-foot by 7-foot 5-deck screens, one of the double roll crushers, three of the load-out spouts and seven of the storage silos, as well as from sources associated with the lime storage area (list of sources provided previously), shall be controlled by a pulse jet fabric collector, designated as 345-PDC-510. The fabric collector shall have a minimum fabric area of 7,068 square feet and handle no more than 30,000 actual cubic feet per minute. The fugitive air contaminant emissions from two of the 36-inch belt conveyors, six of the 24-inch belt conveyors, one 20-inch drag conveyor, two of the bucket elevators, one of the 5-foot by 7-foot 5-deck screens, one of the double roll crushers, one of the load-out spouts and five of the storage silos, as well as from ten of the new storage silos (vibrating feeders only) associated with the lime storage area, shall be controlled by a pulse jet fabric collector, designated as 345-PDC-520. The fabric collector shall have a minimum fabric area of 7,068 square feet and handle no more than 30,000 actual cubic feet per minute.

8. A fine and pulverized lime system comprised of two existing 24-inch belt conveyors, three bucket elevators, one 6-foot by 14-foot double deck screen, two existing 5-foot by 7-foot five-deck screens, one existing hammermill crusher, three load-out spouts (one new, two existing), a mechanical separator and five storage silos (one new, four existing). The fugitive air contaminant emissions from sources comprising the system shall be controlled by an existing pulse jet fabric collector, designated as 505-PDC-6208. The fabric collector shall have a minimum fabric area of 4,083 square feet and handle no more than 20,450 actual cubic feet per minute.

This project will emit up to 1,476 tons of nitrogen oxides, 1,833 tons of SO<sub>x</sub>, 2,464 tons of CO, 100.4 tons of PM, including PM<sub>10</sub>, 48.45 tons of VOCs, 234.33 tons of hydrochloric acid and 172.13 tons of ammonia in any 12 consecutive month period.

This project is subject to the Prevention of Significant Deterioration (PSD) requirements of 25 Pa. Code §§ 127.81–127.83 and 40 CFR 52.21 for CO. In addition, evaluation of the proposed “alternate scenario” where only one lime kiln (kiln 6) would be constructed and three existing lime kilns at the Pleasant Gap site would not be shutdown, concluded that the potential emission of SO<sub>2</sub> would also exceed the significance threshold and would therefore be subject to the PSD requirements. In the case of the first scenario, where both lime kilns (kilns 6 and 7) are proposed to be constructed, seven existing lime kilns will be shutdown, including the three Pleasant Gap kilns. The Department has determined that the proposed level of CO and SO<sub>2</sub> emission control will satisfy the Best Available Control Technology requirement of these regulations and that the emission of these air contaminants will not endanger the maintenance of any applicable National Ambient Air Quality Standard or result in the consumption of more ambient increment than is available in the Spring Township area.

The maximum annual SO<sub>2</sub> ambient concentration is projected to be 57.4 micrograms per cubic meter (standard is 80 micrograms per cubic meter), the maximum 24-hour SO<sub>2</sub> ambient concentration is projected to be 331.6 micrograms per cubic meter (standard is 365 micrograms per cubic meter), the maximum 3-hour SO<sub>2</sub> ambient concentration is projected to be 1,250 micrograms per cubic meter (standard is 1,300 micrograms per

cubic meter), the maximum 8-hour CO ambient concentration is projected to be 4,946.5 micrograms per cubic meter (standard is 10,000 micrograms per cubic meter) and the maximum 1-hour CO ambient concentration is projected to be 13,973.1 micrograms per cubic meter (standard is 40,000 micrograms per cubic meter). The total amount of increment consumed at the respective site, including the impact of kiln 6, is projected to be 9.5 micrograms per cubic meter of the 20 micrograms per cubic meter of total allowable annual SO<sub>2</sub> increment, 89.9 micrograms per cubic meter of the 91 micrograms per cubic meter of the total allowable 24-hour SO<sub>2</sub> increment and 479.6 micrograms per cubic meter of the 512 total allowable 3-hour SO<sub>2</sub> increment. This will leave 10.5 micrograms per cubic meter of annual SO<sub>2</sub> increment, 1.1 micrograms per cubic meter of 24-hour SO<sub>2</sub> increment and 32.4 micrograms per cubic meter of 3-hour SO<sub>2</sub> increment available for future industrial, and the like, growth in the Spring Township area.

According to 40 CFR 52.21(l)(2), an alternative to the air quality models specified in 40 CFR Part 51, Appendix W (relating to Guideline on Air Quality Models) may be used to model air quality if the EPA approves the substitute model. Use of the substituted model must also be subject to notice and an opportunity for public comment.

As an alternative to EPA Guideline Models, AERMOD Version 02222 was used in the air quality analysis for the proposed Graymont facility. Specific approval for the use of AERMOD Version 02222 in this analysis was granted by the EPA Region III Administrator and was consistent with the recommendations under section 3.2 of 40 CFR Part 51, Appendix W. The Department is expressly requesting written comments on AERMOD Version 02222, the EPA-approved substitute model used for the lime kiln project. Under 25 Pa. Code §§ 127.44 and 127.83 and 40 CFR 52.21(l)(2) and (q), notice is given that the Department is soliciting written comments on the use of the nonguideline model, AERMOD Version 02222, approved by the EPA.

The PSD regulations also require an analysis of the impact of the facility's projected SO<sub>2</sub> and CO emissions on visibility, soils and vegetation. The Department has determined that there will be no adverse impact on local visibility and minimal impacts on soil and vegetation.

The Department's review of the information contained in the application indicates that the two new lime kilns and associated equipment and control devices will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the PSD requirements of 25 Pa. Code §§ 127.81–127.83 and 40 CFR 52.21, the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, Subpart AAAAA of the National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing, Subpart HH of the Federal Standards of Performance for Lime Manufacturing Plants, Subpart OOO of the Federal Standards of Performance for Nonmetallic Mineral Processing Plants and Subpart Y of the Federal Standards of Performance for Coal Preparation Plants. Based on this finding, the Department intends to approve the application and issue plan approval for the proposed construction.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. All conditions in Title V Operating Permit 14-00002 remain in effect unless superseded or amended by condi-

tions contained herein. If there is a conflict between a condition or requirement this plan approval and a condition or requirement Title V Operating Permit 14-00002, the permittee shall comply with the condition or requirement this plan approval rather than the conflicting condition or requirement in Title V Operating Permit 14-00002.

2. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as of the extension provisions of 25 Pa. Code § 127.13, this plan approval shall be null and void if construction has not commenced within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction. Kiln construction may be phased. Construction of kiln 6 must commence within 18 months of issuance of the plan approval. Construction of kiln 7 must commence within 18 months of the completion of construction of kiln 6.

3. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from each of the two kilns, identified herein, shall not exceed 0.10 pound per ton of limestone feed to the kiln and the particulate matter concentration of the exhaust from the fabric collectors controlling each of these kilns shall not exceed 0.01 grain per dry standard cubic foot as measured by 40 CFR Part 60 Appendix A, Method 5. Compliance with the pound per ton of limestone feed and grain per dry standard cubic foot emission limits shall be evaluated based upon stack testing done in accordance with the Department's Stack Testing Manual and approved by the Department. Additionally, the opacity of the exhaust from each of the fabric collectors shall not exceed 10%, as measured by the continuous opacity monitor, required herein.

4. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter concentration of the exhaust from the fabric collectors controlling sources comprising the lime and processed limestone handling operations, as identified herein, shall not exceed 0.01 grain per dry standard cubic foot. Compliance with the grain per dry standard cubic foot emission limit shall be evaluated based upon stack testing done in accordance with the Department's Stack Testing Manual and approved by the Department. Additionally, the opacity of the exhaust from the referenced fabric collectors shall not exceed 5%, as measured using Method 9, required herein.

5. Under 25 Pa. Code § 123.1, there shall be no fugitive emissions from new lime and processed limestone handling operations, as identified herein, whose emissions have not been specifically identified and quantified in the application.

6. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, all conveyors comprising the coal/petroleum coke feed system, as identified herein, not enclosed in a building shall be equipped with full covers.

7. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the 100-ton per hour triple roll crusher associated with the coal/petroleum coke feed system, as identified herein, shall be enclosed in a building.

8. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from the two kilns, as identified herein, shall not exceed 0.118 pound per ton of lime, until final limits are established. Compliance with the pound per ton of lime emission limit shall be evaluated based upon stack testing done in accordance with the Department's Stack Testing Manual and approved by the Department. Final limits may remain the same or be adjusted downward based on stack testing results. Final

limits will be incorporated into the operating permit. The permittee retains the right to comment on the final limits. Limits may be adjusted upward only after evaluation and approval of a new plan approval application.

9. As per the permittee's request, the total combined emission of VOCs from all sources at the facility shall not equal or exceed 50 tons in any 12 consecutive month period.

10. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the NOx emissions (NOx expressed as NO<sub>2</sub>) from kilns 6 and 7 shall not exceed 767 tons and 709 tons, respectively, in any 12 consecutive month period. Additionally, the NOx emissions from kilns 6 and 7 shall not exceed an average of 205 pounds per hour and 179 pounds per hour, respectively, in any 30 consecutive calendar day period, until final limits are established. Final limits will be established by the Department upon evaluation of 1 year or more of continuous emission monitoring data, with a minimum of 90% valid data, collected beginning at initiation of normal production for each kiln. Final limits may remain the same or be adjusted downward based on this evaluation. Final limits will be incorporated into the operating permit. The permittee retains the right to comment on the final limits. Limits may be adjusted upward only after evaluation and approval of a new plan approval application.

11. Under the PSD provisions of 25 Pa. Code §§ 127.81—127.83, the CO emissions from kilns 6 and 7 shall not exceed 1,431 pounds and 1,800 pounds, respectively, in a 1-hour period, until final limits are established. A 1-hour period is a separate and distinct 1-hour block of time measured from the start of an hour to the start of the following hour. Final limits will be established by the Department upon evaluation of 1 year or more of continuous emission monitoring data, with a minimum of 90% valid data, collected beginning at initiation of normal production for each kiln. Final limits may remain the same or be adjusted downward based on this evaluation. Final limits will be incorporated into the operating permit. The permittee retains the right to comment on the final limits. Limits may be adjusted upward only after evaluation and approval of a new plan approval application.

12. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from kilns 6 and 7 shall not exceed 1,314 tons and 1,150 tons, respectively, in any 12 consecutive month period.

13. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, in the event that both kilns 6 and 7 are constructed, the SOx emissions from kilns 6 and 7 shall not exceed 305.0 pounds per hour and 550.0 pounds per hour, respectively, in a 3-hour blocked period, until final limits are established. Three-hour blocked periods are nonoverlapping 3-hour blocks of time beginning at 12 a.m. each day. Final limits will be established by the Department upon analysis of 1 year or more of continuous emission monitoring data, with a minimum of 90% valid data, collected beginning at initiation of normal production for each kiln. The resultant limits will consider the difference between the measured annual average sulfur content in the fuel and 2% and 1% annual averages for kilns 6 and 7, respectively. Final limits may remain the same or be lowered, from the previous initial limits, based on this evaluation. Final limits will be incorporated into the operating permit. The permittee retains the right to comment on the final limits. Limits may be raised only after evaluation and approval of a new plan approval application.

14. Under the PSD provisions of 25 Pa. Code §§ 127.81—127.83, in the event that only kiln 6 is constructed, the SO<sub>x</sub> emissions shall not exceed 305.0 pounds per hour in a 3-hour blocked period, until a final limit is established. Three-hour blocked periods are nonoverlapping 3-hour blocks of time beginning at 12 a.m. each day. Final limit will be established by the Department upon analysis of 1 year or more of continuous emission monitoring data, with a minimum of 90% valid data collected beginning at initiation of normal production for the kiln. The resultant limit will consider the difference between the measured annual average sulfur content in the fuel and a 2% annual average for kiln 6. Final limits may remain the same or be lowered, from the previous initial limit, based on this evaluation. Final limit will be incorporated into the operating permit. The permittee retains the right to comment on the final limit. The limit may be raised only after evaluation and approval of a new plan approval application.

15. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the SO<sub>x</sub> emissions (SO<sub>x</sub> expressed as SO<sub>2</sub>) from kilns 6 and 7 shall not exceed 571 tons and 1,262 tons, respectively, in any 12 consecutive month period.

16. Under 25 Pa. Code § 123.21, sulfur dioxides emissions, expressed as SO<sub>2</sub>, shall not exceed 500 parts per million (1-hour block average), by volume, dry basis.

17. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, air quality modeling predicts that 479.6 µg/m<sup>3</sup> of the 512 µg/m<sup>3</sup> of allowable 3-hour SO<sub>2</sub> increment would be consumed, 89.9 µg/m<sup>3</sup> of the 91 µg/m<sup>3</sup> of allowable 24-hour SO<sub>2</sub> increment would be consumed and 9.5 µg/m<sup>3</sup> of the 20 µg/m<sup>3</sup> of allowable annual arithmetic mean SO<sub>2</sub> increment would be consumed, in the event that only kiln 6 is constructed.

18. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the yearly average sulfur content of the coal/petroleum coke fuel blend during the year of continuous emission monitoring data collection for each kiln, referenced in conditions 10, 11, 13 and 14, shall be as close as achievable to 2% and 1% for kilns 6 and 7, respectively, and shall not exceed 2.5% and 1.25% for kilns 6 and 7, respectively. The 2.5% and 1.25% limits apply only during the period of continuous emission monitoring data collection for each kiln, specified in conditions 12, 13, 15 and 16.

19. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, any no. 2 fuel oil burned in either kiln referenced in condition 2 herein shall not contain sulfur in excess of 0.5% by weight. In addition, the no. 2 fuel oil shall be virgin fuel to which no reclaimed or waste oil or other waste materials have been added.

20. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the hydrogen chloride emissions from kilns 6 and 7 shall not exceed 28.5 pounds per hour and 25.0

pounds per hour, respectively, until final limits are established. Compliance with the pound per hour emission limits shall be evaluated based upon stack testing done in accordance with the Department's Stack Testing Manual and approved by the Department. Final limits will be established by the Department upon evaluation of results of stack testing required herein and will consider the variability of testing results.

21. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the ammonia emissions from kilns 6 and 7 shall not exceed 21.0 pounds per hour and 18.3 pounds per hour, respectively, until final limits are established. Compliance with the pound per hour emission limits shall be evaluated based upon stack testing done in accordance with the Department's Stack Testing Manual and approved by the Department. Final limits will be established by the Department upon evaluation of results of stack testing required herein and will consider the variability of testing results.

22. Under 25 Pa. Code § 127.211(b)(3)(iv), Bellefonte kilns 4 and 5 and Con Lime kilns 1 and 3 shall be permanently shut down within 180 days of the start of operation of kiln 6 identified herein. Additionally, Pleasant Gap kilns 1—3, Bellefonte kilns 4 and 5 and Con Lime kilns 1 and 3 shall be permanently shut down within 180 days of the start of operation of kiln 7 identified herein.

23. Under the PSD provisions of 25 Pa. Code §§ 127.81—127.83, during the 180 day shakedown period for kiln 7, only the following combinations of kilns may be operated at the same time: kilns 6 and 7; kiln 6 and Pleasant Gap kilns 1—3. During the 180 day shakedown period for kiln 7, simultaneous operation of kilns 6 and 7 and Pleasant Gap kilns 1—3 is prohibited.

24. Under the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217, 746.64 tons of NO<sub>x</sub> emission reduction credits will be generated upon the shutdown of Bellefonte kilns 4 and 5 and Con Lime kilns 1 and 3. These emission reduction credits shall be used to internally net out of the requirements of New Source Review for the construction of kiln 6 with respect to NO<sub>x</sub>. 850.68 tons of NO<sub>x</sub> emission reduction credits will be generated upon the shutdown of Pleasant Gap kilns 1—3. These emission reduction credits, as well as the emission reduction credits previously generated, shall be used to internally net out of the requirements of New Source Review for the construction of kiln 7 with respect to NO<sub>x</sub>. 9.66 tons and 8.37 tons of VOC emission reduction credits will be generated upon the shutdown of Bellefonte kilns 4 and 5 and Con Lime kilns 1 and 3 and upon the shutdown of Pleasant Gap kilns 1—3, respectively. If only kiln 6 is constructed, the net NO<sub>x</sub> emission increase for the contemporaneous period is 20.36 tons. If both kilns 6 and 7 are constructed, the net NO<sub>x</sub> emission increase (credit) for the contemporaneous period is -121.32, which may be used for future netting or trading.

	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>	<i>SO<sub>x</sub> (tons)</i>
<i>Pleasant Gap kiln 1</i> 13.25 tph coal/coke-fired w/fabric collector	288.26	2.84	216.91	842.10
<i>Pleasant Gap kiln 2</i> 13.25 tph coal/coke-fired w/fabric collector	281.82	2.77	212.06	816.36
<i>Pleasant Gap kiln 3</i> 13.25 tph coal/coke-fired w/fabric collector	280.60	2.76	211.14	834.44
<i>Bellefonte kiln 4</i> 18.75 tph coal/coke-fired w/wet scrubber	174.04	3.30	133.54	11.54

	<i>NOx (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>	<i>SOx (tons)</i>
<i>Bellefonte kiln 5</i> 18.75 tph coal/coke-fired w/venturi scrubber	311.33	3.57	144.78	39.92
<i>Con Lime kiln 1</i> 14 tph coal/coke-fired w/fabric collector	139.57	1.33	44.25	37.61
<i>Con Lime kiln 3</i> 17 tph coal/coke-fired w/fabric collector	121.70	1.46	48.79	41.47
Total ERCs/Actual Emissions	1,597.32	18.03	1,011.47	2,623.44

25. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, prior to the start of operation of kiln 6, the exhaust stack for kilns 1–3 at Pleasant Gap shall be increased to a height of 65.0 meters above base elevation and be relocated to the UTM coordinates of 271,600.8 Easting and 4,530,242.4 Northing, as specified in the permittee's air dispersion modeling analysis, received by the Department on March 23, 2004.

26. Under 25 Pa. Code §§ 139.101 and 139.103, the permittee shall install, certify, maintain and operate a continuous emission monitoring system for NOx (NOx, expressed as NO<sub>2</sub>), CO, SOx (SOx, expressed as SO<sub>2</sub>) emissions and opacity on each kiln in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual. The continuous emission monitoring systems shall be capable of monitoring the NOx, CO and SOx concentrations, expressed in ppmv, emission rates, expressed in pounds per hour and total emissions in any 12 consecutive month period, expressed in tons per year, for each kiln.

27. The permittee shall submit a Phase I application to the Department for the continuous emission monitoring system required by condition 26 herein at least 6 months prior to the anticipated startup date of the first of the two kilns.

28. The kilns identified herein shall not be operated for any reason unless the monitoring systems identified in condition 26 herein have received Phase I approval from the Department and have subsequently been installed and made operational.

29. For each of the two kilns, the required relative accuracy testing shall have been completed on the associated continuous emission monitoring system and the system shall be fully certified in accordance with all applicable State and Federal regulatory requirements within 180 days of startup of the respective kiln.

30. Within 120 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform testing on each of the kilns to determine the VOC (expressed as propane), particulate matter, hydrogen chloride and ammonia emissions, using test methods and procedures approved by the Department. Testing shall be performed while the kilns are operating at a minimum of 90% of the rated kiln capacity.

31. Within 120 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform testing on all sources identified herein, other than the kilns, which are controlled by fabric collectors to determine the particulate matter emissions, using test methods and procedures approved by the Department. Testing shall be performed while the lime processing operation is operating at a minimum of 90% of its rated capacity.

32. At least 180 days prior to the initial startup of kiln 6, the permittee shall perform testing on Bellefonte kilns 4 and 5 to determine the SOx (SOx, expressed as SO<sub>2</sub>) emissions using test methods and procedures approved by the Department. The SOx emissions shall be reported as pounds per hour and shall be used to verify that the respective emissions from these kilns are at or below the amounts specified in Table 6.0-1 of the Ambient Air Quality Impacts Analysis, dated March 23, 2004. Testing shall be performed while the kilns are operating at a minimum of 90% of the rated kiln capacity.

33. At least 60 calendar days prior to the performance of any testing required by conditions 30–32 herein, the permittee shall submit two copies of a pretest protocol to the Department for review and approval. This protocol shall describe the test methods and procedures to be used in the performance of testing and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process data, which will be monitored and recorded to verify the rate of production during testing.

34. At least 14 calendar days prior to the performance of any testing required by conditions 30–32 herein, the permittee shall notify the Department of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of the testing without having been given proper notification.

