

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, September 1, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's offices at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on the Water Resources Plan for the Delaware River Basin and the Watershed Summit scheduled for September 13-15, 2004; a proposal to amend the Water Quality Regulations, Water Code and Comprehensive Plan to designate the Lower Delaware River as Special Protection Waters; options available to provide interim water quality protection for the Lower Delaware pending the effective date of the proposed designation; a proposed rule to establish waste minimization plan requirements for point and nonpoint source discharges following issuance of a TMDL or assimilative capacity determination; a proposal to amend Resolution No. 2002-33 regarding the operation of Lake Wallenpaupack during drought watch, drought warning and drought conditions to restore a distinction between drought operation of Lake Wallenpaupack and drought operation of the Mongaup Reservoir System and to insert a reference to flow and temperature targets in the upper Delaware River and in the West Branch Delaware, East Branch Delaware and Neversink Rivers; recommendations of the Toxics Advisory Committee concerning the collection of additional point source data in accordance with Resolution No. 2003-27 for purposes of developing the Stage 2 TMDLs for PCBs in the Delaware Estuary; and a report on the PCB TMDL Implementation Advisory Committee meeting of August 11, 2004.

The subjects of the public hearing to be held during the 2:30 p.m. business meeting include the following dockets:

1. *Exelon Generation Company, LLC D-69-210 CP Final (Revision 12)*. An application for temporary approval to modify the Operating Plan of the Limerick Generating Station (LGS), a nuclear-powered electric generating station in Limerick Township, Montgomery County, regarding surface water withdrawal restrictions related to ambient water temperature in the Schuylkill River. The applicant proposes to demonstrate, under controlled conditions, that the withdrawal of Schuylkill River water can continue without adverse impact when the background water temperature exceeds 59°F, the maximum temperature at which withdrawals can be made under the current docket. In July 2004, an amended application and draft operating and monitoring plan was submitted after discussion with Commission staff, the Commonwealth and stakeholders. The amended application provides:

- A multiyear demonstration period during the remainder of the 2004 season through the 2007 season associated with flow and temperature restrictions in accordance with an approved operating and monitoring plan.
- Withdrawals of approximately 1/2 (not to exceed 60%, 24 million gallons per day (mgd)) of LGS's consump-

tive water needs during times when the Schuylkill River 24-hour average river ambient water temperature exceeds 59°F and when river flow is at or below 1,791 cubic feet per second (cfs) (but above 560 cfs) at the gaging station at Pottstown.

- Withdrawals of all of LGS's consumptive water needs during times when the Schuylkill River 24-hour average river ambient water temperature exceeds 59°F and when river flow exceeds 1,791 cfs.
- Maintenance of minimum flows below 27 cfs but at least 10 cfs in the East Branch Perkiomen Creek during the effective period of the demonstration.
- Development of flow management procedures to increase flows in the East Branch Perkiomen Creek above 10 cfs to support specific short-term recreational events.
- Allowing consumptive use augmentation credit for augmented Perkiomen Creek flow.
- Establish a restoration and monitoring fund based on \$0.06/1,000 gallons of augmentation water that is not required due to lifting the 59°F temperature requirement.
- The establishment of a list of restoration projects and performing restoration projects during 2005 and future years.
- Developing an adaptive management plan for restoration projects.
- Working with stakeholders regarding the design and implementation of the demonstration and restoration projects.
- Test periods of times with no augmentation (beyond minimum flows in the East Branch Perkiomen Creek).
- The continuation of the Wadesville Mine Pool withdrawal and Stream Flow Augmentation Demonstration Project that was approved under Doc. D-69-210 CP (Final) (Revision 11) and extended for 2 years by Commission Resolution No. 2003-25, adopted December 3, 2003.

2. *Cabot Supermetals D-70-72 (Revision)*. An application to upgrade an industrial wastewater treatment plant (IWTP) and implement manufacturing operation improvements necessary to meet water quality objectives in Swamp Creek, a tributary of Perkiomen Creek in the Schuylkill River Watershed. The applicant produces primary nonferrous metals and alloys plus inorganic chemicals at its Boyertown Facility, which is on the east side of Wilson Avenue and straddles the borders of Douglass Township, Montgomery County, and Colebrookdale Township, Berks County. No expansion of the 0.222 mgd IWTP is proposed. The plant effluent, along with storm water, cooling water and water supply treatment wastewater, will continue to be discharged to Swamp Creek by means of the existing outfall.

3. *UTI Corporation D-93-61 (G)-2*. An application for the renewal of a groundwater withdrawal project to supply up to 3.16 million gallons per 30 days (mg/30 days) of water to the applicant's groundwater remediation system from existing Wells UTM-1 and UTM-11 in the Brunswick Formation. This renewal project represents a decrease in allocation from 6.5 mg/30 days to 3.16 mg/30 days. The project is in the Perkiomen Creek Watershed in the Borough of Trappe, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Oley Township Municipal Authority D-2001-36 CP*. An application for approval of a groundwater withdrawal

project to supply up to 2.16 mg/30 days within the first year of operation from proposed Well 4 in the Granitic Gneiss Formation to the applicant's public water supply system. In subsequent years, and based on the results of a monitoring program, the allocation from Well 4 may be incrementally increased up to 6.48 mg/30 days. The withdrawal from all wells will be limited to 12.94 mg/30 days. The project is in the Little Manatawny Creek Watershed in Oley Township, Berks County.

5. *Penn Estates Utilities, Inc. D-2003-36 CP.* An application for approval of a groundwater withdrawal project to supply up to 3.9 mg/30 days of water to the applicant's Penn Estates development from new Well 7 in the Catskill Formation and to increase the existing withdrawal from all wells to 10.80 mg/30 days. The project is in the Brodhead Creek Watershed in Stroud Township, Monroe County.

6. *Milford Township Water Authority D-2003-37 CP.* An application for approval of a groundwater withdrawal project to supply up to 6.48 mg/30 days of water to the applicant's distribution system from new Well 5 in the Brunswick Formation and to increase the existing withdrawal from all wells to 15.52 mg/30 days. The project is in the Unami-Licking Creeks Watershed in Milford Township, Bucks County, and is in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Bedminster Municipal Authority D-2004-2 CP.* An application for approval of a groundwater withdrawal project to supply up to 7.136 mg/30 days of water to the applicant's public water distribution system from new Wells A and E in the Brunswick Formation and in conjunction with existing Wells 2 and 9, to increase the existing withdrawal from all wells to 10.705 mg/30 days. The project wells are in the Deep Run Watershed in Bedminster Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Telford Borough Authority D-2004-10 CP.* An application for approval of a groundwater withdrawal project to supply up to 2.19 mg/30 days of water to the applicant's public water distribution system from new Well 7 in the Brunswick Formation, and to retain the existing withdrawal from all wells to 38.6 mg/30 days. The project wells are in the East Branch Perkiomen Creek Watershed in Telford Borough, Bucks and Montgomery Counties, and West Rockhill and Hilltown Townships, Bucks County, all located in the Southeastern Pennsylvania Ground Water Protected Area.

9. *Greenbriar Founders, LLC D-2004-26-1.* An application for approval of a groundwater withdrawal project to supply up to 16.5 mg/30 days of water for supplemental irrigation of the applicant's proposed Ledgerock Golf Course from new Well IW-1 and up to 1.77 mg/30 days from new Well IW-2, both in the Hammer Creek Formation and to initially limit the existing withdrawal from all wells to 16.5 mg/30 days. The initial combined allocation of 16.5 mg/30 days is provided to allow for establishment of the golf course turf grasses. Once the turf grasses are established, the combined allocation will be reduced to 8.25 mg/30 days. The project is in the Angelica Creek Watershed in Cumru Township, Berks County.

10. *New York City Department of Environmental Protection D-2004-28 CP-1.* An application to modify a sewage treatment plant (STP) at 4 Neversink Drive, City of Port Jervis, Orange County, NY. The STP has a capacity of 5 mgd and serves the City of Port Jervis. The existing plant provides secondary treatment, and discharges to the Neversink River, upstream from DRBC Special Protection

Waters and the Delaware Water Gap National Recreation Area. The proposed modification, which constitutes Phase I of a multiphase improvement project, involves the demolition of three Imhoff tanks and construction of two sedimentation basins, plus minor facility upgrades. No increase in STP capacity is proposed.

In addition to the public hearing on the previous dockets, the Commission's 2:30 p.m. business meeting will include a public hearing and possible action on a resolution to amend Resolution No. 2002-33 relating to the operation of Lake Wallenpaupack during drought watch, drought warning and drought conditions to restore a distinction between drought operation of Lake Wallenpaupack and drought operation of the Mongaup system reservoirs and to insert a reference to flow and temperature targets in the upper Delaware River and the West Branch Delaware, East Branch Delaware and Neversink Rivers. The business meeting may include resolutions for the minutes to initiate notice and comment rulemakings amending the Water Quality Regulations, Water Code and Comprehensive Plan to: (1) designate the Lower Delaware River as Special Protection Waters; and (2) establish waste minimization plan requirements for point and nonpoint source discharges following issuance of a TMDL or assimilative capacity determination. In addition, the meeting will include: adoption of the minutes of the July 13, 2004, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; and an opportunity for public dialogue.

Draft dockets and the resolution scheduled for public hearing on September 1, 2004, will be posted on the Commission's website: www.drbc.net (select "Next DRBC Meeting"). Additional documents relating to the dockets and other items can be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500 Ext. 221 with 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 can accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 04-1548. Filed for public inspection August 20, 2004, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Farm Safety and Occupational Health Grant Program Application Period

The Department of Agriculture (Department) announces the opening of the application period for funding from the Farm Safety and Occupational Health Grant Program (program) for FY 2005. Grant applications will be accepted from August 30, 2004, to October 30, 2004, at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Room G-13, Harrisburg, PA 17110-9408. Applications must be postmarked by October 30, 2004, to be considered for funding.

The program was created by the General Assembly through the passage of the Farm Safety and Occupational Health Act (act) (3 P. S. §§ 1901—1915). The program is funded through a specific appropriation provided for in the act. For program guidelines, see the Farm Safety and Occupational Health Grant Program Guidelines.

The program will award financial assistance of up to \$2,500 to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads in this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs. The applications will be evaluated using criteria in 7 Pa. Code Chapter 138k (relating to farm safety and occupational health grant program).

Obtaining Applications

Applications are available by contacting Shiree Hunter, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5202, fax (717) 783-3275.

For further assistance, contact Phillip Pitzer, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5206.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-1549. Filed for public inspection August 20, 2004, 9:00 a.m.]

Order of Quarantine; Plum Pox Virus

Recitals

1. Plum Pox Virus (PPV), a serious non-native plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable, has been detected in certain areas of this Commonwealth.

2. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to

take various measures to detect, contain and eradicate plant pests in this Commonwealth.

3. The Department has exercised its authority under the act and issued several Orders of Quarantine affecting portions of Adams, Cumberland, Franklin and York Counties in an effort to contain, identify and eradicate PPV.

4. The Department determined it necessary to temporarily prohibit the planting of stone fruit trees and related trees and shrubs in these quarantined areas, and imposed this prohibition through an Order of Quarantine issued on December 13, 2000, and published at 30 Pa.B. 6608 (December 23, 2000).

5. The temporary prohibition has contributed to a rapid decline in numbers of trees found infected with PPV, although it is likely that some small number of infected trees remain.

6. The prohibition has severely affected the ability of stone fruit producers within the quarantined areas to properly maintain existing blocks of trees that lie within those areas or to maintain standard rotational planting of stone fruit blocks within those areas.

Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the foregoing recitals incorporated herein, the Department issues the following order:

The Department modifies the prohibition on planting of stone fruit trees (apricot, nectarine, peach and plum) in the areas under PPV-related quarantine to allow the Department to offer controlled options for limited planting of trees within quarantined areas. Planting shall be done under permit, with permits issued by the Department and subject to specific written guidelines to be provided by the Department. These limited planting options shall only be considered for fruit-bearing trees in commercial settings, since the goal of the permitted planting is to allow greater financial stability to commercial growers, without unduly compromising the Department's PPV eradication program. The areas currently under PPV-related quarantine, and with respect to which this order is applicable, are as follows:

County/Area

Adams/Latimore Township

Adams/Huntington Township

Cumberland/South Middleton Township

Adams/Part of Tyrone Township

Adams/Part of Menallen Township

Cumberland/Dickinson Township

Adams/Borough of York Springs

Cumberland/Borough of Mount Holly Springs

York/Washington Township

York/Franklin Township

Cumberland/Southampton Township

Date of Order/Pennsylvania Bulletin Reference

October 21, 1999/29 Pa.B. 5735
(November 6, 1999)

October 21, 1999/29 Pa.B. 5735

June 15, 2000/30 Pa.B. 3269
(July 1, 2000)

July 27, 2000/30 Pa.B. 4357
(August 19, 2000)

July 27, 2000/30 Pa.B. 4357

July 27, 2000/30 Pa.B. 4357

October 31, 2000/30 Pa.B. 5852
(November 11, 2000)

October 31, 2000/30 Pa.B. 5852

June 22, 2001/31 Pa.B. 3560
(July 7, 2001)

June 22, 2001/31 Pa.B. 3560

June 26, 2001/31 Pa.B. 3559
(July 7, 2001)

| <i>County/Area</i> | <i>Date of Order/Pennsylvania Bulletin Reference</i> |
|---------------------------------|--|
| Franklin/Quincy Township | August 27, 2001/31 Pa.B. 5117 (September 8, 2001) |
| Franklin/Borough of Mont Alto | August 27, 2001/31 Pa.B. 5117 |
| York/Conewago Township | August 1, 2002/32 Pa.B. 4045 (August 17, 2002) |
| York/Monaghan Township | August 1, 2002/32 Pa.B. 4045 |
| Adams/Part of Butler Township | September 26, 2003/33 Pa.B. 5087 (October 11, 2003) |
| Adams/Part of Menallen Township | September 26, 2003/33 Pa.B. 5087 |

This order is effective as of July 30, 2004, and shall remain in effect until terminated by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-1550. Filed for public inspection August 20, 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 August 10, 2004.

BANKING INSTITUTIONS

Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 8-4-04 | Yardville National Bancorp, Trenton, NJ, to acquire up to 19.9% of the outstanding common stock of Bucks County Bank (In Organization), Doylestown, PA | Trenton, NJ | Approved |
| 8-5-04 | Leesport Financial Corp., Wyomissing, to acquire 100% of the voting shares of Madison Bancshares Group, Ltd., Blue Bell | Wyomissing | Filed |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 8-5-04 | Leesport Bank, Wyomissing, and The Madison Bank, Blue Bell Surviving Institution— Leesport Bank, Wyomissing | Wyomissing | Filed |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 8-2-04 | S & T Bank Indiana Indiana County | 30 Towne Center Drive Leechburg Westmoreland County | Opened |
| 8-2-04 | Beneficial Mutual Savings Bank Philadelphia Philadelphia County | 2905 Whitehall Road Norristown Montgomery County (previously approved as 701 West Germantown Pike) | Opened |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|----------------------------|
| 8-4-04 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | Parkway Center Giant Eagle 1165 McKinney Lane Pittsburgh Allegheny County | Authorization Rescinded |
| 8-5-04 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | Erie WalMart 2711 Elm Street Erie Erie County | Filed |
| 8-6-04 | First Star Savings Bank Bethlehem Lehigh County | Moravian Village Tower Wood Street Bethlehem Northampton County (Limited Service Facility) | Filed |
| 8-10-04 | Reliance Savings Bank Altoona Blair County | 1921 Pleasant Valley Road Altoona Blair County | Filed |

Branch Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 8-4-04 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | <i>To:</i> 1065 West County Line Road Hatboro Montgomery County <i>From:</i> 200 Blair Mill Road Horsham Montgomery County | Filed |
| 8-5-04 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | <i>To:</i> Giant Eagle 400 Northtowne Square Gibsonia Allegheny County <i>From:</i> Giant Eagle 5600 Wm. Flynn Highway Gibsonia Allegheny County | Effective |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 7-30-04 | S & T Bank Indiana Indiana County | 109 Grant Avenue Vandergrift Westmoreland County | Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Purpose</i> | <i>Action</i> |
|-------------|--|--|------------------------|
| 8-5-04 | TruMark Financial Credit Union Trevose Bucks County | Amendment to Article 1 of the Articles of Incorporation provides for a reduction in the par value of one share from \$50 to \$5. | Approved and Effective |
| 8-5-04 | Pittsburgh Teachers Credit Union Pittsburgh Allegheny County | Amendment to Article 8 of the Articles of Incorporation provides for the addition of occupational or associational groups to the credit union's field of membership. | Approved and Effective |

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1551. Filed for public inspection August 20, 2004, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2004

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of September 2004 is 7 1/2%.