35. Within 60 calendar days following the completion of testing required by conditions 30–32 herein, the permittee shall submit two copies of a test report to the Department for review and approval. This test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing and operating load calculations. Since the testing is required for the purpose of demonstrating compliance with limitations identified in conditions contained herein, the results of the testing shall be expressed in units identical to the units of all the limitations identified herein for each of the respective air contaminants.

36. Within 60 days after initial startup, and every calendar month thereafter, the permittee shall perform Reference Method 9 testing on all fabric collector exhausts which control sources comprising the lime handling operations identified herein, except the lime kilns, as well as on all exhaust vents of all buildings which enclose sources associated with the processed limestone handling operations identified herein, to determine the percent opacity of visible emissions. Tests shall be performed by a certified observer while the lime processing operation is operating to demonstrate compliance. For any given stack or exhaust vent, if six consecutive monthly tests are performed which demonstrate compli-

ance with the opacity limitations specified herein, the frequency of the testing shall be reduced to semiannually. For any given stack or exhaust vent, if one semiannual test demonstrates compliance with the opacity limitations specified herein, the frequency of the testing shall be reduced to annually. For any given stack or exhaust vent, if any test performed demonstrates noncompliance with the opacity limitations specified herein, the frequency of the testing shall revert to monthly for that stack or exhaust vent and that schedule is maintained until six consecutive monthly observations show compliance with the applicable opacity limit and the cycle of reduced frequency is again implemented.

37. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit a monitoring plan, which describes the operating practices; measurable and controllable kiln operating variables and typical range for each; and sample handling and analysis techniques to be recorded during the year of continuous emission monitoring data collection for each kiln, referenced in conditions 10, 11, 13 and 14. The plan shall be submitted to the Department at least 4 months prior to the anticipated startup date of the first of the two kilns.

38. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, during the period of continuous emission monitoring data collection for each kiln, referenced in conditions 10, 11, 13 and 14, a fuel (grab) sample shall be taken from the fuel supply conveyors for each kiln every 2 hours using a sampling technique capable of collecting a representative sample. Eight-hour composite samples for each kiln shall be generated from four samples taken at the 2-hour intervals. The composite sample shall be analyzed using reference method ASTM D4239, unless the Department specifies the use of alternate analytical technique and method, to determine the sulfur content of the coal/petroleum coke mixture. This ASTM method should be understood to be the most recent revision to the method. A duplicate 8-hour composite sample shall be taken once per week and retained onsite for at least 1 year after collection, for random selection and analysis by the Department. The retained samples are to be sealed and identified as to the sampling location, as well as the date and time the sample was taken.

39. The permittee shall maintain accurate and comprehensive records of the following:

- The time and date a type of lime product started production, as well as the time and date a type of lime product completed production. This recordkeeping requirement shall apply only during the period of continuous emission monitoring data collection for each kiln, referenced in conditions 10, 11, 13 and 14.
- Amount of lime produced in any given hour.
- Amount of limestone, coal and petroleum coke consumed in any given hour.
- Time, date, sampling location and sulfur content of all fuel samples taken as required by condition 38 herein. This recordkeeping requirement shall apply only during the period of continuous emission monitoring data collection for each kiln, referenced in conditions 10, 11, 13 and 14.
- Method 9 opacity readings from the exhaust of the fabric collectors controlling sources comprising the lime and processed limestone handling operations, as well as the opacity readings from any exhaust vents of all buildings which enclose sources associated with the processed limestone handling operations, as identified herein.

- Any other parameters deemed necessary by the Department to demonstrate compliance with any Federal and State rule or regulation or any conditions contained herein.

All records generated under this condition shall be retained onsite for at least 5 years from the date of generation and shall be provided to the Department upon request.

40. Sources comprising the coal feed system are subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.250—60.254, the lime kilns are subject to Subpart HH of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.340—60.344, and sources comprising the processed limestone handling operations are subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The company shall comply with all applicable requirements of these subparts as well as any other applicable subpart of the Standards of Performance, including any recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made both to the Department and the EPA. The EPA copies may be sent to U. S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19106-2029.

41. This lime manufacturing operation is subject to Subpart AAAAA of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.7080—63.7143. The company shall comply with all applicable requirements of this subpart as well as any other applicable subpart of the National Emission Standards, including any recordkeeping and reporting requirements. Under 40 CFR 63.13 of the National Emission Standards, the submission of all requests, reports, applications, submittals and other communications required by the National Emission Standards must be made both to the Department and the EPA. The EPA copies may be sent to the address identified in condition 40 herein.

42. The permittee shall report malfunctions which occur at this facility to the Department. A malfunction is any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment or a process to operate in a normal or usual manner that may result in an increase in the emissions of air contaminants. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

This condition does not apply to reporting of emission exceedances recorded by or malfunctions of continuous emission monitors or auxiliary equipment.

Failures that are caused in part by poor maintenance or careless operation shall be reported as excess emissions or deviations from this permit's requirements.

When the malfunction, excess emissions or deviation from this permit's requirements poses an imminent and substantial danger to the public health and safety or environment, the permittee shall notify the Department by telephone no later than 1 hour after the incident.

A malfunction, excess emissions or deviation from this permit's requirements (or any malfunction resulting in a violation of this permit's requirements or any applicable Federal or State requirement) that is not subject to the notice requirements of this permit condition shall be reported to the Department within 24 hours of discovery. In notifying the Department, the permittee shall describe the name and location of the facility, the nature and



cause of the malfunction or breakdown, the time when the malfunction or breakdown was first observed, the expected duration of excess emissions, the estimated rate of emissions and corrective actions or preventative measures taken.

The permittee shall notify the Department immediately when corrective measures have been accomplished.

Upon the request of the Department, the permittee shall submit a full written report to the Regional Air Program Manager within 15 days of the malfunction, excess emissions or deviations from this permit's requirements.

43. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

a) The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to begin operation.

b) Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c) This condition authorizes temporary operation of the sources for 180 days from the date of beginning of operation, provided the Department receives notice from the owner/operator under subpart (a).

d) The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

e) The notice submitted by the owner/operator under subpart (a) prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

44. The permittee shall install a fence and gates, to enclose the entire plant property. The fence shall be at a minimum three-wire, barbed or smooth, the top wire at a height of no less than 4 feet and constructed so that an adult person cannot easily step through. The fence shall have signs spaced at intervals no greater than 100 yards, with the message "No Trespassing." Lockable gates shall be installed at both ends of formerly Airport Road and at any other place along plant property line where access through the fence is needed. The two gates installed at both ends of the former Airport Road will be locked open. Video cameras shall be installed, viewing gates at plant property entrances at both ends of Airport Road. These two gates shall be viewable on monitors installed in the plant main control room.

45. The permittee shall notify persons leasing property within the property boundaries of the permittee of the potential for exposure to air not meeting National Ambient Air Quality Standards for SO<sub>2</sub> and CO. The notification shall plainly state that persons occupying the leased property may be exposed to ambient air not meeting

national ambient standards including human health standards for SO<sub>2</sub> and CO, the potential short term and long term health effects related to those pollutants and that the lessees should exercise reasonable care to protect themselves against those potential exposures. The notification must further provide that the lessee understands these potential risks and freely engages in the activities allowed under the lease. The lease shall specify that lessees shall allow onto leased property only those persons related to the conduct of the lessees business. The notification shall appear in the lease or addendum thereto and must be acknowledged by the lessee, by signature, and notarized. Copies of notices to lessees and acknowledgements by lessees shall be kept at the plant site for examination by the Department upon request.

46. Any notification required as a result of any condition herein should be directed to David W. Aldenderfer, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3648.

Copies of the application and the modeling analysis used in the evaluation of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling Kathy Arndt at (570) 327-3693.

Interested persons may submit written comments, suggestions or objections concerning the proposed plan approval and alternative air dispersion modeling to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address and telephone number of the commentator, identification of proposed Plan Approval 14-00002A and a concise statement regarding the relevancy of the information or objections to the issuance of the plan approval or the use of the alternative model.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, where the Department determines that notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3648.

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

**41-00028A: Koppers, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15219) for the construction of a 33,475,000 Btu per hour no. 2 fuel oil-fired boiler at the Susquehanna Plant, 50 Koppers Lane, Clinton Township, **Lycoming County**.

The respective facility is a minor facility but is contiguous and adjacent to a major facility for which Title V Operating Permit 41-00002 has been issued.

The proposed boiler will be equipped with a low NO<sub>x</sub> burner and will burn virgin no. 2 fuel oil with a maximum sulfur content of .2% (by weight). It will emit

up to 30.2 tons of SO<sub>x</sub>, 17.6 tons of NO<sub>x</sub>, 5.72 tons of CO, 3.08 tons of PM, 1.54 tons of which will be PM<sub>10</sub> and .41 ton of VOCs in any 12 consecutive month period.

The Department's review of the information submitted by Koppers, Inc. indicates that the proposed boiler will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—60.48c. Based on this finding, the Department proposes to issue a plan approval for the construction of the boiler. Additionally, if a plan approval is issued and the boiler is subsequently determined by the Department to have been constructed in accordance with the conditions of the plan approval as well as all applicable regulatory requirements, the conditions of the plan approval will be incorporated into Operating Permit 41-00028 by an administrative amendment in accordance with 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. The boiler shall only be fired on virgin no. 2 fuel oil to which no recycled/reprocessed oil or waste oil or other waste materials, have been added.

2. The sulfur content of the oil fired in the boiler shall not exceed .2% (by weight).

3. The boiler shall be equipped with a low NO<sub>x</sub> burner capable of achieving an NO<sub>x</sub> concentration in the boiler's exhaust of no greater than 90 parts per million (dry volume basis, corrected to 3% oxygen) and a CO concentration of no greater than 50 parts per million (dry volume basis, corrected to 3% oxygen).

4. The boiler shall be equipped with instrumentation to monitor and record fuel oil usage. Records shall be maintained of the amount of fuel oil combusted in the boiler each day. All records shall be retained for at least 5 years and shall be made available to the Department upon request.

5. The boiler shall comply with all applicable requirements of Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—60.48c.

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

**25-952E: Bush Industries, Inc.** (2455 Robison Road, Erie, PA 16509) for modification of a maintenance schedule for fabric filters in the City of Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to modify conditions in existing Plan Approvals 25-316-00003, PA 25-0952B and PA 25-0952C. All other conditions in referenced plan approvals will remain in effect. This plan approval will be incorporated into a State-only operating permit at a later date. This plan approval will modify the maintenance schedule for the nine fabric filters controlling emissions from the various woodworking sources. The source shall comply with the following conditions:

• The facility shall incorporate weekly baghouse maintenance schedules as indicated in the plan approval application. A log of the performed maintenance as recom-

mended by the manufacturer shall be kept. Records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

• The pressure drop across the collector shall be recorded on a weekly basis. A log shall be maintained and kept on file for at least 5 years and made available to Departmental personnel on request.

• Pressure drop, for specific systems across the collector, shall fall within the following ranges:

System 1	1—5 inches
System 2	0.25—4.25 inch
System 3	1—5 inches
System 4	1—5 inches
System 5	1—5 inches
System 6	1—5 inches

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

**AMS 02139: Kinder Morgan Liquid Terminals** (3300 North Delaware Avenue, Philadelphia, PA 19134) for installation of a new truck loading position at existing loading rack X in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. VOC emission increase from the new position is limited to 2 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 04072: Naval Surface Warfare Center—Carderock Division—Ship Systems Engineering Station** (5001 South Broad Street, Code 357, Philadelphia, PA 19112) for transferring 30.5 tons of NO<sub>x</sub> emission reduction credits and 249.66 tons of VOC emission reduction credits for the P-104 marine gas turbine project approved under Plan Approval 03165 in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. The plan approval will contain requirements to ensure transfer within all applicable requirements.

#### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

**54-0013: Sara Lee Corp.—J. E. Morgan Knitting Plant** (475 Corporate Square Drive, Winston-Salem, NC 27105) for operation of boilers and textile dryers and emergency generator in Rush Township, **Schuylkill County**. This action is a renewal of the Title V Operating Permit issued in 1997.

**35-00002: PEI Power Corp.—Archbald Power Station** (170 Power Blvd., Archbald, PA 18403) for operation of one 300 mmBtu/hr natural gas and/or landfill gas fired boiler, one 62.5 mmBtu/hr natural gas and/or landfill gas fired boiler, one gas turbine and two 9.2 mmBtu/hr green house boilers and other ancillary equipment for the operation of the power station in Archbald Borough, **Lackawanna County**. This action for issue the Title V Operating Permit.

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

**20-00194: Lord Corp.** (601 South Street, Saegertown, PA 16433) for reissuance of a Title V Permit to operate an

adhesive and coating manufacturing facility in Saegertown Borough, **Crawford County**. The facility's major emission sources include material preparation, milling, grinding, mixing and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit VOCs.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428; Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-00057: Ametek US—Gauge Division** (900 Clymer Avenue, Sellersville, PA 18960) for operation of four boilers, one degreaser and painting and coating operations at their manufacturing plant in Sellersville Borough, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx and SOx emissions to less than 25 tons per year each; therefore, the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00063: New Hope Crushed Stone and Lime Co.** (6970 Phillips Mill Road, New Hope, PA 18938) for a non-Title V Facility, State-only, Synthetic Minor Permit in Solebury Township, **Bucks County**. New Hope Crushed Stone and Lime Company is a crushing plant. The sources of emissions include jaw crusher, cone crushers, double deck screens, triple deck screens, wet suppression, crushing and auxiliary equipment generators. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**23-00063: Department of Corrections—State Correctional Institute at Chester** (500 4th Street, Chester, PA 19013) for a non-Title V Facility, State-only, Synthetic Minor Permit in Chester City, **Delaware County**. The State Correctional Institute at Chester consists of three boilers and three emergency generators. The facility has a potential to emit 24.9 tons of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00123: Better Materials Corp.** (1900 Sullivan Trail, Easton, PA 18040) for a non-Title V Facility, State-only, Synthetic Minor Permit in Nockamixon Township, **Bucks County**. Better Materials Corporation is a batch asphalt plant that produces hot mix asphalt from various aggregates. The sources of emissions are batch asphalt plant, baghouse and emergency back-up air compressor. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**07-03021: Altoona-Beasley Manufacturing, Inc.** (210 East Plank Road, Altoona, PA 16603) for operation of a gasoline engine remanufacturing facility in the City of Altoona, **Blair County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**38-05008: Rich Maid Kabinetry LLC** (633 West Lincoln Avenue, Myerstown, PA 17067) for operation of a

wood furniture manufacturing facility in Jackson Township, **Lebanon County**. VOC emissions from the facility are limited to 25 tons per year. The State-only operating permit will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

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

**25-00946: PSB Industries, Inc.** (1202 West 12th Street, Erie, PA 16501) natural Minor operating permit for emissions from a metal fabricating operation, including surface coating and abrasive blasting in the City of Erie, **Erie County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

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

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

\*The parameter is applicable at all times.

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

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

**35840203R4. CSY, Inc.** (400 Mill Street, Dunmore, PA 18512), renewal of an existing coal refuse reprocessing operation in the City of Scranton and Taylor Borough, **Lackawanna County**, affecting 61.5 acres. Receiving streams: None. Application received March 25, 2004.

**54803004T2 and NPDES Permit No. PA0123927. Rausch Creek Land, LP** (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine and coal ash reclamation operation from Harriman Coal Corporation in Hegins and Porter Townships, **Schuylkill County**, affecting 214.0 acres. Receiving streams: Good Spring Creek. Application received March 30, 2004.

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

**32891701. NPDES Permit No. PA0124591, Bellaire Corporation (Eastern Division)** (Box 245, Armagh, PA 15920-0245), to renew the permit for the Hutchison Hollow Treatment Plant in East Wheatfield Township, **Indiana County** and related NPDES permit. No additional discharges. Application received February 27, 2004.

**32961302. NPDES Permit No. PA0214949, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County**, to add underground and subsidence control plan area permit boundary acres. Underground Acres Proposed 573.2, SCP Acres Proposed 530.5. No additional discharges. Application received March 8, 2004.

**30841307. NPDES Permit No. PA0213438, RAG Emerald Resources, LP** (P. O. Box 1020, 148 Portal Road, Waynesburg, PA 15370), to revise the permit for the

Emerald Mine No. 1 in Whiteley Township, **Greene County**, to add acreage to install five additional ventilation boreholes. Surface Acres Proposed 1.58. No additional discharges. Application received March 8, 2004.

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

**33040102 and NPDES Permit No. PA0242519. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801), commencement, operation and restoration of a bituminous surface strip operation in Union Township, **Jefferson County**, affecting 41.4 acres. Receiving streams: Little Mill Creek to Mill Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received March 29, 2004.

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

**11793025 and NPDES Permit No. PA0089524. E. P. Bender Coal Company** (South Main Street, P. O. Box 565-566, Carrolltown, PA 15722), SMP renewal for reclamation only in Dean Township, **Cambria County**, affecting 400 acres. Receiving streams: unnamed tributary to Brubaker Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 25, 2004.

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

**17880126 and NPDES Permit No. PA0116599. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), revision to an existing bituminous surface mine permit for a change in land use from forestland to pastureland/land occasionally cut for hay. The permit is in Lawrence Township, **Clearfield County** and affects 290.4 acres. Receiving streams: unnamed tributaries to the West Branch of the Susquehanna River. Application received March 2, 2004.

#### *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
pH*		greater than 6.0; less than 9.0	

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation 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.

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

**25990303. Waste Management Disposal Service of PA, Inc.** (1121 Bordertown Road, Morrisville, PA 19467), renewal of NPDES Permit No. PA0227994, Summit Township, **Erie County**. Receiving streams: unnamed tributary to Walnut Creek (CWF, MF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received March 29, 2004.

**20040302. Sam Barnhart & Son** (R. D. 1, Box 45-B, Titusville, PA 16354), commencement, operation and restoration of a gravel operation in Oil Creek Township, **Crawford County**, affecting 15.0 acres. Receiving streams: none. There are no potable surface water supply intakes within 10 miles downstream. Application received March 26, 2004.

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

**53040802. John A. Miller** (169 Musto Hollow Road, Ulysses, PA 16948), commencement, operation and restoration of a Small Industrial Minerals (flagstone) permit in Bingham Township, **Potter County**, affecting 3 acres. Receiving streams: Turner River, tributary to East Branch of Genessee River. Application received February 25, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users 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 of the FWPCA (33 U.S.C.A. § 1341(a)).

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E48-346. Forks Township**, 1606 Sullivan Trail, Easton, PA 18040-8398 in Forks Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a channel change in a tributary to the Delaware River (CWF) with work consisting of reconstructing a trapezoidal channel having a bottom width of 20 feet, a maximum depth of 4 feet with 3H:1V side slopes. The project will be confined to a 40-foot wide drainage easement along a 2,000-foot long reach of stream channel in the Frost Hollow Subdivision, approximately 0.5 mile north of Frost Hollow Road (Easton, PA-NJ Quadrangle N: 18.2 inches; W: 11.15 inches).

**E48-345. Stewart Associates, LP**, 8108 East Buckspark Lane, Potomac, MD 20854-4267 in Williams Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To expand the reservoir of a nonjurisdictional dam to construct a retention pond for stormwater management and water quality purposes. The pond is spring fed and will have a maximum storage capacity of approximately 2 acre feet and a surface area of approximately 0.5 acre. This work is associated with a proposed ten-lot residential subdivision, known as Bougher Hill Estates III, between Township Road T410 (Bougher Hill Road) and Connard Drive (Riegelsville, PA Quadrangle N: 20.0 inches; W: 12.4 inches).

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

**E22-470: Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Harrisburg City, **Dauphin County**, ACOE Baltimore District.

To remove the existing underpass bridge, south ramp and then to construct and maintain: (1) a new underpass bridge with a span of 67.5 feet with an underclearance of 12.5 feet; (2) the south ramp with a width of 24 feet; (3) refurbish the underpass roadway; and (4) widen the north ramp of the City Island, which are within the 100-year floodway and floodplain of the Susquehanna River (WWF) (Harrisburg West, PA Quadrangle N: 0.8 inch; W: 1.7 inches) in Harrisburg City, Dauphin County.

**E06-585: Trap Rock Railroad, Inc.**, 234 North 6th Street, Reading, PA 19601 in the Borough of Birdsboro, Berks County, ACOE Philadelphia District.

To install and maintain a concrete jacket and riprap around the existing piers of Trap Rock Railroad Bridge No. 85 which crosses over Hay Creek (CWF, MF) for the purpose of armoring the pier footings against scour, just west of Route 82 (Birdsboro, PA Quadrangle N: 1.8 inches; W: 10.6 inches) in the Borough of Birdsboro, Berks County.