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

the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.83 to which was added 2.50 percentage points for a total of 7.33 that by law is rounded off to the nearest quarter at 7 1/2%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1552. Filed for public inspection August 20, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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> |
|--------------------------------|---|---------------------------------------|------------------------------------|-------------------------|
| PA0031097 | Radley Run Sewer Association Radley Run Country Club 1100 Country Club Road West Chester, PA 19382 | Chester County Birmingham Township | Radley Run | 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> |
|--------------------------------|---|--|--|-------------------------|
| PA0060445 Renewal | Historical and Museum Commission Eckley Miners Village R. D. 2, Box 236 Weatherly, PA 18255 | Foster Township Luzerne County | Unnamed tributary to Black Creek 05D | Y |
| PA0070092 Renewal | John M. Yetter and Van Daniel Yetter Evergreen Village Mobile Home Park R. D. 5, Box 5308 East Stroudsburg, PA 18301 | Upper Mount Bethel Township Northampton County | Unnamed tributary to Allegheny Creek 01F | 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> |
|--------------------------------|--|--------------------------------------|------------------------------------|-------------------------|
| PA0039225 | Blaine E. Rhodes Sewer Company P. O. Box 397 Reno, PA 16343-0397 | Sugarcreek Borough Venango County | Allegheny River 16-E | 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.

PA0031097, Sewage, **Radley Run Sewer Association, Inc.**, 1100 Country Club Road, West Chester, PA 19382. This facility is in Birmingham Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from the Radley Run Country Club sewage treatment plant.

The receiving stream, Radley Run, is in the State Water Plan watershed 3H Brandywine and classified for WWF, aquatic life, water supply and recreation. There are no public water supplies downstream in this Commonwealth. Brandywine Creek crosses the State line into Delaware, approximately 7 miles downstream from the point of discharge. The City of Wilmington, DE has water supply intakes approximately 7 miles downstream from the State line on Brandywine Creek.

The proposed effluent limits for Outfall 001, based on a design flow of 0.017 mgd, are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------------|--|-------------------------------------|
| CBOD ₅ | 25 | 50 |
| Suspended Solids | 30 | 60 |
| Ammonia (as N) | 20 | 40 |
| Phosphorus (as P) (4-1 to 10-31) | 1.5 | 3.0 |
| Total Residual Chlorine | 0.5 | 1.2 |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |

| | | |
|------------------|--|---|
| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Dissolved Oxygen | minimum of 5.0 mg/l at all times | |
| pH | within limits of 6.0—9.0 standard units at all times | |

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

PA0064343, Industrial, **Pennsylvania American Water Company**, 4 Wellington Road, Wyomissing, PA 19610. This proposed facility is in Wind Gap Borough, **Northampton County**.

Description of Proposed Activity: Issuance of an NPDES permit.

The receiving stream, Ross Common Creek, is in the State Water Plan watershed no. 2B and classified for HQ-CWF and MF. The nearest downstream public water supply intake for the Northampton Borough Water Authority is on the Lehigh River, 33.6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.025 MGD.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | |
|-------------------------|---|--------------------------|-----------------------------|--------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> |
| Flow | Monitor and Report | | | |
| Total Suspended Solids | | | 30.0 | 60.0 |
| Total Iron | | | 2.0 | 4.0 |
| Total Aluminum | | | 4.0 | 8.0 |
| Total Manganese | | | 1.0 | 2.0 |
| pH | not less than 6.0 nor greater than 9.0 at all times | | | |
| Total Residual Chlorine | | | 0.5 | 1.0 |

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

PA0044971, Sewage, **B. P. O. E. Lodge**, P. O. Box 2026, 3200 Milligantown Road, Lower Burrell, PA 15068. This application is for renewal of an NPDES permit to discharge treated sewage from the B. P. O. E. Lodge 512 STP in Lower Burrell City, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Pucketa Creek, 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 Oakmont Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.0027 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 ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 25,000/100 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.

PA0097047, Sewage, **Westmoreland County Industrial Park Authority**, 2 North Main Street, Suite 601, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the Nike Site No. 37 Shaner Heights STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale to Little Sewickley Creek, 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 McKeesport Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.008 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 ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Fecal Coliform | | | | |

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| Dissolved Oxygen | not less than 3.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0098388, Sewage, **Patusan Trading Company, Inc.**, 5490 Highway 217 North, Blairsville, PA 15717. This application is for renewal of an NPDES permit to discharge treated sewage from the Patusan Trading Company Sewage Treatment Plant in Blacklick Township, **Indiana County**.

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

Outfall 001: existing discharge, design flow of 0.00084 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 ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 50,000/100 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.

PA0216631, Sewage, **Regis Kraisinger**, 139 Quarry Street, Mount Pleasant, PA 15664. This application is for renewal of an NPDES permit to discharge treated sewage from the Kraisinger Reception Hall Sewage Treatment Plant in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Sherrick 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 Westmoreland County Municipal Authority—McKeesport.

Outfall 001: existing discharge, design flow of 0.0036 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 ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 7.0 | | | 14.0 |
| (11-1 to 4-30) | 21.0 | | | 42.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0218154, Sewage, **Partnership of Robert Gearhart, Deborah Bomberger and Anthony Tommasone**, 610 Midland-Beaver Road, Beaver, PA 15009. This application is for renewal of an NPDES permit to discharge treated sewage from the Lock 6 Landing Restaurant and Lounge Wastewater Treatment Plant in Industry Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio 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 Midland Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 0.0024 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 ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Fecal Coliform | | | | |
| (5-1 to 10-31) | 200/100 ml as a geometric mean | | | |
| (11-1 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.

PA0218162, Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from the Creekside STP in Washington Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Crooked Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.15 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 ₅ | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 19.0 | 28.5 | | 38.0 |
| (11-1 to 4-30) | 25.0 | 37.5 | | 50.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 18,000/100 ml as a geometric mean | | | |
| Dissolved Oxygen | not less than 5.0 mg/l | | | |
| 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 0.45 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 ₅ | 15 | 23 | | 30 |
| (5-1 to 10-31) | 25 | 38 | | 50 |
| (11-1 to 4-30) | | | | |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 7.5 | 11.3 | | 15.0 |
| (11-1 to 4-30) | 22.5 | 33.8 | | 45.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 7,000/100 ml as a geometric mean | | | |
| 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.

PA0218251, Sewage, **Westmoreland Department of Public Works**, R. D. 12, Box 203, Donohoe Road, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the Magistrate Office and Washington Township Firehall STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Beaver Run, 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 Buffalo Township Municipal Authority.