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

**E41-535. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 0442 Little Muncy Creek bridge replacement in Moreland Township, Lycoming County, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 9.65 inches; W: 5.875 inches).

To remove an existing two-span concrete bridge and construct and maintain a single span prestressed concrete box beam bridge having a clear span of 95 feet, with a minimum underclearance of 15.6 feet on a skew of 90° over Little Muncy Creek (CWF), along SR 0442, 7 miles east of Muncy and to construct, maintain and remove a temporary causeway consisting of clean R-7 rock, all of which is in Moreland Township, Lycoming County. This project proposes to have a minimal impact on Little Muncy Creek. This project does not propose to impact any jurisdictional wetlands.

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

**E02-1459. Borough of Green Tree**, 10 West Manilla Avenue, Pittsburgh, PA 15220. Energy dissipater in Green Tree Borough, Allegheny County, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 6.9 inches; W: 7.2 inches) (Latitude: 40° 24' 47" and Longitude: 80° 3' 8"). The applicant proposes to construct and maintain an energy dissipater for approximately 41 feet for an existing 54-inch diameter culvert in Whiskey Run (WWF). The project is on the north side of Glencoe Avenue approximately 350 feet west of its intersection with Dale Drive. The total stream impact to Whiskey Run is 41 feet.

**E02-1460. Borough of Green Tree**, 10 West Manilla Avenue, Pittsburgh, PA 15220. Energy dissipater in Green Tree Borough, Allegheny County, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 6.7 inches; W: 7.5 inches) (Latitude: 40° 24' 44" and Longitude: 80° 3' 14"). The applicant proposes to construct and maintain an energy dissipater for approximately 24 feet for an existing 60-inch diameter culvert in Whiskey Run (WWF). The applicant will also remove approximately 2 feet of the

existing culvert. The project is on the north side of Glencoe Avenue approximately .2 mile west of its intersection with Dale Drive. The total stream impact to Whiskey Run is 24 feet.

**E63-558. Washington County Commissioners**, Courthouse Square, Suite 701, Washington, PA 15301. County Bridge Pike No. 24 in West Pike Run Township, Washington County, Pittsburgh ACOE District (California, PA Quadrangle N: 11.2 inches; W: 14.3 inches) (Latitude: 40° 3' 42" and Longitude: 79° 58' 38"). The applicant proposes to remove the existing structures and to construct and maintain: (1) a prestressed concrete, adjacent box beam bridge having a normal span of 32.9 feet and an underclearance of 6.3 feet over Pike Run (TSF); (2) two 18-inch diameter reinforced concrete pipe outfalls downstream from the bridge; (3) two R-4 rock-lined outfalls upstream from the bridge; and (4) temporary sandbag cofferdams during construction of the bridge abutments. The project will impact 100 linear feet of perennials stream; no vegetated wetlands will be impacted.

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

**E42-306, Foster Township**, 1185 East Main Street, Bradford, PA 16701-3220. Tuna Cross Road bridge replacement in Foster Township, McKean County, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 21.15 inches; W: 16.85 inches).

To remove the existing reinforced concrete piers and to construct and maintain a composite beam bridge with reinforced concrete deck having two spans each at 98.75 feet with maximum underclearances of 15 feet and 13 feet across the Tunungwant Creek (WWF) and to place fill within a palustrine emergent wetland having a de minimis impact of 0.013 acre at a point approximately 1,000 feet west of SR 0219 along Tuna Crossroads.

**E43-305, Tri-County Landfill, Inc.**, 159 TCI Park Drive, Grove City, PA 16127. Tri-County Landfill remediation project in Pine and Liberty Townships, Mercer County, ACOE Pittsburgh District (Mercer, PA Quadrangle N: 3.2 inches; W: 1.3 inches).

To excavate and or fill approximately 2.48 acres of palustrine scrub-shrub, palustrine emergent and palustrine forested wetlands as part of a landfill remediation project approximately 3,750 feet east of the intersection of SR 0208 and SR 0250 at the Tri-County Landfill, Inc. properties. The applicant is required to provide 4.41 acres of replacement wetlands

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D65-161EA. Forest Lake Group, LLC**, 10 Morewood Street, Mount Pleasant, PA 15666, Mount Pleasant Township, Westmoreland County, ACOE Pittsburgh District.

Project proposes to breach and remove Cummingswood Dam across a tributary to Jacobs Creek (CWF) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is approximately 400 feet south of the intersection of SR 31 and T 876 (Donegal, PA Quadrangle N: 21.9 inches; W: 4.1 inches).

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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0052990	Rodney A. Mitchell 221 Valley Green Drive Coatesville, PA 19320	Chester County West Caln Township	Brandywine Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0020109	PPL Interstate Energy Co. 214 Shoemaker Road Pottstown, PA 19464	Lower Mt. Bethel Township Northampton County	Bushkill Watershed 1E Delaware River WWF-MF	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0087793 Industrial Waste	Arthur Saunders United Water Pennsylvania, Inc. 4211 East Park Circle Harrisburg, PA 17111-0151	Cumberland County Mechanicsburg Borough	Trindle Spring Run 7B	Y

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

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

**NPDES Permit No. PA0008010**, Industrial Waste, **William D. Robinson, Registered Agent, CHP Acquisitions, LLC**, 220 North Center Street, P. O. Box 10, Fredricksburg, PA 17026-0010. This proposed facility is in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Transfer of permit.

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

**NPDES Permit No. PA0026905-A1**, Sewage, **Connellsville Municipal Authority**, P. O. Box 925, Connellsville, PA 15425. This proposed facility is in Connellsville, **Fayette County**.

Description of Proposed Action/Activity: Discharge of uncontaminated stormwater from the sewage treatment plant site.

## 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. 4803406**, Sewerage, **PPL Martins Creek, LLC**, Two North Ninth Street, Allentown, PA 18101-1179. This proposed facility is in Lower Mount Bethel Township, **Northampton County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for a 12,000-gallon equalization tank.

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

**WQM Permit No. 2180402, Amendment 04-1**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055. This proposed facility is in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Phase 1 solids handling improvements at the Roth Lane Wastewater Treatment Plant.

**WQM Permit No. 3604407**, Sewerage, **Keith Murphy, Chairperson, West Donegal Township Authority**, One Municipal Drive, Elizabethtown, PA 17022. This proposed facility is in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of the Bossler Road No. 1 Force Main.

**WQM Permit No. 0704402**, Sewerage, **Randy Stoltz, Manager, Martinsburg Municipal Authority**, 133 East Allegheny Street, Martinsburg, PA 16662-0307. This proposed facility is in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Construction/operation of a dechlorination system.

**WQM Permit No. 3878201 (04-1) and 3887201 (04-1)**, Industrial Waste, **William D. Robinson, Registered Agent, CHP Acquisitions, LLC**, 220 North Center Street, P. O. Box 10, Fredricksburg, PA 17026-0010. This proposed facility is in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Transfer of permits.

**WQM Permit No. 6703203, Amendment 04-1**, Industrial Waste, **Michael Salvo, Operations Manager, Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4475. This proposed facility is in Fairview Township, **York County**.

Description of Proposed Action/Activity: Construction of two transfer basins with duplex pumps, two HDPE-lined lagoons and outfall at the West Shore Regional Water Plant.

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

**WQM Permit No. 0203410**, Sewerage, **Municipal Authority of the Borough of West View—Wastewater Department**, 210 Perry Highway, Pittsburgh, PA 15229. This proposed facility is in West View Borough, **Allegheny County**.

Description of Proposed Action/Activity: Rochester Road sanitary sewer line rehabilitation and realignment.

**WQM Permit No. 0403403, Keller Land Development Company, LLC**, 2002 McMinn Street, Aliquippa, PA 15001. This proposed facility is in Conway Borough, **Beaver County**.

Description of Proposed Action/Activity: Construction of grinder pump and pressure sewer system to serve Birchwood Falls Plan of Lots.



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


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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI130542	Upper Providence Township 935 N. Providence Rd. Media, PA 19063	Delaware	Upper Providence	Ridley and Crum Creeks

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI136101	Indiana Township 941 Route 910 P. O. Box 788 Indianola, PA 15051	Allegheny	Indiana Township	East Little Pine Creek TSF Squaw Run HQ-WWF Deer Creek TSF Little Deer Creek HQ-WWF	Y
PAI136102	Fox Chapel Borough 401 Fox Chapel Road Pittsburgh, PA 15238	Allegheny	Fox Chapel Borough	Glade Run HQ-WWF Guyasuta Run HQ-WWF Squaw Run HQ-WWF Stoney Camp Run HQ-WWF UNT of Pine Creek TSF	Y
PAI136103	Edgeworth Borough 301 Beaver Road Edgeworth, PA 15143	Allegheny	Edgeworth Borough	Little Sewickley Creek HQ-TSF Ohio River WWF	Y
PAI136104	White Oak Borough 2280 Lincoln Way White Oak, PA 15131	Allegheny	White Oak Borough	Long Run Creek HQ-TSF, TSF Jacks Run Creek HQ-TSF Crooked Run Creek WWF Youghioghney River WWF	Y
PAI136105	North Huntingdon Township 11279 Center Hwy. North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	Long Run HQ-TSF Jacks Run HQ-TSF Brush Creek TSF Coal Run TSF Tinkers Run TSF	Y
PAI136106	Chippewa Township 2811 Darlington Road Beaver Falls, PA 15010	Beaver	Chippewa Township	North Fork Little Beaver Creek HQ-CWF Wallace Run WWF Walnut Bottom Run WWF Brady Run TSF North Branch Brady Run TSF	Y

## NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI136107	Dunbar Township 128 Township Drive Dunbar, PA 15431	Fayette	Dunbar Township	Dunbar Creek TSF, HQ-CWF Opossum Run WWF Dickerson Run WWF Gist Run TSF UNTs of Youghiogheny River WWF	Y
PAI136108	Leet Township 198 Ambridge Avenue Fair Oaks, PA 15003	Allegheny	Leet Township	Ohio River WWF Big Sewickley Creek TSF Little Sewickley Creek HQ-TSF	Y
PAI136109	Municipality of Murrysville 4100 Sardis Rd. Murrysville, PA 15668	Westmoreland	Municipality of Murrysville	Turtle Creek TSF Haymakers Run HQ-CWF Steel Run HQ-CWF Pucketa Creek TSF Lyons Run TSF	Y
PAI136110	City of Connellsville P. O. Box 698 Connellsville, PA 15425	Fayette	City of Connellsville	Youghiogheny River WWF, HQ-CWF Connell Run WWF Mounts Creek WWF Opossum Run WWF UNTs of Youghiogheny River WWF	Y
PAI136111	South Beaver Township 1164 SR 168 Darlington, PA 16115	Beaver	South Beaver Township	Brush Run HQ-CWF UNTs of Brush Run HQ-CWF Painter Run HQ-CWF UNTs of North Fork Little Beaver Creek HQ-CWF	Y
PAI136112	Fayette County Fourth Floor, Fayette County Courthouse 61 East Main Street Uniontown, PA 15401	Fayette	City of Uniontown	Big Sandy Creek HQ-CWF Little Sandy Creek HQ-CWF Meadow Run HQ-CWF Mill Run HQ-CWF Deadman Run HQ-CWF	Y
PAI136113	Leetsdale Borough 85 Broad Street Leetsdale, PA 15056	Allegheny	Leetsdale Borough	Ohio River WWF Big Sewickley Creek TSF Little Sewickley Creek HQ-TSF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI136115	Adams Township P. O. Box 112 Sidman, PA 15955	Cambria	Adams Township	South Fork Little Conemaugh River EV Bottle Run HQ-CWF UNTs of South Fork Little Conemaugh River HQ-CWF Paint Creek CWF	Y
PAI136116	North Versailles Township 1401 Greensburg Avenue North Versailles, PA 15137	Allegheny	North Versailles Township	Turtle Creek WWF Crooked Creek WWF Jacks Run HQ-TSF	Y
PAI136118	South Strabane Township 550 Washington Rd. Washington, PA 15301	Washington	South Strabane Township	Little Chartiers Creek HQ-WWF Chartiers Creek WWF	Y
PAI136119	South Connellsville Borough 1503 South Pittsburgh Street South Connellsville, PA 15425	Fayette	South Connellsville Borough	Youghiogheny River HQ-CWF UNTs of Youghiogheny River WWF	Y
PAI136120	Upper Yoder Township 302 Elim Street Johnstown, PA 15905-3199	Cambria	Upper Yoder Township	Mill Creek HQ-CWF Cherry Run WWF	Y
PAI136121	Westmont Borough 1000 Luzerne Street Johnstown, PA 15905	Cambria	Westmont Borough	Mill Creek EV	Y
PAI136122	Nottingham Township 909 Sugar Run Rd. Eighty Four, PA 15330	Washington	Nottingham Township	Mingo Creek HQ-TSF	Y
PAI136123	Salem Township Congruity Road R. R. 4, Box 200 Greensburg, PA 15601	Westmoreland	Salem Township	Beaver Run HQ-CWF Bushy Run TSF	Y
PAI136125	Delmont Borough 77 Greensburg St. Delmont, PA 15626	Westmoreland	Delmont Borough	Beaver Run HQ-CWF	Y
PAI136127	Mount Pleasant Township P. O. Box 158 Mammoth, PA 15664	Westmoreland	Mount Pleasant Township	Jacobs Creek CWF, WWF Sewickley Creek HQ-CWF WWF Shupe Run CWF Welty Run WWF	Y
PAI136128	O'Hara Township 325 Fox Chapel Road Pittsburgh, PA 15238	Allegheny	O'Hara Township	Pine Creek TSF Guyasuta Run HQ-WWF Squaw Run HQ-WWF Allegheny River WWF Powers Run WWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI136129	North Strabane Township 1929 Route 519 Canonsburg, PA 15317	Washington	North Strabane Township	Chartiers Creek WWF Little Chartiers Creek HQ-WWF	Y
PAI136130	Allegheny County 119 County Courthouse 436 Grant Street Pittsburgh, PA 15219	Allegheny	City of Pittsburgh	Squaw Run HQ-WWF Shades Run WWF Guyasuta Run HQ-WWF Allegheny River WWF Bull Creek TSF	Y
PAI136131	Union Township 3904 Finley-Elrama Road Finleyville, PA 15332	Washington	Union Township	Peters Creek TSF Monongahela River WWF Mingo Creek HQ-TSF Froman Run TSF	Y

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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G527	Toll Brothers, Inc. Orleans Homebuilders, Inc. K. Hovnanian, Inc. Byers Station Development 257 Birchwood Drive West Chester, PA 19380	Chester	Upper Uwchlan Township	Tributary to Pickering Creek HQ
PAI011503025	James Mark McBerty Property P. O. Box 63 New London, PA 19360	Chester	New London Township	Big Elk Creek HQ-TSF, MF
PAI011503059	Cindy Lee Clark Subdivision 2534 Flowing Springs Road Chester Springs, PA 19425	Chester	West Vincent Township	Birch Run EV
PAI011503070	The Bentley Communities, LLP Valley Park Subdivision 1595 Paoli Pike, Suite 202 West Chester, PA 19380	Chester	Schuylkill Township	Pickering Creek HQ-TSF
PAI011503083	Robert and Joan Zelnio Residence Box 415 Unionville, PA 19375	Chester	West Marlborough Township	East Branch White Clay Creek EV West Branch Red Clay Creek TSF
PAI011503086	LTK Associates, Inc. Lionville Commons 55 Country Club Dr., Suite 200 Downingtown, PA 19355-3062	Chester	Uwchlan Township	Unnamed tributary Shamona Creek HQ-TSF-MF
PAI011503092	Angelo Popolizio Property 2413 West Chester Road Coatesville, PA 19320-4727	Chester	West Bradford Township	Unnamed tributary West Branch Brandywine Creek EV

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503110	PECO Energy Company Eagle Substation 400 Park Avenue Warminster, PA 18974	Chester	Upper Uwchlan Township	Pickering Creek HQ
PAI011503113	Snyder Developers Red Oak Court a/k/a Carriage Lantern Court 119 West Lancaster Avenue Shillington, PA 19067	Chester	Honey Brook Township	Unnamed tributary West Branch Brandywine Creek HQ-TSF-MF

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903033	WAWA, Inc. 260 W. Baltimore Pike Wawa, PA 19036	Lehigh	City of Bethlehem	Monocacy Creek HQ-CWF
PAI024503017	Tarisa Realty, LLC P. O. Box 159 Shippers Road Macungie, PA 18062	Monroe	Middle Smithfield Township	Sand Hill Creek HQ-CWF
PAS10S097-1	LTS Development, Inc. P. O. Box 160 Shawnee on Delaware, PA 18356	Monroe	Middle Smithfield Township	Brodhead and Marshalls Creeks HQ-CWF
PAI024803032	Thomas W. Houser 505 9th Avenue Bethlehem, PA 18018	Northampton	Williams Township	Frya Run HQ-CWF, MF
PAI025203008	United States Department of Agriculture, Forest Service Grey Towers National Historic Landmark 151 Grey Towers Drive P. O. Box 188 Milford, PA 18337-0188	Pike	Milford Township	Sawkill Creek EV

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404003	Schlow Memorial Library 100 E. Beaver Ave. State College, PA 16801	Centre	State College Borough	Thompson Run HQ-CWF

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

*Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050204001	Quaker Valley School District 203 Graham Street Sewickley, PA 15143	Allegheny	Leetsdale Borough	Tributary to Little Sewickley Creek HQ-TSF

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064203002	DL Resources, Inc. 1066 Hoover Road Smicksburg, PA 16256	McKean	Hamilton, Hamlin and Lafayette Townships	Kinzua Creek CWF Windfall Run HQ CWF

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

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

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

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

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Elverson Borough Chester County	PAG2001503134	Municipal Authority of Borough of Elverson Wastewater Facility Upgrade P. O. Box 266 Elverson, PA 19520	Conestoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Phoenixville Borough Chester County	PAG2001503097	Ira and Gary Berman Box King 40 South 2nd Avenue Phoenixville, PA 19450	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Nottingham Township Chester County	PAG2001504005	West Nottingham Township Extension of Nottingham Dr. 100 Park Rd. Nottingham, PA 19362	Unnamed tributary North East Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Nottingham Township Chester County	PAG2001503135	Clyde Cameron Cameron Development 2375 Baltimore Pk. Oxford, PA 19363	Blackburn Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001503021	Willow Creek LLC Gouge Estates a/k/a Stonecroft 214A Willow Valley Lakes Dr. Willow Street, PA	Middle Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Nottingham Township Chester County	PAG2001503034	Paul Smoker Proposed Duck Farm 133 Woodland Road Oxford, PA 19363	North East Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
White Whiteland Township Chester County	PAG2001504031	Louise McIlvain Run Stream Relocation 107 South Whitford Road Exton, PA 19341	West Valley Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Marlborough Township Chester County	PAG2001504010	Greg Lingo 825 Oak Tree Rd. Development 34 Lakewood Circle, New Newark, DE 19711	Unnamed tributary Pocopson Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Square Borough Chester County	PAG2001503121	Kennett Consolidated School District Kennett High School 300 East South Street Kennett Square, PA 19348	East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsbury Township Chester County	PAG2001504021	Jack Becker Penns Village 90 Harvey Road Chadds Ford, PA 19317	Ring Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Radnor Township Delaware County	PAG2002304016	St. Davids Episcopal Church 763 Valley Forge Road Wayne, PA 19087	Darby Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Delaware County	PAG2002303062	Steven Grieco 13 Mt. Pleasant Drive Aston, PA 19014	Ridley Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haverford Township Delaware County	PAG2002304014	Haverford College 370 Lancaster Avenue Haverford, PA 19104	Cobbs Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004603247	Boyertown Area School District Junior High East Expansion 911 Montgomery Avenue Boyertown, PA 19512	Swamp Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004603216	Rotelle Builders, Inc. The Crispo Tract 219 Niantic Road Barto, PA 19504	Unnamed tributary Little Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004603120	Gambone Brothers Dev. Company Palm Beach II P. O. Box 287 Fairview Village, PA 19409	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lehigh County Upper Saucon Township	PAG2003904005	Hampton Homes, Inc. 7785 Spring Creek Rd. Macungie, PA 18062	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Lower Paxton Township Dauphin County	PAG2002203051	Anderson & Gulotta Holding Group, LLC 1110 N. Mountain Road Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002204007	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Susquehanna Township Dauphin County	PAG2002204014	Central Penn, Inc. Campus on College Hill Summerdale, PA 17093	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002204015	Janet Coxon 1633 Berkshire Lane Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002204009	Liberty Excavators Inc. 4410 Gettysburg Road Camp Hill, PA 17001	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Warwick Township Lancaster County	PAG2003604031	Ivan Zimmerman 126 Snavely Mill Road Lititz, PA 17543	UNT to Hammer Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAG2003604005	Horst & Son 120 N. Pointe Boulevard Lancaster, PA 17601	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAG2003604007	Donald R. Groff 2006 Main Street Lititz, PA 17543	Lititz Run/Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Salisbury Township Lancaster County	PAG2003604012	Advanced Trim Specialties Inc. P. O. Box 120 7 S. Kinzer Road Kinzers, PA 17535	Houston Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Caernarvon Township Lancaster County	PAG2003604019	Granger Energy of Honey Brook 16980 Wood Road Box 27185 Lansing, MI 27185	Houston Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAG2003604024	Paul M. Wolgemuth, Jr. 273 Greentree Road Elizabethtown, PA 17022	UNT to Little Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Denver Borough Lancaster County	PAG2003604025	F & M Hat Company, Inc. 103 Walnut Street Denver, PA 17517	Little Cocalico Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Earl Township Lancaster County	PAG2003604027	Fairmount Homes 232 Cats Back Road Ephrata, PA 17522	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Earl Township Lancaster County	PAG2003604028	Leola Produce Auction P. O. Box 307 Leola, PA 17540	UNT to Groff Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Cornwall Borough Lebanon County	PAG2003804005	Paul Weidman Cornwall Manor P. O. Box 125 Cornwall, PA 17016	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
North Londonderry Township Lebanon County	PAG2003804009	DeDo Corporation 345 Elm Street Hershey, PA 17033	Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
South Lebanon Township Lebanon County	PAG2003803046	Leonard Martin 595 Stracks Dam Road Myerstown, PA 17067	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lebanon County North Cornwall Township	PAG2003804002	Valenti Development Group 1771 Moriah Woods Blvd. Memphis, TN 38117	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
South Lebanon Township Lebanon County	PAG2003804011	Richard Zeigler 555 Furnace Hill Road Lititz, PA 17543	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
South Lebanon Township Lebanon County	PAG2003804012	Leon Zimmerman 1680 Lehman Street Lebanon, PA 17046	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Centre County Walker Township	PAR10F091-R	Walker Meadows Johnson Farm Assoc. 501 Rolling Ridge Dr. State College, PA 16801	UNT Nittany Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 5 Bellefonte, PA 16823 (814) 355-6817
Centre County College Township	PAG2001404001	Vijay Argawala 910 Robin Rd. State College, PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 5 Bellefonte, PA 16823 (814) 355-6817