Outfall 001: existing discharge, design flow of 0.001 mgd.

| Parameter | Concentration (mg/l) | | | Instantaneous Maximum |
|--|----------------------|--|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30) | 14.0 | | | 28.0 |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | | Monitor and Report | | |
| Total Residual Chlorine | | 200/100 ml as a geometric mean 2,000/100 ml as a geometric mean | | |
| pH | | 1.4 | | 3.3 |
| | | not less than 6.0 nor greater than 9.0 | | |

The EPA waiver is in effect.

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

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

WQM Permit No. 2304403, Sewerage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown Square, PA 19073. This proposed facility is in Newtown Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a gravity sanitary sewer system.

WQM Permit No. 4604412, Sewerage, **Upper Gwynedd Township**, One Parkside Place, Westpoint, PA 19486. This proposed facility is in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Modifications to its existing treatment plant from 4.5 mgd to 5.7 mgd.

WQM Permit No. 0904412, Sewerage, **James W. Williams**, P. O. Box 222, 809 Township Line Road, Wycombe, PA 18980-0222. This proposed facility is in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Applicant request approval for the construction and operation of a small flow wastewater treatment plant.

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

WQM Permit No. 0500407, Amendment 04-1, Sewerage, **South Woodbury Township**, R. R. 1, Box 246, New Enterprise, PA 16664. This proposed facility is in South Woodbury Township, **Bedford County**.

Description of Proposed Action/Activity: Change in design for construction of their sewage treatment plant.

WQM Permit No. 2101406, Amendment 04-1, Sewerage, **William Lamadue, Visaggio's Ristorante**, 6990 Wertzville Road, Enola, PA 17025-1037. This proposed facility is in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Amendment to their existing wastewater treatment plant and disposal system to include the permanent installation of a pump tank, pumps, filters and related equipment. These modifications are proposed to alleviate existing operational problems associated with severe filamentous bacteria growth and grease accumulation through the treatment system and bring the wastewater treatment plant into compliance.

WQM Permit No. 0103403, Amendment 04-1, Sewerage, **Bonneauville Borough**, 46 East Hanover Street, Gettysburg, PA 17325. This proposed facility is in Bonneauville Borough, **Adams County**.

Description of Proposed Action/Activity: Amendment to permit to relocate the Cedarfield Condo pump station to a point downstream across the road from the condominiums.

WQM Permit No. 2804403, Sewerage, **Greene Township Municipal Authority**, 4182 Sunset Pike, Chambersburg, PA 17201. This proposed facility is in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Construction of pump station no. 9 to serve the Scotland Run residential development.

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

WQM Permit No. 6304202, Industrial Waste, **U. S. Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. This proposed facility is in Carroll Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a wastewater treatment facility to serve the Victory Hollow offloading and upland placement area.

WQM Permit No. 0204407, Sewerage, **Gina Muscante**, 79 Coursin Road, Elizabeth, PA 15037. This proposed facility is in Lincoln Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewage treatment facility to serve the Muscante residence.

WQM Permit No. 0204408, Sewerage, **The Mills Corporation**, 2012-A Butler Logan Road, Tarentum, PA 15084. This proposed facility is in Frazer Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewer extensions to serve the Pittsburgh Mills.

WQM Permit No. 0271412-A3, Sewerage, **Leetsdale Borough Municipal Authority**, 5 Sixth Street, Leetsdale, PA 15056. This proposed facility is in Leetsdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Leetsdale sewage treatment plant and pump stations.

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

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

WQM Permit No. 2574407, Sewerage Amendment No. 1, **Municipal Authority of Middleboro**, P. O. Box 189, McKean, PA 16426. This proposed facility is in McKean Borough, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of a second treatment tank and updates to the existing tank and treatment facility.

WQM Permit No. 4204401, Sewerage, **Borough of Eldred**, 3 Bennett Street, Eldred, PA 16731. This proposed facility is in Eldred Borough, **McKean County**.

Description of Proposed Action/Activity: This project is for the replacement of two pump stations.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-------------------------|--|
| PAI010904009 | Bracalente Manufacturing Company Development 20 West Creamery Road P. O. Box 570 Trumbauersville, PA | Bucks | Milford Township | Unami Creek HQ-TSF |
| PAI011504054 | B & B Homes 1935 Swedesford Road Development Suite 200, 112 Moores Road Malvern, PA 19355 | Chester | Tredyffrin Township | Valley Creek EV |
| PAI011504055 | Devault Foods, Inc. Devault Food Filling/Grading Plan 1 Devault Lane Devault, PA 19432 | Chester | Charlestown Township | Valley Creek EV |
| PAI011504056 | St. Peter's Church in Great Valley P. O. Box 334 Paoli, PA 19301 | Chester | Tredyffrin Township | Valley Creek EV |
| PAI011504057 | Wawa, Inc. Proposed Food Market 260 West Baltimore Pike Wawa, PA 19063 | Chester | North Coventry Township | Schuylkill River HQ-TSF |
| PAI011504058 | Lionville Business Center Development 502 Gordon Drive Exton, PA 19341 | Chester | Uwchlan Township | Pine and Pickering Creeks HQ-TSF |

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.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--------------------------------------|-----------------------------|
| PAI024504005-1 | Game Commission 2001 Elmerton Ave. Harrisburg, PA 17110-9797 | Monroe | Coolbaugh and Tobyhanna Townships | UNT Wagner Run HQ-CWF |
| PAI024504020 | Romec Inc. P. O. Box 99 Pocono Lake, PA 18347 | Monroe | Middle Smithfield Township | Michael Creek HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI024804029 | DePalo Builders, LLC 107 East Main St. Bath, PA 18014 | Northampton | Moore Township | Monocacy Creek HQ-CWF |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI041804003 | Clinton County Economic Partnership 212 N. Jay St. Lock Haven, PA 17745 | Clinton | Lamar Township | Fishing Creek HQ |

Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAS10F034R | Ronald Thompson JARO Development Co. Inc. 3816 Wax Myrtle Run Naples, FL 34112 | Centre | Rush Township | Cold Stream HQ |

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 determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed per-

mit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1304501, Public Water Supply.

Applicant **Borough of Jim Thorpe**
 Township or Borough **Jim Thorpe Borough, Carbon County**

Responsible Official **Vince Yaich, Superintendent**
 Borough of Jim Thorpe
 Water Department
 421 North Street
 Jim Thorpe, PA 18229-2528

Type of Facility **PWS**

Consulting Engineer **Michael J. Dashbach, P. E.**
 Entech Engineering, Inc.
 4 South Fourth Street
 P. O. Box 32
 Reading, PA 19603

Application Received Date **August 3, 2004**

Description of Action **This permit amendment consists of the following modifications: changing primary coagulant from Alum to Stern PAC; changing the corrosion inhibitor from Aqua Mag to Calcquest; installing a sodium permanganate feed system; backwash system modifications; and installing an in-line filter/screen.**

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

Permit No. 1704502, Public Water Supply—Major Amendment.

Applicant **Clearfield Municipal Authority**
 107 Market Street
 Clearfield, PA 16830-2405

Township or Borough **Lawrence Township**
 County **Clearfield**

Responsible Official **Jeffrey Williams, Manager**
 Clearfield Municipal Authority
 107 Market Street
 Clearfield, PA 16830-2405

Type of Facility **PWS—Construction.**

Consulting Engineer **Gwin, Dobson & Foreman, Inc.**

Application Received Date **August 3, 2004**

Description of Action **Installation of 3,800 feet of 8-inch PVC waterline, 2,600 linear feet of 6-inch PVC waterline, a 100,000-gallon water storage tank, one pumping station and all required appurtenances.**

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. 4504502, Minor Amendment.