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Columbia County Mifflin Township	PAG2001903016	Mifflinville Congregation of Jehovah's Witnesses Sandro Sorge 344 College Hill Bloomsburg, PA 17815	Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 5700784-1310
Tioga County Nelson Township	PAG2005904001	Michael Engleston R. R. 1, Box 12 Elkland, PA 16920	Cowanesque River CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Erie County Millcreek Township	PAG2002504005	Patrick McGraw Timberwood Estates Subdivision 11109 Firethorn Road Wattsburg, PA 16442	UNT to Lake Erie CWF; MF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504006	Thomas Calicchio Seaway Electric 100 State Street Erie, PA 16501	UNT to Mill Creek WWF; MF	Erie County Conservation District (814) 825-6403
Lawrence County North Beaver Township	PAG2003704002	Wampum Hardward Company Attn: Gerald David Emulsion Plant 636 Paden Road New Galilee, PA 16141	Edwards Run WWF Jenkins Run WWF	Lawrence County Conservation District (724) 652-4512
Venango County Cranberry Township	PAG2006104002	The Home Depot, USA The Home Depot Retail Center 1400 West Dundee Road Arlington Heights, IL 60004	UNT to East Sandy Creek CWF	Venango County Conservation District (814) 676-2832
Beccaria Township Clearfield County	PAG2101704002	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Clearfield Creek CWF South Witmer Run to North Witmer Run CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Doylestown Township Bucks County	PAR800123	Central Bucks School District 320 W. Swamp Rd. Doylestown, PA 18901	Pike Run 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Warwick Township Bucks County	PAR800125	Central Bucks School District 320 W. Swamp Rd. Doylestown, PA 18901	UNT to Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
New Britain Borough Bucks County	PAR800124	Central Bucks School District 320 W. Swamp Rd. Doylestown, PA 18901	Cooks Run 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Ridley Township Delaware County	PAR200040	Matrix Service Co. 1500 Chester Pike Eddystone, PA 19022	Stony Creek 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Whiteland Township Chester County	PAR230083	LNP Engineering Plastics 475 Creamery Way Exton, PA 19341	Valley Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Towamencin Township Montgomery County	PAR230084	Accupac Inc. 1501 Industrial Way Mainland, PA 19451	UNT to Skippack Creek 3E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Penn Township Westmoreland County	PAR116119	Leybold Vacuum USA Inc. 5700 Mellon Road Export, PA 15632	UNT to Turtle Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Port View Borough Allegheny County	PAR606107	ELG Metals Inc. 15th St. and River Road P. O. Box 369 McKeesport, PA 15134	Youghiogheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Mt. Bethel Township Northampton County	PAG042205	Marion Pearce 125 South 9th Street Easton, PA 18042	Jacoby Creek	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Bedford County Liberty Township	PAG043609	William Baker 2305 Pinchot Road Saxton, PA 16678	UNT Juniata River	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Mount Pleasant Township Adams County	PAG083588	Abbottstown-Paradise Joint Sewer Authority WWTP P. O. Box 505 Abbottstown, PA 17301		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Union Township Lebanon County	PAG083531	Northern Lebanon County Authority Jonestown WWTP P. O. Box 434 Jonestown, PA 17038		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Upper Paxton Township Dauphin County	PAG083544	Millersburg Area Authority WWTF 101 West Street Millersburg, PA 17061		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Washington Township Franklin County	PAG083538	Washington Township Municipal Authority WWTF 11102 Buchanan Trail East Waynesboro, PA 17268		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Cumberland Township Adams County	PAG083540	Gettysburg Municipal Authority WWTP 601 E. Middle Rd. P. O. Box 3307 Gettysburg, PA 17325-3307		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Monroe Township Cumberland County	PAG083528	Borough of Mechanicsburg 842 West Church Rd. Mechanicsburg, PA 17055	Raymond Diehl Farm 3	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
East Providence Township Bedford County	PAG083562	Borough of Everett Municipal Authority 100 Mechanic St. Everett, PA 15537	LoJo Farm Field 32	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-12*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lancaster County Rapho Township	PAG123582	Lester Weaver Lester Weave Farm CAFO 2560 Sunnyside Road Manheim, PA 17545	UNT Brubaker Run 7-G	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-13*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136160	Peters Township 610 East McMurray Road McMurray, PA 15317	Washington	Peters Township	Chartiers Creek WWF Brush Run Creek WWF Peters Creek WWF Piney Fork Creek WWF	N
PAG136326	City of Arnold 1829 Fifth Avenue Arnold, PA 15068	Westmoreland	City of Arnold	Allegheny River WWF	Y
PAG136327	West Newton Borough 112 South Water Street West Newton, PA 15089	Westmoreland	West Newton Borough	Youghiogheny River WWF	Y
PAG136328	Derry Borough 114 East Second Avenue Derry, PA 15627	Westmoreland	Derry Borough	McGee Run TSF	Y
PAG136330	Derry Township 650 Derry Road Derry, PA 15627	Westmoreland	Derry Township	Conemaugh River WWF Loyalhanna Creek WWF	Y
PAG136331	Hempfield Township R. D. 6, Box 500 Woodward Drive Greensburg, PA 15601	Westmoreland	Hempfield Township	Township Line Run WWF Little Sewickley Creek TSF Jacks Run WWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136332	Unity Township 1106 Beatty County Road Latrobe, PA 15650	Westmoreland	Unity Township	Township Line Run WWF Sewickley Creek WWF Crabtree Creek WWF Loyalhanna Creek WWF	Y
PAG136356	Beaver County Courthouse 810 Third Street Beaver, PA 15009	Beaver	Beaver County	Brady's Run TSF UNT Moon Run WWF Ohio River WWF Two Mile Run WWF	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130167	Schwenksville Borough 140 Main St. Schwenksville, PA 19426	Montgomery	Schwenksville	Swamp Creek
PAG130025	Cheyney University of Pennsylvania P. O. Box 260 Cheyney, PA 19319	Delaware	Thornbury	Ridley Watershed

## 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. 4604502, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	Perkiomen
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	March 26, 2004

**Operations Permit** issued to **Upper Hanover Authority**, P. O. Box 205, East Greenville, PA 18901, PWS ID 1460036, Upper Hanover Township, **Montgomery County** on April 1, 2004, for the operation of facilities approved under Construction Permit No. 4602501.

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

#### Permit No. 6704504 MA, Minor Amendment, Public Water Supply.

Applicant	<b>The York Water Company</b>
Municipality	York Township
County	<b>York</b>

Type of Facility This permit approves the construction York Water Company's raw water outfall structure into Lake Redman.

Consulting Engineer Robert J. Halbert, P. E.  
Rummel Klepper & Kahl LLP  
2641 Carnegie Road  
York, PA 17402

Permit to Construct Issued March 23, 2004

**Permit No. 6703512**, Public Water Supply.

Applicant **Pennsylvania American Water**

Municipality Fairview Township

County **York**

Type of Facility Construction permit for a new West Shore regional water treatment plant, raw water pumping station and necessary transmission mains.

Consulting Engineer Gene C. Koontz, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct Issued March 24, 2004

**Permit No. 6703515**, Public Water Supply.

Applicant **Goldsboro Firemans Club**

Municipality Goldsboro Borough

County **York**

Type of Facility Construction of a nitrate removal system followed by pH neutralization.

Consulting Engineer John L. Latsha, P. E.  
Glacé Associates Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct Issued March 31, 2004

**Permit No. 0103511**, Public Water Supply.

Applicant **Hillendale Gettysburg LP**

Municipality Tyrone Township

County **Adams**

Type of Facility Installation of a nitrate removal system.

Consulting Engineer Max E. Stoner, P. E.  
Glacé Associates, Inc.  
3705 Trindle Rd.  
Camp Hill, PA 17011

Permit to Construct Issued March 31, 2004

**Permit No. 6704501**, Public Water Supply.

Applicant **Exelon Generation**

Municipality Delta Borough

County **York**

Type of Facility Construction of modifications to the disinfection system and raw water instrumentation.

Consulting Engineer Walter J. Bieter, P. E.  
Sargent & Lundy  
1313 North Market Street  
Wilmington, DE 19801

Permit to Construct Issued April 5, 2004

**Operations Permit** issued to **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on April 2, 2004, for the operation of facilities approved under Construction Permit No. 4403501.

**Operations Permit** issued to **Locust Grove MHP**, 7380008, East Hanover Township, **Lebanon County** on March 26, 2004, for the operation of facilities approved under Construction Permit No. 3887504.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethel Township	3015 South Pine Grove Street Fredricksburg, PA 17026	Lebanon

Plan Description: The approved plan provides for the construction of collection, conveyance and a 0.1 MGD sewage treatment plant facilities with discharge to the Swatara Creek for the Monroe Valley area of Bethel Township. The approved plan also provides for an upgrade and expansion of the Fredricksburg sewage treatment plant to 0.3 MGD including an expanded sewer service area in the Elk Drive, Deer Drive and Greble Road area. Additionally, Bethel Township will adopt an onlot disposal system (OLDS) management ordinance to address all remaining OLDS in the municipality. 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 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a

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

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

The Department has received the following plans and reports:

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

**P & C Parking Lot Cleanup**, Sayre Borough, **Bradford County**. Teeter Environmental Services, Inc., on behalf of Anthony Creaton, 333 North Hamilton Street, Painted Post, NY 14870, has submitted a Final Report concerning soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 22, 2004.

**Shamokin Area Community Hospital**, Coal Township, **Northumberland County**. Northeastern Environmental Management, on behalf of Shamokin Area Community Hospital, 4200 Hospital Road, Coal Township, PA 17866, has submitted a Final Report concerning soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 26, 2004.

**Supelco, Inc.**, Spring Township, **Centre County**. Groundwater Sciences Corporation, on behalf of Supelco, Inc., Supelco Park, Bellefonte, PA 16823-0048, has submitted a Final Report concerning groundwater contami-

nated with chlorinated solvents. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 1, 2003.

**GROWMARK FS, Inc. (AEP Fertilizer Plant)**, Spring Township, **Centre County**. Groundwater Sciences Corporation, on behalf of GROWMARK FS, Inc., P. O. Box 4741, Syracuse, NH 13221-4741, has submitted a Final Report concerning soil contaminated with inorganics and pesticides. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 1, 2004.

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

**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 regulations to operate solid waste processing or disposal area or site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 101432. Onyx Waste Service Inc.**, P. O. Box 30, Norristown, PA 19404, Borough of Norristown, **Montgomery County**. This amended waste management permit is to bring the Onyx Waste Services, Inc. Transfer Station into compliance with the radiation protection action plan requirement. The permit was issued by the Southeast Regional Office on March 31, 2004.

**Permit No. 101609. BFI Waste System of North America, Inc.**, 400 River Road, Conshohocken, PA 19428-2600, Upper Merion Township, **Montgomery County**. This amended waste management permit is to bring the River Road Transfer Station into compliance with the radiation protection action plan requirement. The permit was issued by the Southeast Regional office on March 31, 2004.

**Permit No. 101463. BFI Waste System of North America, Inc.**, 2904 South Delaware Avenue, Philadelphia, PA 19148-5106, Philadelphia City, **Philadelphia County**. This amended waste management permit is to bring the TRC Transfer Station into compliance with the radiation protection action plan requirement. The permit was issued by the Southeast Regional Office on March 31, 2004.

#### MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**R. W. Construction Corp.**, 19 Travis Dr., E. Stroudsburg, PA 18301. Authorization No. WH5992. Effective March 26, 2004.

**Jay Fulkroad & Sons, Inc.**, R. R. 1 Box 3060, McAlisterville, PA 17049-9600. Authorization No. WH6004. Effective March 23, 2004.

**Daniel J. McGouldrick**, 2280 Benders Dr., Bath, PA 18014. Authorization No. WH6006. Effective March 23, 2004.

**R & S Transport**, P. O. Box 672, Pottstown, PA 19461. Authorization No. WH6007. Effective March 23, 2004.

**Mill Creek, Inc. t/a R. G. Williams Plumbing & Heating**, P. O. Box 754, Levittown, PA 19058. Authorization No. WH6008. Effective March 23, 2004.

**George H. Treibley, Jr.**, 86 Country Lane, New Columbia, PA 17856. Authorization No. WH6009. Effective March 23, 2004.

**Tomrone G. Harris**, P. O. Box 768, Clearfield, PA 16830. Authorization No. WH6010. Effective March 23, 2004.

**Manuel Tello**, 145 Berkshire Ave., Paterson, NJ 07502. Authorization No. WH6011. Effective March 25, 2004.

**DJ Excel, Inc.**, 900 Westminster Ave., Hillside, NJ 07205. Authorization No. WH6012. Effective March 23, 2004.

**Angel L. Ramos-Rivera**, 645 N. Front St., Reading, PA 19601. Authorization No. WH6013. Effective March 23, 2004.

**Julio Tello**, 23425 SW 53 Ave. B, Boca Raton, FL 33433. Authorization No. WH6014. Effective March 26, 2004.

**J. Silra Trucking Corp.**, 92 Lenape Trail, Washington, NJ 07882. Authorization No. WH6015. Effective March 23, 2004.

**Heliodomar A. De Oliveira**, Apt. 1R, 625 Ferry St., Newark, NJ 07105. Authorization No. WH6016. Effective March 31, 2004.

**Robert J. Jefferis, Jr.**, 6481 Jefferis Ln., Petersburg, PA 16669. Authorization No. WH6017. Effective March 26, 2004.

**T & D Hauling Co.**, Apt. C2, 303 W. 8th St., Bridgeport, PA 19405. Authorization No. WH6018. Effective March 30, 2004.

**M & A Excavating, LLC**, 1523 Memorial Hwy., Oley, PA 19547. Authorization No. WH6019. Effective March 26, 2004.

**McAdoo's Auto Wrecking**, 467 Old National Pike, W. Alexander, PA 15376. Authorization No. WH6020. Effective March 26, 2004.

**Pittsburgh Mobile Television Inc.**, 478 Murrysville Rd., Trafford, PA 15085. Authorization No. WH6021. Effective March 26, 2004.

**Guardian Construction Management Svcs., Inc.**, 568 Braddock Ave., E. Pittsburgh, PA 15112-1223. Authorization No. WH6022. Effective March 26, 2004.

**Bruce Guerrier**, 318 Lakewood Rd., New Egypt, NJ 08533. Authorization No. WH6023. Effective March 26, 2004.

**Dawson Mai**, Apt. 1C, 230 Mt. Vernon Place, Newark, NJ 07106. Authorization No. WH6025. Effective March 26, 2004.

**Oliveira Trucking**, Apt. 3A, 36 Winding Wood Dr., Sayreville, NJ 08872-2074. Authorization No. WH6027. Effective March 26, 2004.

**Ryder Integrated Logistics**, 2650 Kirila Rd., Hermitage, PA 16148. Authorization No. WH6028. Effective March 30, 2004.

**Plain Grove Paving, Inc.**, 253 Book Rd., Volant, PA 16156. Authorization No. WH6029. Effective March 30, 2004.

**Russell L. Dunbar, Jr.**, P. O. Box 524, Bushkill, PA 18324. Authorization No. WH6030. Effective March 30, 2004.

**Gurcharan Singh**, Apt. 3, 300 Elmira St., White Haven, PA 18661. Authorization No. WH6031. Effective March 30, 2004.

**Robert E. Gearhart**, 1507 Village Rd., Clearfield, PA 16830. Authorization No. WH6032. Effective March 30, 2004.

**David Bastos**, 788 Devon St., Kearny, NJ 07032. Authorization No. WH6033. Effective March 30, 2004.

**Mario A. Molina**, Apt. 1, 5111 Liberty Ave., N. Bergen, NJ 07047. Authorization No. WH6034. Effective March 31, 2004.

**Fausto L. Munoz**, 14 Gillespie Rd., Bloomfield, NJ 07003. Authorization No. WH6036. Effective March 31, 2004.

**Matt Alsop Metro Remodeling**, 4054 Narbatrol Court, Murrysville, PA 15668. Authorization No. WH6037. Effective March 31, 2004.

**City Line Fire & Water Restoration**, 2851 S. Pike Ave., Allentown, PA 18103. Authorization No. WH6039. Effective March 31, 2004.

**Allison, Inc.**, R. R. 4, Box 509, Williamsport, PA 17701. Authorization No. WH6040. Effective March 31, 2004.

**Victor R. Burgos & Son, Inc.**, 290 Edgemont Ave., Brookhaven, PA 19015-3205. Authorization No. WH6041. Effective March 31, 2004.

**A. J. Forwarding, Inc.**, 140 New Paltz Rd., Highland, NY 12528. Authorization No. WH6043. Effective April 1, 2004.

**Cesar M. Ramirez**, 84 Somme St., Newark, NJ 07105. Authorization No. WH6044. Effective April 1, 2004.

**Middle Smithfield Materials, Inc.**, P. O. Box 674, Bushkill, PA 18324-0674. Authorization No. WH6045. Effective April 1, 2004.

**J. A. Frisina, Inc.**, P. O. Box 154, 2 Kinzua St., Bradford, PA 16701-0154. Authorization No. WH6046. Effective April 1, 2004.

**J. W. Transport, Inc.**, 2437 Durham Rd., Bristol, PA 19007. Authorization No. WH6047. Effective April 1, 2004.

**H & R Landscaping, Inc.**, 1822 Gallagher Rd., Plymouth Meeting, PA 19462-2839. Authorization No. WH6048. Effective April 1, 2004.

**William Roy Kennedy Trucking**, 5755 Somerset Pike, Boswell, PA 15531-1803. Authorization No. WH6049. Effective April 1, 2004.

## AIR QUALITY

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



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

**GP1-28-03021: Department of Public Welfare—South Mountain Restoration Center** (10058 South Mountain Road, South Mountain, PA 17261) on March 30, 2004, for small gas and no. 2 oil fired combustion units under GP1 in Quincy Township, **Franklin County**.