Applicant **Pleasant Valley School District**
Polk Elementary School
 Route 209
 Brodheadsville, PA 18322

Township or Borough **Polk Township, Monroe County**

Responsible Official **Roger Borger**

Type of Facility **Water System**

Consulting Engineer **Quad Three Group**
 72 Glenmaura National Blvd.
 Moosic, PA 18507

Application Received Date **July 12, 2004**

Description of Action **The addition of pH adjustment, phosphate and hypochlorination for purposes of controlling copper, general corrosion and for disinfection.**

Application No. Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**

Township or Borough **Palmyra Township, Pike County**

Responsible Official **Roswell S. McMullen, Mgr. NE Ops.**
 HC 6, Box 6040
 Hawley, PA 18428
 (570) 226-1528

Type of Facility **Community Water System**

Consulting Engineer **Douglas E. Berg, P. E.**
 4 South Fourth Street
 Reading, PA 19603

Application Received Date **August 5, 2004**

Description of Action **Application for approval to change pH adjustment chemical for the Ozark Well at Tanglewood North Development from soda ash to caustic soda.**

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

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

1400 Calcon Hook Rd. Site, Darby Borough, **Delaware County.** Peter Malik, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Dean DiValerio, Republic Svc., Inc., 414 E. Baltimore Pike, 2nd Fl., Media, PA 19063 has submitted a Notice of Intent to Remediate. Incidental impact of VOCs occurred overtime from discharges of wastewater runoff from a former truck wash pad toward the western edge of the pad at the site. The proposed remediation measures are to excavate the impacted soil, treat it onsite, then reuse it per Act 2 protocol and/or dispose of it offsite at a permitted facility.

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

Former Allentown Paint Property, City of Allentown, **Lehigh County.** Vincent M. Carbone, P. G., Project Geologist, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a revised Notice of Intent to Remediate (on behalf of Ramzi Haddad, Allen Street Development, Inc., 1111 Sixth Street, Whitehall, PA

18052) concerning the remediation of soils found or suspected of being contaminated with lead, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and BTEX components. A final report for this site was previously approved on October 12, 2000, after demonstrating attainment of the Nonresidential Statewide Health Standard. The revised Notice of Intent to Remediate reflects a change to propose to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Hillwood Palmyra, LP, Hetrick Avenue Property, Petroleum-Containing Soils Site, Palmyra Borough, **Lebanon County.** ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Notice of Intent to Remediate petroleum-containing soils that were encountered during excavation activities at the site. The site has been developed as commercial warehousing.

Hillwood Palmyra, LP, Hetrick Avenue Property, Soil Mound Site, Palmyra Borough, **Lebanon County.** ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Notice of Intent to Remediate soils contaminated with lead and copper. The site has been developed as commercial warehousing.

Hillwood Palmyra, LP, Hetrick Avenue Property, Fill Area Site, North Londonderry Township and Palmyra Borough, **Lebanon County.** ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Notice of Intent to Remediate soils contaminated with metals in non-native fill materials. The site has been developed as commercial warehousing.

RSC 196 Thomasville, Jackson Township, **York County.** Brown and Caldwell, 110 Commerce Drive, Allendale, NJ 07401, on behalf of RSC 196 Thomasville, 6778 Lincoln Highway, Thomasville, PA 17364, submitted a Notice of Intent to Remediate site soils contaminated with heating fuel. The site will continue to operate as a construction equipment rental facility.

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

Jersey Shore Coastal, Jersey Shore Borough, **Lycoming County,** Mountain Research, on behalf of Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201, has submitted a Notice of Intent to Remediate groundwater contaminated with gasoline. This site is being remediated to meet the Statewide Health Standards.

Tom's Citgo, Valley Township, **Montour County,** Ralph G. Scharr, on behalf of Tom's Citgo, 30 Sheraton Street, Danville, PA 17821, has submitted a Notice of Intent to Remediate groundwater contaminated with gasoline. This site is being remediated to meet the Site Specific Standards.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State

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

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

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

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

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

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

PLAN APPROVALS

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

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

40-320-024: Prime Time Rewind, Inc. (173 Gilligan Street, Wilkes-Barre, PA 18702) to install an air cleaning device (regenerative thermal oxidizer) to control the atmospheric emissions from a printing operation at their facility in Hanover Township, **Luzerne County**.

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

36-05018A: LASC0 Bathware, Inc. (8101 East Kaiser Blvd., Anaheim, CA 92808) for installation of a new concentrator and replacement of a thermal oxidizer at their existing facility in West Donegal Township, **Lancaster County**.

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

59-301-021: Carleton Funeral Home, Inc. (11470 Route 6, Wellsboro, PA 16901) for construction of a human crematory incinerator in Charleston Township, **Tioga County**.

41-313-011C: Lonza, Inc. (3500 Trenton Avenue, Williamsport, PA 17701) for installation of an air cleaning device (a packed bed scrubber) on a number of formaldehyde-emitting chemical reactors and process vessels currently controlled by different air cleaning devices in the City of Williamsport, **Lycoming County**.

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

03-00976B: AMFIRE Mining Co. (One Energy Place, Latrobe, PA 15650) to increase throughput at Ridge Deep Mine in South Bend Township, **Armstrong County**.

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

25-994B: Advanced Mold Technologies, Inc. (2011 East 30th Street, Erie, PA 16510) for installation of a decorative chrome, nickel and copper plating operation in the City of Erie, **Erie County**.

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

AMS 04122: Amerada Hess Corp. (1630 South 51st Street, Philadelphia, PA 19143) for increasing throughput in Philadelphia, **Philadelphia County**.

AMS 4134: Perfecseal Inc. (9800 Bustleton Avenue, Philadelphia, PA 19115) for installation of a flexographic press in Philadelphia, **Philadelphia County**.

AMS 04145: VHA Medical Center (3900 Woodland Avenue, Philadelphia, PA 19104) for installation of a boiler in Philadelphia, **Philadelphia 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.

23-0093: Bryn Hill Industries (Price and Pine Streets, Holmes, PA 19043) for installation of the urethane foam product line at their Bryn Hill Industries light industrial facility in Ridley Township, **Delaware County**. The installation of the urethane foam product line will result in the emissions of: 0.1 ton per year of NOx; 0.09 ton per year of CO; 24.9 tons per year of VOCs; 0.001 ton per year of SOx; and 2.71 tons per year of PM. The Plan Approval and Operating Permit will contain

additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

22-05034B: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) for construction of a pulverized mineral processing operation, Hummelstown Quarry, in South Hanover Township, **Dauphin County**. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. Estimated atmospheric emissions for PM10, SOx, CO, NOx, VOCs and HAPs are projected to be 6.82, 0.85, 30.75, 6.25, 9.50 and 0.05 tpy, respectively. The pulverized mineral processing operation is subject to 40 CFR Part 60—Standards of Performance for New Stationary Sources, Subpart 000.

67-03128A: Bookspan, Inc. (501 Ridge Avenue, Hanover, PA 17331) for construction of a no. 6 oil-fired boiler rated at 8.5 mmBtu/hr at their book distribution facility in Penn Township, **York County**. The facility has the following annual potential emissions: 39.0 tons SOx, 13.5 tons NOx, 2.5 tons PM10 and 1.2 tons CO. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

17-305-051: Parkwood Resources, Inc. (P. O. Box 552, Somerset, PA 15501) for construction of a bituminous coal stockpiling and truck loading operation at the Cherry Tree Mine in Burnside Township, **Clearfield County**.

The coal stockpiling and truck loading operation will process up to 700,000 tons per year of coal from an underground mine. Air contaminant emission control will be provided by the inherent moisture content of the coal, the use of a water truck, the use of partial conveyor covers and a screen enclosure, the use of a stacking tube and the implementation of various work practices (truck tarping, vehicle speed limits, minimizing the front end loader bucket-to-truck bed freefall height, and the like).

The Department's review of the information submitted by Parkwood Resources, Inc. indicates that the respective coal stockpiling and truck loading operation will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2, the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart Y of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.250—60.254. Based on this finding, the Department proposes to issue plan approval for the construction of the coal stockpiling and truck loading operation.

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

1. The facility shall not process more than 700,000 tons of coal in any 12 consecutive month period.

2. An operable water truck equipped with a pressurized spray bar and a pressurized spray nozzle or hose connection shall be kept onsite at all times and shall be used, as needed, for the control of fugitive dust emissions from plant roadways, stockpile areas, and the like.