**GP3-4-05-03010: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on March 29, 2004, for portable nonmetallic mineral processing plants under GP3 in Snake Spring Township, **Bedford County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**01-03016A: Dal-Tile Corp.** (2938 York Road, Gettysburg, PA 17325) on March 29, 2004, to install six trim presses and one associated baghouse at their existing facility in Straban Township, **Adams County**.

**06-05029B: Reading Body Works, Inc.** (P. O. Box 650, Reading, PA 19607-0650) on March 29, 2004, to modify two surface coating lines controlled by dry filters and low VOC coatings in the City of Reading, **Berks County**.

**22-03052A: Harman Stove Co.** (352 Mountain Road, Halifax, PA 17032) on April 1, 2004, to construct a paint booth for a stove coating operation in Jackson Township, **Dauphin County**.

**38-03014B: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) on March 30, 2004, to modify their Millard limestone crushing plant in North Londonderry Township, **Lebanon County**.

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

**65-00661B: Derry Construction** (R. D. 5, Box 34, Latrobe, PA 15650) on March 29, 2004, for the authorized use of waste derived liquid fuel and recycled asphalt at their existing Derry construction hot mix asphalt plant in Salem Township, **Westmoreland County**.

**04-00446E: AES Beaver Valley, LLC** (394 Frankfort Road, Monaca, PA 15061) on March 29, 2004, for the permanent installation of SNCR technology on boiler units 032—035.

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

**25-069I: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) on March 23, 2004, to increase production and modification of VOC emission limit in Plan Approval 25-313-025E from 3.0 #/hr to 4.9 #/hr for their Maleic Plant at their catalyst manufacturing plant in the City of Erie, **Erie County**.

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

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

**46-0005W: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on March 30, 2004, to operate a 770-Bhp emergency generator in Upper Gwynedd Township, **Montgomery County**.

**15-0115: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on March 30, 2004, to operate two 12.55 mmBtu/hr gas/fuel boilers in West Goshen Township, **Chester County**.

**46-322-007: Waste Management Disposal Services** (1425 Sell Road, Pottstown, PA 19464) on March 30, 2004, to operate a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

**46-0161A: Reading Materials, Inc.** (2052 Lucon Road, Skippack, PA 19474) on March 30, 2004, to operate a recycled asphalt pavement in Lower Pottsgrove Township, **Montgomery County**.

**23-0001S: Sunoco, Inc.—R and M** (100 Green Street, P. O. Box 426, Marcus Hook, PA 19061) on March 30, 2004, to operate a boiler and heater in Marcus Hook Borough, **Delaware County**.

**46-0062: Jefferson Smurfit Corp.—US** (500 Church Road, North Wales, PA 19454) on March 30, 2004, to modify for operation a thermal oxidizer in Upper Gwynedd Township, **Montgomery County**.

**09-0068A: Orchard Hill Memorial Park, Inc.** (75 Sterling Road, Warren, PA 07059) on March 30, 2004, to operate incinerators in Richland Township, **Bucks County**.

**09-0158: Allied Cremation, Inc.** (864 Bristol Pike, Bensalem, PA 19020) on March 5, 2004, to operate a crematory in Bensalem Township, **Bucks County**.

**09-0123: Better Materials Corp.** (P. O. Box 231, Easton, PA 18044) on March 5, 2004, to operate a batch asphalt plant in Nockamixon Township, **Bucks County**.

**15-0029D: Dopaco, Inc.** (100 Arrandale Boulevard, Exton, PA 19341) on March 5, 2004, to operate ten-color flexographic press in Downingtown Borough, **Chester County**.

**09-0053: Greif Containers, Inc.** (366 Greif Parkway, Delaware, OH 43015) on March 5, 2004, to operate a lining surface coating booth in Warminster Township, **Bucks County**.

**46-0169B: H and N Packaging, Inc.** (92 County Line Road, Colmar, PA 18915) on March 5, 2004, to operate five-color flexographic printing presses in Hatfield Township, **Montgomery County**.

**46-0169A: H and N Packaging, Inc.** (92 County Line Road, Colmar, PA 18915) on March 5, 2004, to operate an ink room in Hatfield Township, **Montgomery County**.

**09-0152: Gelest, Inc.** (612 William Leigh Drive, Tullytown, PA 19007) on March 5, 2004, to operate equipment for specialty chemicals in Falls Township, **Bucks County**.

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

**48-309-121: Keystone Cement Co.** (P. O. Box A, Bath, PA 18014) on March 24, 2004, for installation of an air

cleaning device on the no. 2 cement kiln at their facility in East Allen Township, **Northampton County**. The Plan Approval has been extended.

**35-303-011D: Dunmore Materials—Division of Haines and Kibblehouse Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 30, 2004, for modification of a batch asphalt plant and associated air cleaning device at their facility on Dunham Drive, Dunmore Borough, **Lackawanna County**. The Plan Approval has been extended.

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

**14-318-001B: Spectra Wood** (2651 Carolean Industrial Drive, State College, PA 16801) on March 31, 2004, to operate a modified wood furniture finishing operation on a temporary basis, until July 29, 2004, in College Township, **Centre County**. The Plan Approval has been extended.

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

**65-00865B: Reliant Energy Seward, LLC** (121 Champion Way, Canonsburg, PA 15317) on March 30, 2004, to construct and operate two CFB boilers and related/supporting equipment to repower the existing Seward Station in East Wheatfield Township, **Indiana County**. The Plan Approval for this facility has been revised and the following Special Condition has been removed.

Plan Approval Condition No. 28: "The Owner or Operator shall submit an appropriate operating permit application to the Department within 120 days of the completion of construction (25 Pa. Code 127.403)." The method for incorporating Plan Approval requirements into existing Operating Permits is through Administrative Amendment. Consequently, Condition No. 28 was determined to be inappropriate and has been removed.

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#### **Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

**16-00035: The Commodore Corp.—Commodore/Colony Factory Crafted Homes** (20898 Paint Boulevard, Clarion, PA 16743) on March 31, 2004, the Department issued a Title V Permit to operate a mobile/modular home manufacturing facility in Shipperville Borough, **Clarion County**. This is a major facility due to its potential to emit VOC emissions from the surface coating and adhesive application operations.

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#### **Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**28-03022: Valley Quarries, Inc.** (169 Quarry Road, Chambersburg, PA 17201) on March 29, 2004, for rock

crushing operations at their Mt. Cydonia Sand Plant I in Guilford Township, **Franklin County**.

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

**25-00995: Alliance Plastics, Inc.** (3123 Station Road, Erie, PA 16510) on March 30, 2004, for a Natural Minor Operating Permit for a plastisol dip molding process in Erie, **Erie County**.

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#### **Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**23-00016: PQ Corp.** (P. O. Box 840, Valley Forge, PA 19482) on April 1, 2004, minor operating permit modification for a cleaver brooks boiler in City of Chester, **Delaware County**.

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

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The 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).**

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#### *Coal Permit Actions*

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

**54930201R2. Wheelabrator Culm Services, Inc.** (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 117.0 acres. Receiving streams: None. Application received October 28, 2003. Renewal issued March 29, 2004.

**54830207R4. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 280.0 acres. Receiving streams: None. Application received December 3, 2003. Renewal issued March 29, 2004.

**54900101R2 and NPDES Permit No. PA0594725. Blackwood, Inc.** (P. O. Box 639, Wind Gap, PA 18091), renewal of an existing surface mine, refuse reprocessing and refuse disposal operation in Branch, Reilly and Tremont Townships, **Schuylkill County**, affecting

1,847.6 acres. Receiving streams: Panther Creek and Swatara Creek. Application received December 17, 2003. Renewal issued March 31, 2004.

**22031301. Ladnar, Inc.** (1165 Trail Road, Hummels-town, PA 17035), commencement, operation and restoration of an anthracite underground mine operation in Williams Township, **Dauphin County**, affecting 3.0 acres. Receiving streams: None. Application received March 11, 2003. Permit issued April 1, 2004.

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

**32841303. NPDES Permit No. PA0001775, Helvetia Coal Company** (400 Overview Drive, P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Lucerne No. 6 Mine in Center Township, **Indiana County**, to change the post-mining land use. No additional discharges. Permit issued March 30, 2004.

**56021301. NPDES Permit No. PA0235547, Elk Lick Energy, Inc.** (P. O. Box 240, Friedens, PA 15541), to operate the Roytown Mine in Lincoln Township, **Somerset County**, a new mine and for discharge of treated mine drainage. Surface Acres Proposed 67.2, Underground Acres Proposed 1,133, SCP Acres Proposed 1,133. Receiving streams: North Branch Quemahoning Creek (CWF) and Homer Run (CWF). Permit issued March 30, 2004.

**65840701. NPDES Permit No. PA0214809, Crows Nest Synfuels, LP** (113 Elm Street, Suite 300, Cohasset, MA 02025), to renew the permit for the Crows Nest Wash Plant in Hempfield Township, **Westmoreland County** and related NPDES permit. Receiving streams: tributary to Jacks Run (WWF) and Jacks Run (WWF). Permit issued March 30, 2004.

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

**61980103 and NPDES Permit No. PA0227846. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127), renewal of an existing bituminous strip operation in Irwin Township, **Venango County**, affecting 111.0 acres. Receiving streams: five unnamed tributaries to Scrubgrass Creek. Application received August 14, 2003. Permit issued March 25, 2004.

**10930111 and NPDES Permit No. PA0211834. JMW Enterprises, Inc.** (P. O. Box 81, Rock Glen, PA 18246), renewal of an existing bituminous strip and auger operation in Washington Township, **Butler County**, affecting 115.5 acres. Receiving streams: unnamed tributaries to South Branch Slippery Rock Creek. Application received September 5, 2003. Permit issued March 31, 2004.

**16980105 and NPDES Permit No. PA0227749. Milestone Crushed, Inc.** (521 South Street, P. O. Box 644, Clarion, PA 16214), renewal of an existing bituminous strip operation in Perry Township, **Clarion County**, affecting 60.0 acres. This renewal is issued for reclamation only. Receiving streams: Dunlap Creek, unnamed tributary to Allegheny River. Application received February 10, 2004. Permit issued March 31, 2004.

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

**32803010 and NPDES Permit No. PA0124834. Keystone Coal Mining Corporation** (P. O. Box 219, Shelocta, PA 15774), surface mining permit renewal for reclamation only in Blacklick Township, **Indiana County**, affecting 89.9 acres. Receiving streams: un-

named tributary to Aultman's Run (TSF). The first downstream potable water supply intake from the point of discharge is the Saltsburg Borough Indiana County Municipal Waterworks Conemaugh River Surface Water Withdrawal. Application received January 23, 2004. Permit issued March 31, 2004.

**32970112 and NPDES Permit No. PA0234605. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), transfer from Mears Enterprises, Inc. for continued operation of a bituminous surface and auger mine in Green Township, **Indiana County**, affecting 103.3 acres. Receiving streams: Buck Run, Dixon Run (CWF). The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek Surface Water Intake. Application received December 17, 2003. Permit issued April 2, 2004.

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

**65980105 and NPDES Permit No. 0202363. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037), transfer permit from Joseph Rostosky Coal Co. for continued operation and reclamation of an existing bituminous surface mine in Rostraver Township, **Westmoreland County**, affecting 28.8 acres. Receiving streams: unnamed tributary to Monongahela River. Transfer application received November 25, 2002. Transfer permit issued April 1, 2004.

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

**17990121 and NPDES Permit No. PA0242764. Lee Coal Contracting, Inc.** (147 Loop Road, West Decatur, PA 16878), transfer of an existing bituminous surface mine permit from Larson Enterprises, Inc. The permit is in Cooper Township, **Clearfield County** and affects 23.9 acres. Receiving streams: tributary to Sulphur Run to Moshannon Creek to the West Branch of the Susquehanna River. Application received December 12, 2003. Permit issued March 23, 2004.

**17020111 and NPDES Permit No. PA0243329. Lee Coal Contracting, Inc.** (147 Loop Road, West Decatur, PA 16878), transfer of an existing bituminous surface mine permit application from Larson Enterprises, Inc. The permit is in Cooper Township, **Clearfield County** and affects 19.4 acres. Receiving streams: Sulphur Run to Moshannon Creek to West Branch Susquehanna River. Application received December 12, 2003. Permit issued March 23, 2004.

#### *Coal Permits Withdrawn*

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

**17960121 and NPDES Permit No. PA0220485, River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), transfer of an existing bituminous surface mine-auger permit from K & J Coal Co., Inc. This permit is in Chest and Ferguson Townships, **Clearfield County** and affects 161 acres. Receiving streams: unnamed tributary to Wilson Run and unnamed tributary to Chest Creek. Application received January 31, 2003. Permit withdrawn: March 25, 2004.

#### *Noncoal Permit Actions*

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

**7975SM1C7 and NPDES Permit No. PA0045047. Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474), correction to an existing quarry operation and NPDES permit for discharge of treated mine drainage in Hilltown Township, **Bucks County**, affecting 47.5 acres. Receiving streams: unnamed tributary to Morris Run. Application received June 11, 2003. Correction issued March 30, 2004.

**40040801. Piacenti Trucking & Excavating, Inc.** (Rear 538 Putnam Street, West Hazleton, PA 18202), commencement, operation and restoration of a small quarry operation in Butler Township, **Luzerne County**, affecting 5.0 acres. Receiving streams: tributary to Nescopeck Creek. Application received February 9, 2004. Permit issued April 1, 2004.

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

**3779103. Cemex, Inc.** (840 Gessner, Suite 1400, Houston, TX 77002), renewal of NPDES Permit No. PA0109258 in Shenango and Taylor Townships, **Lawrence County**. Receiving streams: unnamed tributary to McKee Run and unnamed tributary to Beaver Run. Application received February 3, 2004. Permit issued March 31, 2004.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

**21044011. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting at Westbrook Excavating in Middlesex Township, **Cumberland County**, with an expiration date of March 31, 2005. Permit issued March 31, 2004.

**28044012. Geological Technologies, Inc.** (715 Baltimore Street, Martinsburg, WV 25401), construction blasting in Antrim Township, **Franklin County**, with an expiration date of April 30, 2004. Permit issued March 31, 2004.

**28044013. Geological Technologies, Inc.** (715 Baltimore Street, Martinsburg, WV 25401), construction blasting at sewer extension for Mitchell Machine Shop in Antrim Township, **Franklin County**, with an expiration date of July 31, 2004. Permit issued March 31, 2004.

**09044006. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting at Estates At Woods Edge in Solebury Township, **Bucks County**, with an expiration date of April 21, 2005. Permit issued April 1, 2004.

**48044010. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Foxwood Farms in Lower Nazareth Township, **Northampton County**, with an expiration date of April 25, 2005. Permit issued April 1, 2004.

**01044006. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Adams County National Bank in Straban Township, **Adams County**, with an expiration date of March 31, 2005. Permit issued April 1, 2004.

**36044024. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Veranda in East Hempfield Township, **Lancaster County**, with an expiration date of April 29, 2005. Permit issued April 1, 2004.

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

**14044006. Robert R. Long** (P. O. Box 268, Centre Hall, PA 16828), for construction blasting in Gregg Township, **Centre County**, with an expected duration of 180 days. Permit issued March 31, 2004.

**14044007. Stone Valley Construction** (P. O. Box 369, Pine Grove Mills, PA 16868), for construction blasting in Benner Township, **Centre County**, with an expected duration of 180 days. Permit issued March 31, 2004.

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.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-868. Tinicum Township**, 163 Municipal Road, Pipersville, PA 18947, Tinicum Township, **Bucks County**, ACOE Philadelphia District.

To restore, stabilize and maintain approximately 130 linear feet of eroded streambank along the Tinicum Creek (EV) utilizing bioengineering methods. Work will also include the installation of J-hook weirs to abate future erosion. The site is along Sheep Hole Road, between Geigel Hill Road and Headquarters Road (Bedminster USGS Quadrangle N: 19.0 inches; W: 3.1 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E51-187. City of Philadelphia**, The Aramark Tower, 1101 Market Street, 2nd Floor, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To modify and maintain the existing Dobson's Run stormwater conduit by constructing a stormwater outfall structure along the Schuylkill River (WF, MF) in the vicinity of Laurel Hill Cemetery and CSX Railroad Bridge in the City's East Falls section (Germantown, PA USGS Quadrangle N: 4.25 inches; W: 3.75 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

**E45-460. Shawnee Holding, Inc.**, P. O. Box 67, 1 River Road, Shawnee-on-Delaware, PA 18356, Smithfield Township, **Monroe County**, Army Corps of Engineers Philadelphia District, Subbasin 1D.

To construct and maintain a seasonal timber bridge having 14 spans totaling 284 feet and a maximum underclearance of approximately 17.5 feet across a side channel of the Delaware River (WWF, MF, perennial). The bridge will be attached to existing concrete abutments and will serve as access to 24 golf holes on Shawnee Island. The project is at the Shawnee Inn and Golf Resort, approximately 0.5 mile southwest of the intersection of SR 2023 and Township Road T663 (Bushkill, PA-NJ Quadrangle N: 1.1 inches; W: 16.0 inches). The project purposes to seasonally affect 12 linear feet of stream channel.

**E48-336. Strausser Enterprises, Inc.**, 602 Village at Stones Crossing, Easton, PA 18042, Forks Township, **Northampton County**, Army Corps of Engineers Philadelphia District, Subbasin 1F.

To remove the existing structures and to construct and maintain the following water obstructions: (1) a pedestrian bridge having a single span of 50.0 feet and underclearance of approximately 6.1 feet across a tributary to the Delaware River (WWF, MF, perennial); (2) a road crossing consisting of a CMP arch culvert having a span of 11.42 feet and a rise of 7.25 feet with a 12-inch culvert depression in a tributary to the Delaware River (CWF, intermittent) to serve as access to the proposed maintenance buildings; (3) a golf cart bridge having a single span of 40.0 feet and underclearance of approximately 7.5 feet across a tributary to the Delaware River; (4) a road crossing consisting of a bridge having a single span of 25.0 feet and underclearance of approximately 6.3 feet across a tributary to the Delaware River to serve as access to a proposed bed and breakfast; (5) a golf cart bridge having a single span of 46.0 feet and underclearance of approximately 6.5 feet across a tributary to the Delaware River; (6) a 10-inch diameter PVC sanitary sewer line under a tributary to the Delaware River; and (7) a 60-inch diameter RCP stormwater outfall structure and associated energy dissipator in the floodway of the Delaware River. This work is associated with Riverview Estates residential subdivision and golf course and is northwest of the intersection of SR 2038 (Frost Hollow Road) and SR 0611 (Easton, PA-NJ Quadrangle N: 18.0 inches; W: 9.0 inches) in Forks Township, Northampton County. The project proposes to directly affect 205 linear feet of stream channel in the tributary and 0.02 acre of floodway to the Delaware River and temporarily affect 10 linear feet of stream channel in the tributary.

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

**E59-448. John Felton**, 942 Camp Trail Road, Quakertown, PA 18951, private bridge crossing in Middlebury Township, **Tioga County**, ACOE Baltimore District (Crooked Creek, PA Quadrangle N: 17 inches; W: 13.8 inches).

To remove the existing abutment in its entirety and to construct a new abutment that is 10 feet wide by 7 feet high with wingwalls that tie into the bank that is 5 feet long. This permit also authorizes operation and maintenance of the remaining portion of the bridge along with the new abutment. This bridge crossing is in Hills Creek (WWF). This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E25-675, CSX Transportation**, 1 Bell Crossing Rd., Selkirk, NY 12158, UNT Twelvemile Creek Crossing in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 13.15 inches; W: 3.8 inches).

The applicant proposes to remove the steel girder superstructure of the existing railroad bridge and to construct and maintain a 60-foot long, 15.25-foot wide multiplate open bottom arch with a maximum underclearance of 11.41 feet in a UNT to Twelvemile Creek (HQ CWF, MF, perennial) approximately 0.5 mile southeast of the intersection of US Route 20 and Moorheadville Road. The proposed structure would be set on the existing stone masonry abutments and a CIP concrete benchwall. The project proposes to directly affect a total of approximately 60 linear feet of stream channel.