3. The facility's screen shall be completely enclosed except for the coal entrance and exit points.

4. All aboveground conveyors shall be partially or fully enclosed.

5. All 0-inch to 2-inch coal from the screen shall be placed onto the 0-inch to 2-inch stockpile through a stacking tube.

6. All trucks entering or exiting the site through a public roadway shall have their truck beds completely tarped or otherwise covered unless empty.

7. The entrance road and internal plant roadways shall have posted speed limits of 10 miles per hour.

8. The facility's entrance roadway shall be paved.

9. Front end loader bucket-to-truck bed height shall be kept to a minimum during all truck loading.

10. This plan approval does not authorize the construction, installation or operation of any gasoline, natural gas, propane or diesel-fired stationary engines, generators or engine-generator sets.

11. Records shall be maintained of the number of tons of coal loaded out each month. Records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

37-290C: Industrial Concerns, Inc. (526 South Jefferson Street, New Castle, PA 16101) for use of two torches at their scrap metal operation in the City of New Castle, **Lawrence County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for a minor modification to use two torches at their scrap metal operation in the City of New Castle, Lawrence County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

24-012D: C/G Electrodes LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) for reactivation of the 25-inch Extrusion press and dust collector in their Extrusion Department in St. Marys City, **Elk County**. This is a Title V facility.

The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. 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 source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive matter, odor and visible emissions.

- PM emissions shall not exceed 0.02 grain per dry standard cubic foot.

- Stack test for PM compliance and for developing CAM.
- The permittee shall perform a daily operational inspection of the control device. The operational inspection shall include, at a minimum, recording the pressure drop across the control device.
- The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device.
- The permittee shall operate the control device at all times that the source is operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.

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

AMS 04203: National Greyhound Adoption Program (10901 Dutton Road, Philadelphia, PA 19154) for installation of a 50-pound per hour animal crematory. The installation permit will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

25-00952: Bush Industries, Inc. (2455 Robison Road, Erie, PA 16509) for a Natural Minor Permit to operate a wood furniture manufacturing plant in Summit Township, **Erie County**.

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

N04-006: Smurfit Stone Container Corp.—Philadelphia West (9820 Blue Grass Road, Philadelphia, PA 19114) for operation of their corrugated paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two boilers. The facility's air pollution control devices include two cyclones.

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

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

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.

| <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.

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

03980107 and NPDES Permit No. PA0202495. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continued operation and reclamation of an existing bituminous surface mine in Washington Township, **Armstrong County**, affecting 355.6 acres. Receiving stream: unnamed tributary to Allegheny River (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Allegheny Power. Renewal application received July 29, 2004.

03890109 and NPDES Permit No. PA0591700. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) renewal application for reclamation only to an existing bituminous surface mine in Perry Township, **Armstrong County**, affecting 56.0 acres. Receiving stream: unnamed tributary to Allegheny River (WWF). The first portable water supply intake within 10 miles downstream from the point of discharge is the Pennsylvania American Water Co. Renewal application received August 5, 2004.

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

56890111 and NPDES Permit No. PA0598577. Ritchie Trucking & Excavating, Inc., 19709 Winner View Terrace, Frostburg, MD 21532, surface mining permit renewal in Elk Lick Township, **Somerset County**, affecting 66.3 acres. Receiving streams: Tub Mill Run, unnamed tributaries to Tub Mill Run, unnamed tributaries to Casselman River and Casselman River (CWF and WWF). There are no potable water supply intakes within 10 miles downstream. Application received July 21, 2004.

56890102 and NPDES Permit No. PA0598372. Svonavec, Inc., 150 W. Union Street, Suite 201, Somerset, PA 15501, surface mining permit renewal for reclamation only in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving

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:

streams: unnamed tributaries to Casselman River and Casselman River (WWF). The first downstream potable water supply intake from the point of discharge is the Ohioyle Borough Municipal Waterworks Youghiogeny River surface water withdrawal. Application received June 26, 2004.

California District Mining Office: 2 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

17831601. NPDES Permit No. PA0215317, River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), to renew the permit for Bedford Siding in Karthaus Township, **Clearfield County** and related NPDES Permit. No additional discharges. Application received April 26, 2004

63841302. Maple Creek Mining, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington County**, ACOE Pittsburgh District (Hackett, PA Quadrangle N: 14.6 inches; W: 10.3 inches to N: 14.4 inches; W: 10.4 inches).

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the regarding of approximately 450 feet of unnamed tributary to Mingo Creek to alleviate ponding conditions of the O West longwall panel.

Written comments or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the previous district mining office. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment. Application received May 26, 2004.

63841302. Maple Creek Mining, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington**

ton County, ACOE Pittsburgh District (Hackett, PA Quadrangle N: 14.6 inches, W: 10.8 inches to N: 14.3 inches, W: 10.9 inches).

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the regarding of approximately 750 feet of unnamed tributary to Mingo Creek to alleviate ponding conditions over the O West longwall panel.

Written comments or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the previous district mining office. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment. Application received May 26, 2004

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

24830103 and NPDES Permit No. PA0601578. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 134.0 acres. Receiving streams: Johnson Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received July 29, 2004.

10030101 and NPDES Permit No. PA0242331. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Revision to an existing bituminous surface strip and coal ash placement operation in Venango Township, **Butler County** affecting 95.0 acres. Receiving streams: three unnamed tributaries to Seaton Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Revisions to add auger mining and acreage. Application received August 2, 2004.

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

17030103 and NPDES Permit No. PA0243442. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650-9628). Transfer of an existing bituminous surface mine-auger permit application from Moravian Run Reclamation Co., Inc. The permit is in Lawrence Township, **Clearfield County** and affects 80.2 acres. Receiving streams: unnamed streams 1—3 to Hogback Run to West Branch Susquehanna River. Application received July 7, 2004.

17960125 and NPDES Permit No. PA0220531. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650-9628). Transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is in Beccaria Township, **Clearfield County** and affects 110 acres. Receiving streams: unnamed tributary to Muddy Run and Muddy Run. Application received July 7, 2004.

17990109 and NPDES Permit No. PA0238325. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650-9628). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Beccaria Township, **Clearfield County** and affects 103.3 acres. Receiving streams: unnamed streams to Muddy Run and Muddy Run. Application received July 7, 2004.

17980123 and NPDES Permit No. PA0238163. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650-9628). Transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is in Knox Township, **Clearfield County** and affects 66.6 acres. Receiving streams: unnamed streams to Dunlap Run and Cherry Run. Application received July 7, 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

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

E23-444. Mobil Pipeline Company, P. O. Box 2220, Houston, TX 77252-2220, Tinicum Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities associated with the ExxonMobil Delaware River crossing replacement project:

1. To install and maintain a 12-inch diameter pipeline, carrying refined petroleum products beneath the Delaware River (WWF, MF) by directional boring. This pipeline will replace an existing 10/12-inch pipeline that will be cleaned and filled with grout and abandoned in place.
2. To install and maintain an 8-inch diameter pipeline, carrying jet fuel beneath the Delaware River by directional boring. This pipeline will replace an existing 8-inch pipeline that will be cleaned and filled with grout.
3. To temporarily impact 0.37 acre of wetland (PEM) associated with directional drilling operations, equipment storage and laydown.
4. To construct and maintain a temporary road across the South Ponding Ditch (WWF), a tributary to the Delaware River, to facilitate access to the site.
5. To replace a 12-inch pipeline across the South Ponding Ditch.

The site is in just south of the Philadelphia International Airport (Bridgeport NJ-PA USGS Quadrangle N: 20.0 inches; W: 1.5 inches).

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

E39-442. City of Allentown, Bureau of Parks, 2700 Parkway Blvd., Allentown, PA 18104-5399 in the City of Allentown, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 8-foot wide, prefabricated pedestrian bridge (Cedar Beach Crossing) on existing stone masonry abutments, having a 32.75-foot span and a 2.7-foot approximate underclearance across Cedar Creek (HQ-CWF) and to modify and maintain an existing 5-foot wide pedestrian bridge (Rose Garden Crossing) having a 20.5-foot span and a 3-foot approximate underclearance across Cedar Creek with work consisting of replacing the wooden superstructure.

The Rose Garden Crossing is approximately 1,300 feet upstream of Ott Street (Allentown West, PA Quadrangle N: 16.5 inches; W: 2.3 inches) and the Cedar Beach Crossing is approximately 800 feet upstream of Ott Street (Allentown West, PA Quadrangle N: 17.0 inches; W: 1.5 inches) in the City of Allentown, Lehigh County (Allentown West, PA Quadrangle N: 6.5 inches and 17.0 inches; W: 2.3 inches and 1.5 inches).

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

E29-084: Mason Dixon Council Boy Scouts of America, 677 Boy Scout Road, Fort Littleton, PA 17223 in Dublin Township, **Fulton County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on an unnamed tributary to Plum Run (Dry Run) (TSF) beginning at the lake at Camp Sinoquie (Burnt Cabins, PA Quadrangle N: 16.1 inches; W: 13.1 inches) and extending to a point 1,667 feet upstream (Burnt Cabins, PA Quadrangle N: 16.1 inches; W: 13.9 inches) involving permanent impacts to 0.04 acre of palustrine forested wetlands and temporary impacts to 0.02 acre of a palustrine forested wetland; relocation of the stream channel; floodway and floodplain excavation, filling and

grading; the placement of 19 cross vanes; the creation and enhancement of approximately 0.50 acre of forested floodplain wetlands; and the replacement of an existing twin 36-inch culvert crossing with an 11-foot by 3 1/2-foot arch culvert in the channel of the unnamed tributary to Plum Run at a point 440 feet upstream of the lake at Camp Sinoquie (Burnt Cabins, PA Quadrangle N: 16.1 inches; W: 13.3 inches) in Dublin Township, Fulton County.

The project is proposed to be amended as follows: To construct and maintain a stream rehabilitation project on an unnamed tributary to Plum Run (Dry Run) (TSF) beginning at the lake at Camp Sinoquie (Burnt Cabins, PA Quadrangle N: 16.1 inches; W: 13.1 inches) and extending to a point 1,506 feet upstream (Burnt Cabins, PA Quadrangle N: 16.1 inches; W: 13.89 inches) using a natural stream channel design approach involving floodway excavation, filling and grading and minor channel modifications along approximately 930 linear feet of the stream channel, the placement of six rock cross vanes and three J-hook log vanes and the replacement of an existing twin 36-inch CMP stream crossing with an 11-foot by 3 1/2-foot arch culvert at a point 440 feet upstream of the lake at Camp Sinoquie (Burnt Cabins, PA Quadrangle N: 16.1 inches; W: 13.3 inches) all for the purpose of improving channel stability and aquatic habitat in Dublin Township, Fulton County. The project proposes to directly affect 1,506 linear feet of the channel of the unnamed tributary to Plum Run.

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

E14-465. Wetlands Habitat Management Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803. Phase 2 Bald Eagle Site in Huston Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 4.1 inches; W: 12.6 inches).

Applicant is proposing to create 18.2 acres of palustrine wetlands along the flood plain of Bald Eagle Creek (TSF) and Steel Hollow Run (CWF and WTF). The site is comprised of two tracts lying just east and west of Steel Hollow Run and immediately south of SR 220. Temporary construction impacts (0.1 acre) are also proposed to facilitate access to the site.

E18-377. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 0120, Section A01, Structure Replacement over Shintown Run in Noyes Township, **Clinton County**, ACOE Baltimore District (Renovo-West, PA Quadrangle N: 10.5 inches; W: 7.10 inches).

To remove the existing bridge and to construct and maintain: (1) a reinforced concrete culvert with a waterway opening of 230 square feet, a normal clear span of 20 feet and a minimum underclearance of 12 feet; (2) a temporary roadway of two 8-foot diameter pipes (minimum hydraulic opening of 83 SF) and clean fill 20 feet downstream of the existing bridge; (3) a 90-foot long by 10-foot wide earthen/sandbag ditch temporary by-pass around the bridge site. This project proposes to permanently impact 142 feet of Shintown Run (CWF) without any wetland impacts.

E53-401. Oswayo Borough, 115 Rumsey Street, Oswayo, PA 16915. Depot Street Bridge Replacement Project in Oswayo Borough, **Potter County**, ACOE Baltimore District (Oswayo, PA Quadrangle N: 8.26 inches; W: 2.61 inches).

To remove an existing structure and construct, operate and maintain a single span prestressed concrete adjacent box beam bridge to carry Depot Street across Oswayo Creek (HQ-CWF). The single span bridge shall be constructed with a minimum span of 42 feet, underclearance of 6.24 feet and curb-to-curb width of 21 feet. All construction and future maintenance work shall be completed during stream low flow and dry work conditions by dams and pumping or fluming stream flow around work areas. Since Oswayo Creek is a wild trout fishery, no maintenance work shall be conducted in or along the unnamed tributary channel between October 1 and December 31, without prior written permission from the Fish and Boat Commission. The project will not impact wetlands, while impacting 110 feet of waterways that is along the eastern right-of-way of SR 0244 approximately at the intersection of Depot Street and SR 0244.

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

E04-305. Emmanuel Panagiotakas, 103 Rosewood Drive, Aliquippa, PA 15001. Stream crossing over Shafers Run in Center Township, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 2.2 inches; W: 5.6 inches—Latitude: 40° 38' 14" and Longitude: 80° 17' 23"). The applicant proposes to construct and maintain a 24-foot by 5-foot concrete box culvert depressed 6 inches approximately 25 feet long in Shafers Run to provide access to a proposed multifamily housing development. The project is on the south side of East Shaffer Road approximately 500 feet west of Chapel Road. The total proposed impact to Shafers Run is 25 feet of culvert.

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

E42-311, Department of Conservation and Natural Resources, Bureau of State Parks, P. O. Box 8451,

Harrisburg, PA 17105-8451. Kinzua Bridge State Park viaduct site in Hamlin and Keating Townships, **McKean County**, ACOE Pittsburgh District (Cyclone, PA Quadrangle N: 2.3 inches; W: 12.1 inches).

To repair and maintain the existing foundations, abutments and railroad towers/bents and to maintain the debris field as a result of the Kinzua Viaduct Bridge collapse within the floodway/floodplain of Kinzua Creek (CWF) at a point within the Kinzua Bridge State Park.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D02-083EA Nicassio Corporation, 24 South 18th Street, Pittsburgh, PA 15203. Plum Borough, **Allegheny County**, ACOE Pittsburgh District.

Project proposes to breach and remove Johnston Pond Dam across a tributary to Aber's Creek (TSF) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is classified as a high hazard dam and is in poor condition due to inadequate maintenance. The dam is approximately 700 feet south of the intersection of SR 286 and SR 2075 (Murrysville, PA Quadrangle N: 13.8 inches; W: 12.7 inches).

EA17-001CO. City of DuBois, P. O. Box 408, DuBois, PA 15801. City of DuBois, **Clearfield County**, ACOE Baltimore District.

Project proposes to breach and remove McCracken Run Dam across Beaver Run (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is approximately 4,000 feet east of the intersection of U. S. 219 and SR 255 in the City of DuBois (Luthersburg, PA Quadrangle N: 22.6 inches; W: 16.0 inches).

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

| <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> |
|--------------------------------|--|---|------------------------------------|------------------------|
| PA0038181 | Hempfield Township Municipal Authority R. D. 6, Box 501 Municipal Building Greensburg, PA 15601 | Westmoreland County Hempfield Township | Sewickley Creek | N |

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

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

NPDES Permit No. PA0011002, Industrial Waste, **American Inks and Coatings Corporation**, P. O. Box 803. This proposed facility is in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the Schuylkill River in Watershed 3D.