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## SPECIAL NOTICES

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### Certification to Perform Radon-Related Activities in this Commonwealth

During March 2004, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Terry Amsley	74 Derbyshire Drive Carlisle, PA 17013	Testing
Robert Balzer	2894 Spring View Court Export, PA 15632	Testing
Thomas Berardelli	R. R. 7, Box 7229 Suite 101 Moscow, PA 18444	Testing
Frederick Buck	1009 Primrose Avenue Stroudsburg, PA 18360	Testing
David DeMar Accurate Radon Control, Inc.	P. O. Box 296 Green Lane, PA 18054	Mitigation
Heber Dreher, III	23 North Derr Drive Suite 29 Lewisburg, PA 17837	Testing
David Dziak	R. R. 3, Box 161 Harveys Lake, PA 18618	Testing
Alfred Ernst, Jr.	661 Clearview Drive Bethel Park, PA 15102	Testing
Tracy Fawley	41 Indian Rocks Lake Ariel, PA 18436	Testing
John Goldsworthy, Jr.	P. O. Box 96 Jamison, PA 18929	Testing
Robert Hannabery	P. O. Box 1582 Bethlehem, PA 18016	Testing
Nick Hindley	100 4th Street Honesdale, PA 18431	Testing
Steven Hunn	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Daniel Keogh PEACH Inspections	518 Kimberton Road Suite 311 Phoenixville, PA 19460	Testing
Raymond King	1812 Willow Street Pike Lancaster, PA 17602	Testing
David Morgan	44 Crestview Road Phoenixville, PA 19460	Testing
Keith Nixdorf	600 Sickman Mill Road Conestoga, PA 17516	Testing
Mavis Robinson URS Corporation	2325 Maryland Road Willow Grove, PA 19090	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Matthew Stabinski	219 West Grove Street P. O. Box 266 Clarks Summit, PA 18411	Testing
David Steinman	1899 Lititz Pike Lancaster, PA 17601	Testing
Timothy Stewart	1341 North Delaware Avenue Philadelphia, PA 19125	Testing
Richard Stump, II Suburban Water Testing Labs, Inc.	4600 Kutztown Road Temple, PA 19560	Testing
Barbara Sykes	88 Cherry Lane Doylestown, PA 18901	Testing
John Sykes	88 Cherry Lane Doylestown, PA 18901	Testing and Mitigation
Brian Taylor	1186 Easton Road Roslyn, PA 19001	Testing
Stanley Watras S. J. Watras, Inc.	32 Indian Lane Boyertown, PA 19512	Testing and Mitigation
John Wilson	107 Lockerbie Lane West Chester, PA 19382	Testing
Ronald Zimmerman	2879 Pricetown Road Temple, PA 19560	Testing

**Availability of Final Total Maximum Daily Load (TMDL) for the Neshaminy Creek Watershed in Bucks and Montgomery Counties**

A TMDL has been developed by the Department of Environmental Protection (Department) for the Neshaminy Creek Watershed. The TMDL sets loadings of sediment and phosphorous which are allocated among the sources in the watershed. The TMDL has been approved by the EPA and satisfies the Department's obligations under section 303(d) of the Federal Clean Water Act.

To request a copy of the TMDL, contact the Division of Water Quality Assessment and Standards, Department of Environmental Protection, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637, rnaugle@state.pa.us or access the TMDL through the Department's website: [www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/) (choose "Neshaminy Creek" under "Select By TMDL Name:").

[Pa.B. Doc. No. 04-659. Filed for public inspection April 16, 2004, 9:00 a.m.]

**Proposed Pennsylvania NPDES Individual Permit for Stormwater Discharges from Department of Transportation Roadway Systems in Urbanized Areas; Extension of Public Comment Period**

By this notice, the Department of Environmental Protection (Department) is extending the public comment period on the Commonwealth's proposed NPDES Individual Permit for Stormwater Discharges for Department of Transportation roadway systems in urbanized areas (PENNDOT MS4). The initial notice seeking comments on this proposed permit was published at 34 Pa.B. 644 (January 31, 2004). The extended comment period will end May 17, 2004.

The proposed PENNDOT MS4 package is available by contacting the Department of Environmental Protection, Bureau of Watershed Management, 400 Market Street, 10th Floor, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 772-4048, rpatel@state.pa.us. The permit package is also available on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate; scroll down to "Proposals Open for Comment" then choose "Regulations & Other Proposals").

Comments on the proposed PENNDOT MS4 package must be submitted to the Department by May 17, 2004. Only comments received by the Department on or before May 17, 2004, will be considered in finalizing the PENNDOT MS4 permit package. Persons wishing to comment on the proposed permit package should include their name, address and telephone number and a concise comment statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written comments should be submitted to the previous address. Comments will also be accepted by e-mail and should be sent by May 17, 2004, to Ratilal Patel at [rpatel@state.pa.us](mailto:rpatel@state.pa.us). Comments will not be accepted by facsimile or voice mail.

Persons with a disability may use the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comment and response document and prepare a final documents package for this permit. An availability notice of the final permit documents will be announced in the *Pennsylvania Bulletin*. Individuals wishing to receive a copy of the final documents may request them by contacting the previous addresses or telephone numbers.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-660. Filed for public inspection April 16, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Drug, Device and Cosmetic Board Meeting

The Department of Health's Drug, Device and Cosmetic Board (Board) has scheduled a meeting for Wednesday, April 21, 2004, at 9 a.m. at 132 Kline Plaza, Suite A, Harrisburg, PA. The purpose of the meeting is for the Board to review petitions presented by the Office of Attorney General to schedule the following drugs as Schedule I Controlled Substances: TFMPP (1-(3-trifluoromethylphenyl)piperazine), BZP (N-Benzylpiperazine), AMT (Alpha-Methyltryptamine), 2C-T-7 (2,5 dimethoxy-4-(N)-propylthiophenethylamine) and 5-MEO-DIPT (5-methoxy-N, N-diisopropyltryptamine). The petitions request that the drugs be scheduled as Schedule I Controlled Substances to reflect the current Federal schedule status. A Schedule I Controlled Substance has a high potential for abuse, no currently accepted medical use in the United States and lack of accepted safety for use without medical supervision.

For additional information, contact Carol Williams, Director, Bureau of Community Program Licensure and Certification, (717) 783-8665.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, or Braille) should contact Carol Williams, (717) 783-8665, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-661. Filed for public inspection April 16, 2004, 9:00 a.m.]

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by 35 P. S. § 6204, will hold a public meeting on Wednesday, May 5, 2004, from 10 a.m. to 3 p.m. in Conference Room 327, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information, or persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Elaine E. Gible, Program Administrator, Chronic Renal Disease Program, (717) 772-5138, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-662. Filed for public inspection April 16, 2004, 9:00 a.m.]

### Update of the List of Citations to ACIP Recommendations Prescribing Child Immunization Practices and Immunizing Agents and Doses

In accordance with 31 Pa. Code §§ 89.806(a) and 89.807(b) (relating to coverage of child immunizations; and immunizing agents, doses and AWP's), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization, is updating 31 Pa. Code Chapter 89, Appendices G and H (relating to ACIP recommendations prescribing child immunization practices; and immunizing agents and doses). The Department has primary responsibility for the interpretation and the implementation of 31 Pa. Code §§ 89.806 and 89.807. See 31 Pa. Code § 89.801(b) (relating to authority and purpose; implementation).

Health insurance policies are required by the Childhood Immunization Insurance Act (act) (40 P. S. §§ 3501—3508) and regulations promulgated thereunder, 31 Pa. Code §§ 89.801—89.809 (relating to childhood immunization insurance), to include coverage for certain childhood immunizations, unless the policies are exempted by the act and 31 Pa. Code § 89.809 (relating to exempt policies). The childhood immunizations covered are those that meet Advisory Committee on Immunization Practices (ACIP) standards in effect on May 21, 1992 (see 31 Pa. Code § 89.806(a)). A list of the Morbidity and Mortality Weekly Report (MMWR) publications containing ACIP recommendations issued under the ACIP standards in effect on May 21, 1992, appears in 31 Pa. Code Chapter 89 Appendix G.

The Department is required to update the list of these MMWR publications in 31 Pa. Code Chapter 89, Appendix G. See 31 Pa. Code § 89.806(a). The additions to the list are as follows. The remainder of the list in 31 Pa. Code Chapter 89, Appendix G remains in full force and effect:

- August 8, 2003/Vol. 52/No. 31
  - Pneumococcal Vaccination for Cochlear Implant Candidates and Recipients: Updated Recommendations of the Advisory Committee on Immunization Practices
- August 22, 2003/Vol. 52/No. 33
  - Notice to Readers: Supplemental Recommendations About the Timing of Influenza Vaccination, 2003-04 Season
- September 26, 2003/Vol. 52/No. 38
  - Notice to Readers: FDA Approval of Diphtheria and Tetanus Toxoids and Acellular Pertussis Vaccine Adsorbed, (INFANRIX®) for Fifth Consecutive DTaP Vaccine Dose
- October 10, 2003/Vol. 52/No. 40
  - Notice to Readers: Revised Standards for Adult Immunization Practices and Child and Adolescent Immunization Practices, 2003
- December 19, 2003/Vol. 52/No. 50
  - Notice to Readers: Limited Supply of Pneumococcal Conjugate Vaccine
- January 16, 2004/Vol. 52/No. 1
  - Recommended Childhood and Adolescent Immunization Schedule—United States, January—June 2004

The Department is also required to update information relating to immunizing agents and doses that the Department has extracted from ACIP recommendations issued



under the standards in 31 Pa. Code § 89.806(a). See 31 Pa. Code § 89.807(b). The Department is also to periodically list the average wholesale price (AWP) for immuniz-

ing agents. See 31 Pa. Code § 89.807(b). This information currently appears in 31 Pa. Code Chapter 89, Appendix H. The updated information is as follows:

**2004 List of Immunizing Agents and Average Wholesale Prices**

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
<i>Diphtheria Tetanus acellular Pertussis Vaccine (DTaP):</i>					
Aventis Pasteur	Tripedia	49281-0278-10	10 × 1	0.5 ml	\$14.85
Aventis Pasteur	Daptacel	49281-0286-05	10 × 1	0.5 ml	\$24.29
Aventis Pasteur	Daptacel	49281-0286-10	10 × 1	0.5 ml	\$24.29
GlaxoSmithKline	Infanrix	58160-0840-11	10 × 1	0.5 ml	\$24.29
<i>Diphtheria Tetanus pediatric Vaccine (DT pediatric):</i>					
Aventis Pasteur	DT Pediatric	49281-0275-10	5.0 ml	0.5 ml	\$10.91
<i>Diphtheria Tetanus acellular Pertussis/Haemophilus Influenzae B (DTaP-HIB):</i>					
Aventis Pasteur	TriHIBit	49281-0597-05	5 × 1	0.5 ml	\$23.13
<i>Tetanus Diphtheria adult Vaccine (Td adult):</i>					
Aventis Pasteur	Td Adult	49281-0271-83	5.0 ml	0.5 ml	\$10.91
<i>Diphtheria, Tetanus, acellular Pertussis, Hepatitis B, Polio (DTaP, Hep B, OPV):</i>					
GlaxoSmithKline	Pediarix	58160-0841-11	10 × 1	0.5 ml	\$78.71
GlaxoSmithKline	Pediarix	58160-0841-46	5 × 1	0.5 ml	\$78.71
<i>Haemophilus Influenzae B Vaccine (HIB):</i>					
Wyeth-Lederle	HibTITER	0005-0104-32	5 × 0.5	0.5 ml	\$25.54
Aventis Pasteur	ActHIB	49281-0545-05	5 × 1	0.5 ml	\$24.33
Merck & Co.	Pedvax HIB	0006-4897-00	10 × 0.5	0.5 ml	\$24.03
<i>Injectable Polio Vaccine Inactivated (Salk Enhanced IPV):</i>					
Aventis Pasteur	IPOL	49281-0860-10	5.0 ml	0.5 ml	\$24.35
<i>Measles Mumps Rubella Vaccine (MMR):</i>					
Merck & Co.	MMR II	0006-4749-00	0.5 ml	0.5 ml	\$44.28
Merck & Co.	MMR II	0006-4681-00	10 × 0.5	0.5 ml	\$38.56
<i>Measles Vaccine (Rubeola):</i>					
Merck & Co.	Atenuvax	0006-4709-00	0.5 ml	0.5 ml	\$17.73
Merck & Co.	Atenuvax	0006-4589-00	10 × 0.5	0.5 ml	\$14.23
<i>Mumps Vaccine (Mumps):</i>					
Merck & Co.	Mumpsvax	0006-4753-00	0.5 ml	0.5 ml	\$20.45
Merck & Co.	Mumpsvax	0006-4584-00	10 × 0.5	0.5 ml	\$18.40
<i>Rubella (German Measles):</i>					
Merck & Co.	Meruvax II	0006-4747-00	0.5 ml	0.5 ml	\$18.57
Merck & Co.	Meruvax II	0006-4673-00	10 × 0.5	0.5 ml	\$15.85
<i>Hepatitis A Vaccine Pediatric (HEP-A):</i>					
Merck & Co.	VAQTA	0006-4831-00	0.5 ml	0.5 ml	\$35.30
Merck & Co.	VAQTA	0006-4831-41	10 × 0.5	0.5 ml	\$33.32
Merck & Co.	VAQTA syringe	0006-4845-00	0.5 ml	0.5 ml	\$35.30
Merck & Co.	VAQTA syringe	0006-4845-38	5 × 0.5	0.5 ml	\$33.32
GlaxoSmithKline	Havrix	58160-0837-01	0.5 ml	0.5 ml	\$31.36
GlaxoSmithKline	Havrix	58160-0837-11	10 × 0.5	0.5 ml	\$29.99
GlaxoSmithKline	Havrix syringe	58160-0837-50	25 × 0.5	0.5 ml	\$29.99
GlaxoSmithKline	Havrix syringe	58160-0837-46	5 × 0.5	0.5 ml	\$29.99
GlaxoSmithKline	Havrix syringe	58160-0837-50	25 × 0.5	0.5 ml	\$29.99
GlaxoSmithKline	Havrix syringe	58160-0837-56	25 × 0.5	0.5 ml	\$29.41

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
<i>Hepatitis A Vaccine Adult (HEP-A):</i>					
Merck & Co.	VAQTA	0006-4841-00	1.0 ml	1.0 ml	\$70.60
Merck & Co.	VAQTA	0006-4841-38	5 × 1.0	1.0 ml	\$66.64
Merck & Co.	VAQTA	0006-4841-41	10 × 1.0	1.0 ml	\$66.64
Merck & Co.	VAQTA syringe	0006-4844-00	1.0 ml	1.0 ml	\$70.60
Merck & Co.	VAQTA syringe	0006-4844-38	5 × 1.0	1.0 ml	\$66.64
GlaxoSmithKline	Havrix	58160-0835-01	0.5 ml	0.5 ml	\$62.35
GlaxoSmithKline	Havrix syringe	58160-0835-41	1 × 0.5	0.5 ml	\$61.01
GlaxoSmithKline	Havrix syringe	58160-0835-46	5 × 0.5	0.5 ml	\$61.01
<i>Hepatitis B Vaccine (HEP-B):</i>					
Merck & Co.	(1) Recombivax HB	00006-4980-00	0.5 ml	0.5 ml	\$27.42
Merck & Co.	(1) Recombivax HB	00006-4981-00	10 × 0.5 ml	0.5 ml	\$26.10
Merck & Co.	(2) Recombivax HB	00006-4769-00	.5 ml	0.5 ml	\$27.42
Merck & Co.	(2) Recombivax HB	00006-4876-00	10 × 0.5	0.5 ml	\$25.79
Merck & Co.	(2) Recombivax HB	00006-4849-00	5 × 0.5	0.5 ml	\$27.45
Merck & Co.	(2) Recombivax HB	00006-4969-00	5 × 0.5	0.5 ml	\$27.45
Merck & Co.	(3) Recombivax HB	00006-4773-00	3.0 ml	0.5 ml	\$67.10
Merck & Co.	(3) Recombivax HB	00006-4775-00	1.0 ml	1.0 ml	\$67.16
Merck & Co.	(3) Recombivax HB	00006-4872-00	10 × 1.0	1.0 ml	\$66.47
Merck & Co.	(3) Recombivax HB	00006-4873-00	10 × 3.0	0.5 ml	\$66.50
Merck & Co.	(3) Recombivax HB	00006-4848-00	5 × 1.0	1.0 ml	\$67.17
Merck & Co.	(3a) Recombivax HB	00006-4995-00	1.0 ml	1.0 ml	\$66.99
Merck & Co.	(3a,b) Recombivax HB	00006-4995-41	10 × 1.0	1.0 ml	\$66.31
Merck & Co.	(3c) Recombivax HB	00006-4992-00	1.0 ml	1.0 ml	\$186.62
GlaxoSmithKline	(4) Engerix-B	58160-0856-01	0.5 ml	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B	58160-0856-11	10 × 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-46	5 × 0.5	0.5 ml	\$23.87
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-50	25 × 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(4) Engerix-B syringe	58160-0856-57	25 × 0.5	0.5 ml	\$23.86
GlaxoSmithKline	(5) Engerix-B	58160-0857-01	1.0 ml	1.0 ml	\$57.63
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-46	5 × 1.0	1.0 ml	\$56.47
GlaxoSmithKline	(5) Engerix-B syringe	58160-0857-50	25 × 1.0	1.0 ml	\$56.47
(1) Pediatric/Adolescent formulation (preservative free) @ 5mcg/.5ml (2) Adolescent/infant high risk formulation @ 10 mcg/ml DISCONTINUED (3) Adult formulation @ 10 mcg/1 ml DISCONTINUED (3a) Adult formulation (preservative free) @ 10 mcg/1 ml (3b) Two dose regimen for 11 through 15 years of age (preservative free) (3c) Dialysis formulation (preservative free) @ 40mcg/1ml (4) Pediatric formulation @ 10 mcg/0.5 ml (5) Adult formulation @ 20 mcg/ml					
<i>Hepatitis B/HIB:</i>					
Merck & Co.	COMVAX	0006-4898-00	10 × 0.5	0.5 ml	\$47.98
<i>Hepatitis A &amp; Hepatitis B Vaccine:</i>					
GlaxoSmithKline	Twinrix	58160-0850-01	1.0 ml	1.0 ml	\$88.33
GlaxoSmithKline	Twinrix	58160-0850-11	10 × 1.0	1.0 ml	\$86.91
GlaxoSmithKline	Twinrix syringe	58160-0850-46	5 × 1.0	1.0 ml	\$87.21

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/ Dose*</i>
<i>Influenza (split virus) Vaccine:</i>					
Aventis Pasteur	Fluzone	49281-0370-15	10 × 0.5	0.5 ml	\$15.75
Aventis Pasteur	Fluzone PF	49281-0371-25	10 × 1	0.25 ml	\$13.50
Evans	Fluvirin	19650-0103-10	5.0 ml	0.5 ml	\$5.95
Evans	Fluvirin/syringe	19650-0103-01	10 × 0.5	0.5 ml	\$8.55
<i>Rabies Vaccine:</i>					
Aventis Pasteur	Imovax Rabies	49281-0250-10	1.0 ml	1.0 ml	\$148.86
<i>Pneumococcal Vaccine:</i>					
Wyeth-Lederle	Prevnar	0005-1970-67	5 × 0.5	0.5 ml	\$68.51
Merck & Co.	Pneumovax 23	0006-4739-00	2.5 ml	0.5 ml	\$18.37
Merck & Co.	Pneumovax 23	0006-4739-50	10 × 2.5ml	0.5 ml	\$34.36
Merck & Co.	Pneumovax 23	0006-4943-00	10 × 0.5	0.5 ml	\$20.61
Merck & Co.	Pneumovax 23 syringe	0006-4894-00	5 × 0.5	0.5 ml	\$19.30
<i>Meningococcal Vaccine:</i>					
Aventis Pasteur	Menomune	49281-0489-05	5 × 0.5	0.5 ml	\$71.06
Aventis Pasteur	Menomune	49281-0489-91	5.0 ml	0.5 ml	\$62.10
<i>Varicella Virus Vaccine Live (Chickenpox):</i>					
Merck & Co.	Varivax**	00006-4827-00	10 × 0.5	0.5 ml	\$65.20
Merck & Co.	Varivax**	00006-4826-00	0.5 ml	0.5 ml	\$68.39
**Comes with a box of 10 vials of diluent (package B: 00006-4309-00)					
<i>Gamma Globulin/Immune Globulin (GG/IG):</i>					
Bayer	Gamimune N 10%***	0026-0648-12	1 g	2.0 ml	\$9.11/g
Bayer	Gamimune N 10%***	0026-0648-15	2.5 g	2.0 ml	\$9.11/g
Bayer	Gamimune N 10%***	0026-0648-20	5 g	2.0 ml	\$9.11/g
Bayer	Gamimune N 10%***	0026-0648-71	10 g	2.0 ml	\$9.11/g
Bayer	Gamimune N 10%***	0026-0648-24	20 g	2.0 ml	\$9.11/g
***Dosage will vary depending upon the weight of the child and the disease for which the child is being immunized. 150 Pct AWP/dose is to be calculated based upon the dosage used.					
<i>Hepatitis B Immune Globulin (HBIG):</i>					
NABI	NABI-HB	59730-4402-01	1.0 ml	1.0 ml	\$157.50
NABI	NABI-HB	59730-4403-01	5.0 ml	5.0 ml	\$126.00
<i>Varicella-Zoster Immune Globulin (VZIG):</i>					
Mass. PHBL	VZIG****	52769-0574-66	625 u	250 u	\$504.00
****Dosage will vary depending upon the weight of the child. If any portion of a vial is used to immunize a child, and the remainder cannot be used to immunize another individual, the entire vial shall be considered as part of the dosage used. 150 Pct LST/Dose is to be calculated based upon the dosage used.					
<i>Rabies Immune Globulin (RIG):</i>					
Aventis Pasteur	Imogam Rabies-HT****	49281-0190-10	10.0 ml	1.0ml	\$76.21
Aventis Pasteur	Imogam Rabies-HT****	49281-0190-20	2.0 ml	1.0ml	\$76.22
****Dosage will vary depending upon the weight of the child. Each 1.0 ml contains 150 IU units. If any portion of the vial is used to immunize a child, and the remainder cannot be used to immunize another individual, the entire vial shall be considered as part of the dosage used. 150 Pct AWP/dose is to be calculated based upon the dosage used.					
<i>Tetanus Immune Globulin (TIG):</i>					
Bayer	Baytet syringe	00026-0634-02	250.0 unit/in	1.0 ml	\$118.12

\* Indicates the Estimated Acquisition Cost as stated in 55 Pa. Code § 1121.55 (relating to method of payment).

Persons with disability who require an alternative format of this notice (for example, large print, audiotope or Braille) should contact Alice Gray, Director, Division of Immunizations, Department of Health, P. O. Box 90, Harrisburg, PA

17108-0090, (717) 787-5681, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-663. Filed for public inspection April 16, 2004, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them or their firm, or any firms, corporations or partnerships in which these contractors, or either one of them or their firm, have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Current Electric, Inc. (Fed. ER I. D. No. 23-3858097) -and- Vincent J. Angelini	4812 Drexelbrook Drive Drexel Hills, PA 19026	3/23/04
Total Construction, Inc. (Fed. ER I. D. No. 23-2586442) -and- Vincent J. Angelini	4812 Drexelbrook Drive Drexel Hills, PA 19026	3/23/04

STEPHEN M. SCHMERIN,  
Secretary

[Pa.B. Doc. No. 04-664. Filed for public inspection April 16, 2004, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Income Limits for the Categorically Needy Non-money Payment Medicaid Program

The Department of Public Welfare (Department) increased the income limits codified in 55 Pa. Code § 181.1(f)(1), (2) and (4) (relating to general policy on MA income common to all categories of MA) effective January 1, 2004.

The regulations in 55 Pa. Code § 181.1(f)(1), (2) and (4) establish that the income limits for the Categorically Needy Nonmoney Payment Medicaid Program (program) for aged, blind and disabled persons are based on the Supplemental Security Income (SSI) Federal benefit rate payable under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383c). Effective January 1, 2004, the Federal benefit rate was increased due to the Federal cost-of-living increase.

As required under 55 Pa. Code § 181.1(f), the Department revised the income limits for the program for aged, blind and disabled persons effective January 1, 2004. Those limits are set forth in Appendices A, B and D, which are recommended for codification in 55 Pa. Code Chapter 181 (relating to income provisions for categorically needy NMP-MA and MNO-MA). Appendix A is the SSI Federal benefit rate plus the State supplement payable under Title XVI of the Social Security Act. Appendix B is 300% of the SSI Federal benefit rate payable under Title XVI of the Social Security Act. Appendix D is the SSI Federal benefit rate payable under Title XVI of the Social Security Act. Item 1 of Appendix D is 1/2 of the SSI Federal benefit rate for one person. Item 2 of Appendix D is 1/2 of the Federal benefit rate for two persons.

ESTELLE B. RICHMAN,  
Secretary

**Fiscal Note:** 14-NOT-385. (1) General Fund;

	<i>Inpatient</i>	<i>Outpatient</i>	<i>Capitation</i>
(2) Implementing Year 2003-04 is	\$7,000	\$12,000	\$55,000
(3) 1st Succeeding Year 2004-05 is	\$23,000	\$44,000	\$130,000
2nd Succeeding Year 2005-06 is	\$24,000	\$47,000	\$143,000
3rd Succeeding Year 2006-07 is	\$25,000	\$51,000	\$157,000
4th Succeeding Year 2007-08 is	\$26,000	\$55,000	\$173,000
5th Succeeding Year 2008-09 is	\$27,000	\$59,000	\$190,000
	<i>Inpatient</i>	<i>Outpatient</i>	<i>Capitation</i>
(4) 2002-03 Program—	\$407,104,000	\$666,832,000	\$1,863,772,000
2001-02 Program—	\$417,512,000	\$705,750,000	\$1,711,084,000
2000-01 Program—	\$418,707,000	\$668,586,000	\$1,487,944,000

(7) MA—Inpatient, MA—Outpatient and MA—Capitation; (8) recommends adoption. Funds have been included in the Department's 2003-03 and 2004-05 budgets.

**APPENDIX A**

**CATEGORICALLY NEEDED NONMONEY PAYMENT MONTHLY INCOME LIMITS FOR THE AGED, BLIND AND DISABLED CATEGORIES**

**EFFECTIVE JANUARY 1, 2004**

1 PERSON	\$591.40
2 PERSONS	\$889.70

**APPENDIX B**

**CATEGORICALLY NEEDED NONMONEY PAYMENT MONTHLY INCOME LIMITS FOR THE AGED, BLIND AND DISABLED CATEGORIES RECEIVING SKILLED CARE, HEAVY CARE/INTERMEDIATE SERVICES OR INTERMEDIATE CARE**

**EFFECTIVE JANUARY 1, 2004**

1 PERSON	\$1,692.00
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**APPENDIX D**

**MONTHLY FEDERAL BENEFIT RATE**

**EFFECTIVE JANUARY 1, 2004**

1 PERSON	\$564.00
2 PERSONS	\$846.00

**PERCENTAGES OF MONTHLY FEDERAL BENEFIT RATE**

**EFFECTIVE JANUARY 1, 2004**

ITEM 1) 50% of Federal Benefit Rate for 1 person	= \$282.00
ITEM 2) 50% of Federal Benefit Rate for 2 persons	= \$423.00

[Pa.B. Doc. No. 04-665. Filed for public inspection April 16, 2004, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION**

**Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations**

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 33 Pa.B. 6469 (December 27, 2003) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

*Addition*

As an addendum to the list of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the addition, as a stopwatch calibration inspection station, of the following station:

R & R Timing, 529 Freeport Road, New Kensington, Westmoreland County, PA 15068. The station number will be W10.

Comments, suggestions or questions should be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 34 Pa.B. 1295 (February 28, 2004).

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

[Pa.B. Doc. No. 04-666. Filed for public inspection April 16, 2004, 9:00 a.m.]

**Finding  
Bucks County**

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

Bucks County, in cooperation with the Department of Transportation (Department), plans to reconstruct Bucks County Bridge No. 145, the Pickertown Road Bridge across Mill Creek. The Bucks County Bridge No. 145 Project (project) study area lies completely within Warrington Township in central Bucks County and is located 1 1/2 miles southeast of the Borough of Chalfont.

The scope of the project involves eliminating weight limit restrictions currently assigned to Bucks County Bridge No. 145 by providing a new bridge. The Pickertown Road Bridge approaches are under Warrington Township jurisdiction, while the Bucks County Bridge No. 145 is a County-owned structure.

The proposed bridge replacement project will impact one Section 2002 resource, Bucks County Bridge No. 145, the Pickertown Road Bridge which was determined eligible for listing on the National Register of Historic Places. The project, as proposed, will have an adverse effect on the National Register-eligible Bucks County Bridge No. 145. Based upon these studies, there is no feasible and prudent alternative to the total replacement of the Bucks County Bridge No. 145.

The Recommended Alternative for the Bucks County Bridge No. 145 replacement meets the purpose and need of the project while mitigating the impacts to the existing historic Bucks County Bridge No. 145. Two mitigation measures, as per the Memorandum of Understanding (MOU), have been proposed for the project: (1) provide recordation of the existing Bucks County Bridge No. 145 to State-level recordation standards; and (2) rehabilitate the truss members of the existing Bucks County Bridge No. 145 and attach them to the fascia beams of the new Bucks County Bridge No. 145 to maintain the aesthetic appearance of the Bucks County Bridge No. 145 and the rural character of the project area. The Historic and Museum Commission has concurred with these mitigation measures as a signatory to the MOU, dated May 17, 2002.

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

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

[Pa.B. Doc. No. 04-667. Filed for public inspection April 16, 2004, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

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](http://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>
18-374	Department of Transportation Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers	4/7/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-668. Filed for public inspection April 16, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner (Commissioner) published a notice at 34 Pa.B. 928 (February 14, 2004) soliciting comments to the export list published at 33 Pa.B. 2444 (May 17, 2003). No comments were received during the comment period. The Commissioner proposes to amend the export list published at 33 Pa.B. 2444 to delete "night clubs."

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Written statements must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120, fax (717) 787-8557, [cbybee@state.pa.us](mailto:cbybee@state.pa.us). Formal notification of changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period or a notice will be published stating that the export list published at 33 Pa.B. 2444 remains in effect.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-669. Filed for public inspection April 16, 2004, 9:00 a.m.]

### Health Maintenance Organization Certificate of Authority Application Filed by UPMC For You, Inc.

Notice is hereby given that on April 1, 2004, UPMC For You, Inc. filed an application with the Department of

Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization under the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), 28 Pa. Code §§ 9.621—9.654 and 31 Pa. Code §§ 301.1—301.204.

The proposed service area of the applicant is Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, McKean, Somerset, Venango, Warren, Washington and Westmoreland Counties.

A copy of the application is available for public inspection, by appointment only, at the Department of Health, Bureau of Managed Care, Room 912, Health and Welfare Building, Harrisburg, PA 17109-0900, (717) 787-5193; and the Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Interested parties are invited to submit written comments to Allen Mercik, Department of Health, or Robert Brackbill, Insurance Department, at the previous addresses. Persons wishing to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats (such as by audio tape or Braille) or the Department of Health TDD: (717) 783-6514. Persons with a disability requesting alternative forms should contact Allen Mercik so that he may make the necessary arrangements.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-670. Filed for public inspection April 16, 2004, 9:00 a.m.]

### Keystone Health Plan West; Revised Conversion Rates; Rate Filing

On March 31, 2004, Keystone Health Plan West submitted a filing to modify the conversion benefit level. The following changes to the benefit design are being requested:

<i>Benefit</i>	<i>Current Coverage</i>	<i>New Coverage</i>
Deductible (Individual/Family)	Not Applicable	\$100/\$200
Specialist Office/Home Visit	\$15 copayment per visit	\$25 copayment per visit
Hospital Expenses (Inpatient)	\$100 copayment per admission, including maternity	Eliminated. Replaced by overall deductible.
Outpatient Physical Therapy	\$15 copayment per visit	\$25 copayment per visit
Outpatient Speech and Occupational Therapy	\$15 copayment per visit	\$25 copayment per visit
Substance Abuse Outpatient	Full or Partial Session—\$15 copayment per visit	Full or Partial Session—\$25 copayment per visit

The approved conversion rates will be adjusted by a factor of .9697 to reflect the benefit changes. The proposed effective date is July 1, 2004.

This filing is available for public inspection during normal working hours at the Insurance Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-671. Filed for public inspection April 16, 2004, 9:00 a.m.]

### Medical Care Availability and Reduction of Error Fund; Calculation of Podiatrist Liability; Notice 2004-02

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, under section 716 of the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P.S. § 1303.716), has prepared a report that calculates the amount necessary to arrange for the separate retirement of the Medical Care Availability and Reduction of Error (MCARE) Fund's liabilities associated with podiatrists, a health care provider class that is eligible to participate in MCARE under the act. The report estimates that as of April 30, 2004, MCARE's outstanding liability associated with podiatrists is approximately \$7.4 million.

JENNIFER M. MCHUGH,  
*Deputy Insurance Commissioner*

[Pa.B. Doc. No. 04-672. Filed for public inspection April 16, 2004, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P.S. § 1171.8) in connection with their company's termination of the insureds' policy. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Howard and Sherry B. Steidle, Jr.; file no. 04-215-0220; Fireman's Fund Insurance Company; doc. no. PH04-03-035; May 12, 2004, 2:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-673. Filed for public inspection April 16, 2004, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-04-054, Dated March 16, 2004. Authorizes the implementation of the Memorandum of Understanding between the Commonwealth of Pennsylvania and PSSU effective July 1, 2003, through June 30, 2007.

Resolution #CB-04-055, Dated March 16, 2004. Authorizes the implementation of the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and PSSU effective July 1, 2003, through June 30, 2007.

#### *Governor's Office*

Manual M210.3—Index of Issuances—Directives Management System, Amended March 12, 2004.

Management Directive No. 205.9—Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Amended March 10, 2004.

Management Directive No. 205.10—Financial Disclosures Required by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 10, 2004.

Management Directive No. 205.12—Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 10, 2004.

Management Directive No. 505.9—Standard Abbreviations for Use With the Compensation Plan and SAP R/3 System, Amended March 11, 2004.

Administrative Circular No. 04-5—Closing Instruction No. 1, Fiscal Year 2003-2004 Submission of Purchasing Documents, Dated March 4, 2004.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 04-674. Filed for public inspection April 16, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0920, Quakertown Shopping Center, 1465 W. Broad Street, Quakertown, PA 18951-1189.

*Lease Expiration Date:* February 29, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 10,000 net useable square feet of new or existing retail commercial space in a 1/2-mile radius on Route 309 near the intersection with Route 313, Quakertown.

*Proposals due:* May 7, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert J. Jolly, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2317, 12-14 Hinckley Avenue, Ridley Park, PA 19078.

*Lease Expiration Date:* 90-day status since October 1, 1997

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,350 net useable square feet of new or existing retail commercial space in a 1/2-mile radius of Swarthmore Avenue and Hinckley Avenue.

*Proposals due:* May 7, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** James M. Bradley, (215) 482-9671

Lehigh County, Wine & Spirits Shoppe #3916, Trexler Mall, 6900 Hamilton Blvd., Trexlertown, PA 18087.

*Lease Expiration Date:* January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Hamilton Blvd. (Route 222) and East Texas-Lower Macungie Road, Lower Macungie Township.

*Proposals due:* May 7, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Northumberland County, Wine & Spirits Shoppe #4903, 602 Market Street, Sunbury, PA 17801.

*Lease Expiration Date:* August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,600 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of N. 4th Street and Shikellamy Street, Sunbury Borough.

*Proposals due:* May 7, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

The Liquor Control Board seeks the following new site:

Northampton County, Wine & Spirits Shoppe #4815, Forks Township.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Sullivan Trail and Old Mill Road, Forks Township.

*Proposals due:* May 7, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-675. Filed for public inspection April 16, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on May 20, 2004, at 9 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on June 30, 2004, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on April 29, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on April 29, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that



fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on May 3, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on May 18, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on April 23, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-676. Filed for public inspection April 16, 2004, 9:00 a.m.]

### **Rescheduled Hearing and Rebuttal Presubmission Schedule for All Milk Marketing Areas; Emergency Hearing to Address Increased Cost of Fuel**

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on May 5, 2004, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA. This is a reschedule of the hearing originally scheduled for April 7, 2004.

The purpose of the hearing is: (1) to receive testimony and exhibits to consider an increase in minimum wholesale prices as a result of the increasing cost of diesel fuel used in delivering milk products to retailers; and (2) to receive testimony and exhibits to consider an increase in the Class I over-order premium as a result of increasing fuel costs.

The parties shall observe the following requirements for advance filing of rebuttal witness information and exhibits. The Board may exclude rebuttal witnesses or exhibits

of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on April 30, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of rebuttal witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each rebuttal exhibit to be presented, including testimony to be offered in written form.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIMOTHY A. MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 04-677. Filed for public inspection April 16, 2004, 9:00 a.m.]

## **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

### **Telecommunications**

**A-311297F7001. Verizon North Inc. and Volo Communications of Pennsylvania, Inc.** Joint petition of Verizon North Inc. and Volo Communications of Pennsylvania, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Volo Communications of Pennsylvania, Inc., by its counsel, filed on April 1, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Volo Communications of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-678. Filed for public inspection April 16, 2004, 9:00 a.m.]

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### Wastewater Service

**A-230097. Maiden Creek Associates, Inc. d/b/a Jordan Crossing Sewer Company.** Application of Maiden Creek Associates, Inc. d/b/a Jordan Crossing Sewer Company for approval to begin to offer, render, furnish or supply wastewater service to the public in portions of Centre Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 3, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Maiden Creek Associates, Inc. d/b/a Jordan Crossing Sewer Company

*Through and By Counsel:* James P. Melia, Esquire, Kirkpatrick and Lockhart, LLP, 240 North Third Street, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-679. Filed for public inspection April 16, 2004, 9:00 a.m.]

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### Water Service

**A-210104S0050. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of East Brandywine Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 3, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Frances P. Orth, Esquire, Assistant General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-680. Filed for public inspection April 16, 2004, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-044.1, Inshore Yard Paving, Pier 80 South, until 2 p.m. on Thursday, May 6, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 20, 2004. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held at 10 a.m. on Thursday, April 29, 2004, at Pier 80 South, Columbus Blvd. and Snyder Avenue, Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-681. Filed for public inspection April 16, 2004, 9:00 a.m.]

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## Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #04-047.1, Signage at Various PRPA Terminals, Warehouses and Buildings, Philadelphia, PA, until 2 p.m. on Thursday, May 6, 2004. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on April 20, 2004. The cost of the bid document is \$25 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Offerors must comply with all applicable equal opportunity laws and regulations.

A mandatory pre-proposal meeting will be held at 10 a.m. on April 29, 2004, at the Port Authority Administration Building, 3460 N. Delaware Ave., 2nd Floor Conference Room, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-682. Filed for public inspection April 16, 2004, 9:00 a.m.]

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# PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

## Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School

Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 9, 2004          Karen R. Stuart          1 p.m.  
                                    (Years of Service)

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-683. Filed for public inspection April 16, 2004, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

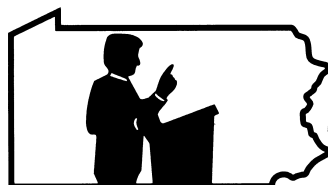
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

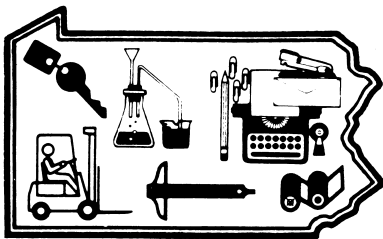
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*



Commodities

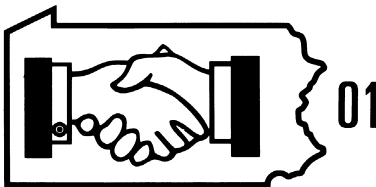
**SU-03-18** Shippensburg University is seeking a vendor to furnish and install various items such as data projectors with mounting equipment, Smart Panel Controllers, Audio Amplifiers, Speakers, cables, DVD-VCR Recorder/Players, Compact Media carts. Vendor shall supply all of the necessary labor and equipment required to install the equipment and integrate it into a "smart classroom." Vendor will need to program Smart Panel Controller to control various input/output devices. Vendor must be an authorized distributor and installer of the equipment. Any vendor interested in bidding on this project shall perform a site inspection. Anticipated delivery and installation mid to end of July 2004. Vendors interested in receiving a bid package MUST fax or email a request to Pamela King, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350; email: paking@wharf.ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257

**Duration:** Expected delivery and installation Mid to End July 2004

**Contact:** Pamela A. King, (717) 477-1386

## SERVICES



Advertising

**034188** Group 3-04-F08—For furnishing and delivery of Superpave Asphalt Mixture Design, HMA wearing courses.

**Department:** Transportation

**Location:** Northumberland County

**Duration:** June 17, 2004 to October 29, 2004.

**Contact:** K.S. Smith, (570) 368-4263

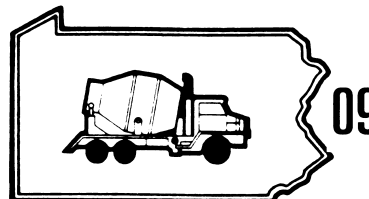
**039215** Group 3-04-F07—For furnishing and delivery of Superpave Asphalt Mixture Design, HMA base and wearing courses.

**Department:** Transportation

**Location:** Bradford County

**Duration:** June 17, 2004 to October 29, 2004.

**Contact:** K.S. Smith, (570) 368-4263



Construction & Construction Maintenance

**064367** The Department of Transportation is accepting bids for the furnishing and delivery of Superpave Asphalt Mixture Design, HMA, base course to Department forces widening equipment on various State Routes in Montgomery County. Bidding documents will be available for purchase upon request from the PennDOT Sales Store, contact 717-787-5968. Specifications can also be viewed at the PennDOT Web Site at <http://www.dot.state.pa.us>. The bid opening will be April 22, 2004.

**Department:** Transportation

**Location:** Various State Routes in Montgomery County.

**Duration:** June 14, 2004 to October 29, 2004.

**Contact:** Louis J. Porrini, Highway Maintenance Manager, (610) 205-6703

**30295** Remove existing roofing and all related appurtenances and install new polyurethane foam insulation and silicone coating roofing system on Central Heating Plant-building 23.

**Department:** Public Welfare

**Location:** South Mountain Restoration Center, 10058 South Mountain Rd., South Mountain, PA 17261

**Duration:** Until Complete

**Contact:** Ben Meyers, (717) 749-4030

**30296** Remove existing roofing and all related appurtenances and install new EPSM roofing membrane, fully adhered and mechanically attached insulation on Mechanical Garage-building 35.

**Department:** Public Welfare

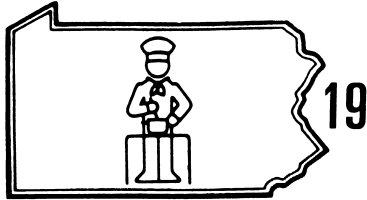
**Location:** South Mountain Restoration Center, 10058 South Mountain Rd., South Mountain, PA 17261

**Duration:** Until Complete

**Contact:** Ben Meyers, (717) 749-4030

**30297** Remove existing roofing and all related appurtenances and install new EPDM roofing membrane, fully adhered, mechanically attached insulation on Building 1.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Rd., South, Mountain, PA 17261  
**Duration:** Until Complete  
**Contact:** Ben Meyers, (717) 749-4030



## Food

**PB-8-04** Beef sandwich Wafer Steaks—20,000 lbs.; Meatballs—20,000 lbs.; Salisbury Steak—20,000 lbs.

**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** July 1, 2004, to June 30, 2005  
**Contact:** Louise A. Cuff, Purchasing Agent, (570) 644-7890, Ext. 143

**CN00008226** Frozen poultry contract for July, August, September 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA state vendor number to 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** July 1, 2004—September 30, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**CN00008223** Frozen meat contract for July, August, and September 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA state vendor number to 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** July 1, 2004—September 30, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**HUN0502** Milk Products; (1) Milk 2%, 1/5 gallon (bulk). (2) Chocolate Milk, 1-1/2%, 1/5 gallon containers (bulk). (3) Chocolate Milk, 1-1/2%, 1/2 pint containers, (4) Milk, 2%, 1/2 Pint containers, (5) Skim Milk, 1/2 pint containers. Milk must be bid according to the milk marketing board—Must be ten days left on the sell by date on all milk products.

**Department:** Corrections  
**Duration:** July 1, 2004—June 30, 2005.  
**Contact:** Phyllis Norris, PA1, (814) 643-2400, x 303

**HUN0504** Dairy & Frozen Products; margarine, waffles, frozen/liquid eggs, broccoli spears, cauliflower, ice-cream, cottage cheese, twin-pops, orange juice, yogurt, yeast, etc.

**Department:** Corrections  
**Location:** State Correctional Institution @ Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 1, 2004—June 30, 2005.  
**Contact:** Phyllis Norris, PA1, (814) 643-2400, x 303

**HUN0501** Frozen/Chilled MEATS and CHEESES; Turkey Roasts, Beef Liver, All-Beef Frankfurters, Frying Chicken Quarters, Diced Chicken Breast Meat, Cheddar, All-American & Morrarella Cheeses, Turkey Polish Sausage, Grilled Beef Steak, WHOLE Turkeys, Beef & Lebanon Bolognas, etc.

**Department:** Corrections  
**Location:** State Correctional Institution @ Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 1, 2004 through June 30, 2005.  
**Contact:** Phyllis Norris, PA1, (814) 643-2400, x 303

**HUN0505** 1600 Each: soda syrup; 1/5 gallon containers, Bag in a box. Period: July 1, 2004 to June 30, 2005. Flavors: Cola, Diet Cola, Orange, Root Beer, Sprite and Orange. Equipment & Supplies: Required, the dispensing of carbonated soft drink. Beverages in the institution dietary department for one year. Equipment: Six (6) refrigerated type drink dispenser machines with adequate dispensers to meet our requirement of dispensing 2,400 12 oz. drinks in a two hour period. Counter top Installation. Vendor to furnish, install and maintain. Vendor to provide repair services as required during working hours. Must be 6 days per week with no additional cost to this agency. Supplies: Estimated requirements. Syrup: To be furnished in 1/5 gallon bag in a box containers. CO<sub>2</sub>-cylinders: To be furnished in squat containers, 20 pounds. Period: 07/01/2004 to 06/30/2005. Delivery: Equipment to be placed and ready for use on July 1st, 2003. Supplies after initial setup. Delivery approximately 40 to 50 containers of syrup and 5 to 7 cylinders of CO<sub>2</sub> each week. Deliveries: To be scheduled at convenience of both parties according to need. Vendor: To pick up empties on each trip into the institution. Special Instruction & conditions. Vendor to provide additional security for drink dispensers to prevent tampering with machine adjustment. Security measures to prevent any unauthorized use of the machine. Contingent Commitment—No deliveries until July, 2004.

**Department:** Corrections  
**Location:** State Correctional Institution @ Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 1, 2004—June 30, 2005.  
**Contact:** Phyllis Norris, PA1, (814) 643-2400, x 303

**HUN0503** FRESH PRODUCE; (Fruits & Vegetable: Lettuce, celery, carrots, oranges, apples, onions, bananas, cabbage, baking/round potatoes, grapefruit, tomatoes, peppers, cucumbers, watermelons, cantaloupes, pears, etc.

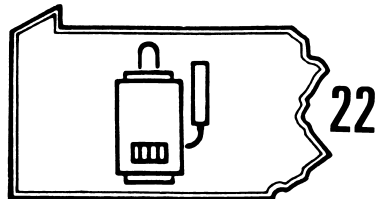
**Department:** Corrections  
**Location:** State Correctional Institution @ Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 1, 2004—June 30, 2005.  
**Contact:** Phyllis Norris, PA1, (814) 643-2400, x 303

**04004** Liquid Coffee, Frozen.

**Department:** Military Affairs  
**Location:** PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16507  
**Duration:** 07/01/04 through 06/30/05  
**Contact:** Jenny Nowacinski, (814) 878-4930

**CN00008225** Miscellaneous frozen food contract for July, August, and September 2004. To request a bid package, fax your company name, address, telephone and fax numbers, Federal ID number and PA state vendor number to 570-587-7108. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** July 1, 2004—September 30, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291



## HVAC Services

**63-0208** West Chester University of the State System of Higher Education is soliciting bids in the Construction Procurement Office, 201 Carter Dr., Suite 200, West Chester, PA 19383 for Project 63-0208, Observatory Dry Sprinkler. Work included under this project consists of converting the wet sprinkler piping to a dry pipe system on the 5th floor of the Schmucker Science Center. A Pre-Bid Meeting is scheduled for 11:00 a.m. on April 16, 2004 in the lobby of Schmucker Science Center, 750 S. Church St., West Chester, PA 19383. Bids are due at 11:00 a.m. on April 30, 2004. A 10% Bid Bond is required. To obtain the plans and specifications, please fax your request to Barb Cooper, 610-436-2720 or via e-mail to bcooper2@wcupa.edu. There is no charge for the bid package.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** Project to be completed within 65 days from the Notice to Proceed.  
**Contact:** Barbara Cooper, (610) 436-2706

**1149-Dietary** Contractor to provide all parts and labor necessary to repair dietary equipment at SCI Greene, 7/01/04—6/30/07.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** 7/01/04—6/30/07  
**Contact:** Laura Mohr, Purchasing Agent, (724) 852-5534

**784001** Contractor shall perform scheduled preventive maintenance and emergency repairs for heating, ventilation, air conditioning (H.V.A.C.) systems, control equipment and systems in various buildings on campus.

**Department:** Military Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900  
**Duration:** July 1, 2004—June 30, 2007  
**Contact:** Marion E. Jones, (717) 264-7187, X661

**1149-1114300001** Contractor to provide all parts and labor necessary to repair dietary equipment maintained at SCI Greene from July 1, 2004 through June 30, 2007.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Drive, Waynesburg, PA 15370  
**Duration:** 7/01/04—6/30/07  
**Contact:** Laura Mohr, Purchasing Agent, (724) 852-5534

**MI-902** Renovate a photo lab and install new sinks and workstations. Sinks and workstations are University provided.

**Department:** State System of Higher Education  
**Location:** <http://muweb.millersville.edu/~muonline/direction.html>  
**Duration:** 76 calendar days  
**Contact:** Bernadette Wendler, (717) 872-3570



### Janitorial Services

**FM 8815** Furnish all labor, materials and equipment to perform janitorial service TWO (2) days per week at the PA State Police, Bureau of Emergency and Special Operations. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

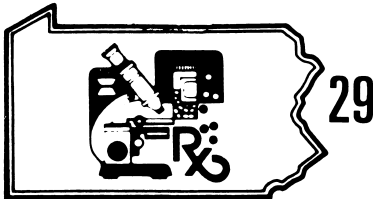
**Department:** State Police  
**Location:** Bureau of Emergency and Special Operations, 171 East Hershey Park Drive, Hershey, PA 17033  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**ADV#208** Indiana University of Pennsylvania, a member of the Pennsylvania State System of Higher Education, is seeking qualified vendors to respond to a Request for Quotation for annual window washing services at IUP. Requests for copies of the bid package should be made in writing referencing ADV#208 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724)357-2670; e-mail Cerovich@iup.edu. Interested vendors must submit their requests to be placed on the bidders list no later than Friday, April 23, 2004. The University encourages responses from small and disadvantaged, minority and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of PA, Indiana, PA 15705  
**Duration:** Three (3) years  
**Contact:** Barbara Cerovich, (724) 357-2301

### 045145 Janitorial Service.

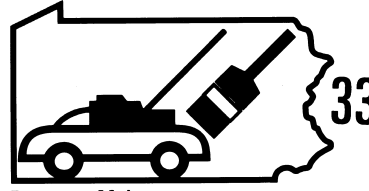
**Department:** Transportation  
**Location:** RR#1 Box 40, Route 706, Montrose, Pa. 18801  
**Duration:** Three Years  
**Contact:** Frank W. Anderson, (570) 278-1171



### Medical Services

**SP1345041018** Vendor will provide services of a Medical Director and two primary care physicians for resident veterans of the Southeastern Veterans' Center as required. Primary care hours shall be a minimum of 72 hours per week, Mon-Fri, 8 am to 5:30 p.m. Two primary care physicians must be present 9:30 am to 12:30 p.m. Contract also includes 24-hour on-call services. Primary care hours also include 12.5 hours of clinic work. Medical Director will be on-site minimum of 10-15 hours per week in addition to the 72 hours of primary care services. Special conditions and instructions with specifications will be included in bid packet upon request. Target date to begin contract is 7/1/04 pending all approval signatures. Bid opening date scheduled for 5/17/04 @ 2:30 p.m. All vendors must have SAP Vendor Number to receive a bid packet/RFQ. Vendors may register for SAP Vendor Number at www.state.pa.us Keyword Imagine PA.

**Department:** Military Affairs  
**Location:** Southeastern Veterans' Center, One Veterans Drive, Spring City, PA 19475  
**Duration:** Contract to be written for a period of One Year with ability to renew up to 4 Additional 1-Year periods.  
**Contact:** Joan A. Gutchen, PA3, (610) 948-2492



### Property Maintenance

**FM 8794** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Mansfield Station three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop F, Mansfield Station, 1745 Valley Road, Mansfield, PA 16933  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8776** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Ebensburg Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop A, Ebensburg Station, 100 Casale Court, Ebensburg, PA 15931  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8796** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Stonington Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop F, Stonington Station, R. D. #2, Box 83, Sunbury, PA 17801  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8781** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Waynesburg Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop B, Waynesburg Station, 255 Elm Drive, Waynesburg PA 15370  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8783** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, DuBois Station, Three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop C, DuBois Station, 101 Preston Way, Falls Creek, PA 15840  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8804** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Frackville Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop L, Frackville Station, 4 Eleanor Drive, Frackville, PA 17931  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8782** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Clearfield Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop C, Clearfield Station, 147 Doe Hill Road, Woodland, PA 16881  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8780** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Uniontown Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop B, Uniontown Station, 1070 Eberly Way, Lemont Furnace, PA 15456  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8777** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Kiski Valley Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop A, Kiski Valley Station, 471 Route 66, Apollo, PA 15613  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8791** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Montoursville Headquarters, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop F, Montoursville Headquarters, 899 Cherry Street, Montoursville, PA 17754  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8779** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Pittsburgh Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop B, Pittsburgh Station, 449 McCormick Road, Moon Township, PA 15108  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8784** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Kane Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop C, Kane Station, 3178 Route 219, Kane, PA 16735  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8792** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Coudersport Station three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop F, Coudersport Station, 3140 East Second Street, Coudersport, PA 16915  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8795** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Selinsgrove Station three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop F, Selinsgrove Station, R. D. #1, Box 131, Selinsgrove, PA 17870  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8803** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Media Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop K, Media Station, 1342 West Baltimore Pike, Media, PA 19063  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8785** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Ridgway Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop C, Ridgway Station, 15010 Boot Jack Road, Ridgway, PA 15853  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8786** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Kittanning Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop D, Kittanning Station, 184 Nolte Drive, Kittanning, PA 16201  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8807** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Hazleton Headquarters, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop N, Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18202  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8808** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Bloomsburg Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop N, Bloomsburg Station, 6850 Hidlay Church Road, Bloomsburg, PA 17815  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8809** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Tunkhannock Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop P, Tunkhannock Station, 915 SR 6W, Tunkhannock, PA 18657  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8790** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Meadville Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop E, Meadville Station, 11176 Murray Road, Meadville, PA 16335  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8802** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Gettysburg Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop H, Gettysburg Station, 3033 Old Harrisburg Pike, Gettysburg, PA 17325  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**012048** Bid to provide routine plumbing maintenance and repair at PennDoT facilities in Erie County.

**Department:** Transportation  
**Location:** Erie County, PA  
**Duration:** One year contract with three renewals  
**Contact:** William Sachse, (814) 871-4411

**FM 8789** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Girard Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop E, Girard Station, 5950 Meadville Road, Girard, PA 16417  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8788** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Erie Headquarters, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop E, Erie Headquarters, 4320 Iroquois Avenue, Erie, PA 16511  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8797** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Bedford Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop G, Bedford Station, 1475 Country Ridge Road, Bedford, PA 15522  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8799** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Philipsburg Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop G, Philipsburg Station, 3104 Port Matilda Highway, Philipsburg, PA 16866  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8800** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Carlisle Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop H, Carlisle Station, 1538 Commerce Avenue, Carlisle, PA 17013  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8801** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Chambersburg Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop H, Chambersburg Station, 679 Franklin Farm Lane, Chambersburg, PA 17201  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8811** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Harrisburg District Enforcement Office, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Harrisburg District Enforcement Office, 3655 Vartan Way, Harrisburg, PA 17110  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951



**FM 8805** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Schuylkill Haven Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop L, Schuylkill Haven Station, 23 Meadowbrook Drive, Schuylkill Haven, PA 17972  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8806** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Bethlehem Headquarters and Crime Lab, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop M, Bethlehem Headquarters and Crime Lab, 2930 Airport Road, Bethlehem, PA 18017  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8810** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Erie District Enforcement Office, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Erie District Enforcement Office, 8349 Perry Highway, Erie, PA 16509  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8812** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Punxsutawney District Enforcement Office, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Punxsutawney District Enforcement Office, 305 Sutton Street, Punxsutawney, PA 15767  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**11933** Replace gutter and downspout in Cottages 20/22 and 24/26 (two buildings). Perimeter is approximately 600 linear feet.

**Department:** Military Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900  
**Duration:** July 1, 2004—August 13, 2004  
**Contact:** Marion E. Jones, (717) 264-7187, #661

**FM 8813** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Williamsport District Enforcement Office, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Williamsport District Enforcement Office, 150 Choate Circle, Montoursville, PA 17754  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8778** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Belle Vernon Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop B, Belle Vernon Station, 560 Circle Drive, Belle Vernon, PA 15012  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8787** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Mercer Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

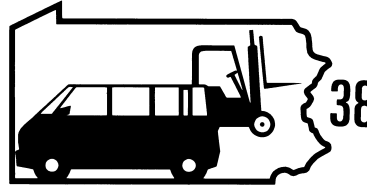
**Department:** State Police  
**Location:** Troop D, Mercer Station, 826 Franklin Road, Mercer, PA 16137  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8793** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Lamar Station three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop F, Lamar Station, 7127 Nittany Valley Drive, Mill Hall, PA 17751  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8798** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Troop G, Lewistown Station, three (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

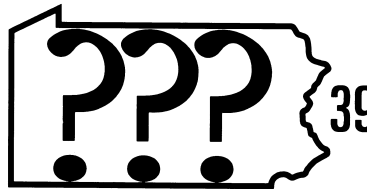
**Department:** State Police  
**Location:** Troop G, Lewistown Station, 34 Arch Rock Road, R.R. #5, Box 34, Mifflintown, PA 17059  
**Duration:** 07/01/04 to 06/30/07  
**Contact:** Sandy Wolfe, (717) 705-5951



### Vehicle, Heavy Equipment and Powered Machinery Services

**0120047** Purchase of three stainless steel hopper style salt spreaders with pre-wet capabilities.

**Department:** Transportation  
**Location:** 9031 Peach Street, Waterford, Pa 16441  
**Duration:** purchase and accept delivery by September 30, 2004  
**Contact:** William Sachse, (814) 871-4411



### Miscellaneous

**1149-Native Am** Contractor to provide weekly Native American chaplaincy services for inmates incarcerated at SCI Greene, 7/01/04—6/30/05.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** 7/01/04—6/30/05  
**Contact:** Laura Mohr, Purchasing Agent, 724/852-5534

**RFA #353R08** The Department of Transportation is issuing a Request for Applications (RFA) to solicit applicants interested in providing "Third Party Commercial Driver's License Skills Testing Services." This is an open enrollment RFA. The objective of this project is to obtain additional qualified testers for the third party commercial driver's license (CDL) testing program to expand geographic coverage within the Commonwealth of Pennsylvania. Functions which Third Party Testers will perform include, but are not limited to, examining customer's permit, registration, and insurance to ensure that all legal requirements are met; completing necessary Commonwealth forms for test scoring and record keeping; and administering the skills portion of the test in accordance with testing procedures provided by the Department. Award will be made to applicants who submit applications that are received by the Department and meet all requirements as listed in the RFA. Interested applicants may request a copy of the RFA by FAXING or e-mailing their name, company name, address, telephone number, FAX number, and e-mail address to Roberta Cooper, 717-783-7971 (FAX) or robcooper@state.pa.us (e-mail). Please reference RFA #353R08 on your request.

**Department:** Transportation  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** 60 months  
**Contact:** Darlene Y. Greenawald, (717) 705-6476

**1149-113430006** Contract to provide dental laboratory service and prescribed dental prostheses to inmate population at SCI Greene, 7/01/04—6/30/05.

**Department:** Corrections  
**Duration:** 7/01/04—6/30/05  
**Contact:** Laura Mohr, Purchasing Agent, (724) 852-5534

**050F35** This work is for the removal of disabled or crash vehicles and small non-hazardous debris from highways. Providing 3 new tow vehicles (2 in service and 1 backup) along with drivers to patrol highways seven hours per day 5 days per week during peak traffic periods.

**Department:** Transportation  
**Location:** PENNDOT Engineering District 5 Office, 1713 Lehigh Street, Allentown, PA 18103  
**Duration:** One year contract with two additional 1 year renewable clauses.  
**Contact:** Thomas A. Walter, 610-798-4246

[Pa.B. Doc. No. 04-684. Filed for public inspection April 16, 2004, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*