NPDES Permit No. PA0051071, Industrial Waste, **Schramm Incorporated**, 800 East Virginia Avenue, West Chester, PA 19380-4206. This proposed facility is in West Goshen Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge in Goose Creek in Watershed 3H.

NPDES Permit No. PA0053376, Sewage, **Strawberry Family Restaurant**, 3773 Layfield Road, Pennsburg, PA 18073. This proposed facility is in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an unnamed tributary to West Branch to Perkiomen Creek in Watershed 3E.

NPDES Permit No. PA0058343, Sewage, **Bedminster Municipal Authority**, P. O. Box 92, Bedminster, PA 18910-0092. This proposed facility is in Pennsburg Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an unnamed tributary to Deep Run in Watershed 2D-Three Mile.

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

NPDES Permit No. PA0043052, Sewage, **Municipal Authority of the Township of Spring**, 2800 Shillington Road, Sinking Spring, PA 19608. This proposed facility is in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Cacoosing Creek in Watershed 3-C.

NPDES Permit No. PA0042137, Industrial Waste, **The Glidden Company**, 301 Bern Street, Reading, PA 19601-1252. This proposed facility is in Reading City, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Bernhart Creek in Watershed 3-C.

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

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

WQM Permit No. 0904411, Sewerage, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is in Warrington Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the construction and operation of an 8-inch gravity sewer to serve the proposed Valley Square Development.

WQM Permit No. 1503427, Sewerage, **Stanley Wannop and Elaine Gerwig**, 196 Springton Road, Glenmoore, PA 19343. This proposed facility is in West Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the construction and operation of single residential sewage treatment plant.

WQM Permit No. 23044017, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063-1499. This proposed facility is in Upper Providence Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the construction and operation of two sanitary sewer extensions utilizing individual grinder pumps.

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

WQM Permit No. 0603407, Sewerage, **Bern Township Municipal Authority**, 1069 Old Bernville Road, Reading, PA 19605-9632. This proposed facility is in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Approval for construction/operation of a gravity collection system for the conveyance of sewage to the Reading Municipal Airport STP.

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

WQM Permit No. 0204403, Sewerage, **Upper Allegheny Joint Sanitary Authority**, 320 Fourth Avenue, Tarentum, PA 15084. This proposed facility is in Frazer Township, **Allegheny County**.

Description of Proposed Action/Activity: Construct approximately 7,200 feet of 18-inch diameter ductile iron sanitary interceptor sewer to serve the Pittsburgh Mills Development.

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

WQM Permit No. 518690, Sewerage, **Barbara A. and John R. Miles**, 6366 Heidler Road, Fairview, PA 16415. This proposed facility is in Beaver Township, **Crawford County**.

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

WQM Permit No. 521167, Sewerage, **Richard A. and Tambra W. Sabatini**, 349 Turkey Farm Road, Titusville, PA 16354. This proposed facility is in Cherrytree Township, **Venango County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> | <i>Department Protocol (Y/N)</i> |
|-------------------------|---|---------------|---------------------|--|----------------------------------|
| PAI132238 | Butler Township 415 West Butler Drive Drums, PA 18222 | Luzerne | Butler Township | Nescopeck Creek (Basin) HQ-CWF Nescopeck Creek (Main Stem) CWF UNT to Nescopeck Creek CWF Long Run CWF Little Nescopeck Creek CWF | Y |

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|--|-------------------------------|
| PAI023904020 | Lower Macungie Township 3400 Brookside Rd. Macungie, PA 18062 | Lehigh | Lower Macungie Township | Little Lehigh Creek HQ-CWF |
| PAS10Q157-R | JDN Development Co. 3300 Enterprise Parkway Beachwood, OH 44122 | Lehigh | Lower Macungie Township | Little Lehigh Creek HQ-CWF |
| PAI023904022 | Lehigh Valley Hospital P. O. Box 689 Allentown, PA 18105-1556 | Lehigh | South Whitehall and Salisbury Townships | Little Lehigh Creek HQ-CWF |

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-------------------------|--|
| PAI023904021 | Liberty Property Limited Partnership 1510 Valley Center Parkway Bethlehem, PA 18017 | Lehigh | Upper Macungie Township | Little Lehigh Creek HQ-CWF |
| PAI024504003 | Ireland Hotels, Inc. Pocono Manor Route 314 Pocono Manor, PA 18349 | Monroe | Pocono Township | Scot Run HQ-CWF |
| PAI024503025 | Resort Beverage, Inc. P. O. Box 143 Tannersville, PA 18372 | Monroe | Pocono Township | Pocono Creek HQ-CWF |
| PAI024803025 | Stewart Associates, L. P. 8108 E. Buckspark Lane Potomac, MD 20854-4267 | Northampton | Williams Township | Frya Run HQ-CWF, MF |
| PAI024804017 | DePaulo Builders, LLC 231 Moorestown Dr. Bath, PA 18014 | Northampton | Moore Township | East Branch Monocacy Creek HQ-CWF |
| PAI025203014 | Woodloch Spa Resort, LLC R. R. 1, Box 280 Hawley, PA 18428 | Pike | Lackawaxen Township | West Falls Creek HQ-CWF, MF |
| PAI025204001 | Lowe's Home Centers, Inc. 927 Wakefield Dr. Havre De Grace, MD 21078 | Pike | Westfall Township | Tributary to Delaware River HQ-CWF |
| PAI026404002 | Duck Harbor Co., Inc. R. R. 1, Box 214C Equinunk, PA 18417 | Wayne | Lebanon Township | Alder Marsh Brook HQ-CWF, MF Little Equinunk Creek HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI062003001 | Wal Mart Stores, Inc. Wal Mart Supercenter Skyline Drive Titusville, PA 16354 | Crawford | Oil Creek Township | Oil Creek WWF |

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) |

NOTICES

4631

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> |
|--|-------------------|--|---|--|
| Thornbury Township Delaware County | PAG2002304021 | Michael McCabe 5 East Elm Avenue Aston, PA 19014 | Chester Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Chester Delaware County | PAG2002304026 | Brian Crimmins 1 Medical Center Blvd. Upland, PA 19013 | Chester Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bethel Township Delaware County | PAG2002303080 | Zebley Company, LP 130 Lancaster Road Berwyn, PA 19312 | Naaman's Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Perkiomen Township Montgomery County | PAG2004604049 | Mask Trust, Inc. 11 West Skippack Pike Broad Axe, PA 19002 | Landis Run TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Hanover Township Montgomery County | PAG2004603182 | Heritage Building Group, Inc. Kistler Tract 3326 Old York Rd. Suite A100 Furlong, PA 18925 | Macoby Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Hanover Township Montgomery County | PAG2004604081 | Ike Heckler Brook Run Phases 6 and 7 2278 East Buck Road Pennsburg, PA 18073 | Unnamed tributary Macoby Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Cheltenham Township Montgomery County | PAG2004604043 | East Cedarbrook Plaza, LLC 370 Seventh Avenue Suite 1700 New York, NY 10001 | Unnamed tributary Frankford Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Horsham Township Montgomery County | PAG2004604031 | Horsham Township Horsham Municipal Complex 1025 Horsham Road Horsham, PA 19044 | Park Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Lower Gwynedd Township Montgomery County | PAG2004604044 | William MacNair, Jr. 1417 Sumneytown Pike Dev. 2716 Allison Lane Allentown, PA 18104 | Trewyllyn Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Limerick Township Montgomery County | PAG2004603009 | Heritage Building Group, Inc. Evans Track a/k/a Evans Brooke 3326 Old York Road Suite A100 Furlong, PA 18925 | Brooke Evans Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| East Norriton Township Montgomery County | PAG2004604048 | 40 Scully Company DeKalb Apartments Pool 801 Old York Road, Noble Plaza Jenkintown, PA 19046 | Unnamed tributary Stony Creek TSF | 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> |
|---|---------------------------------------|--|--|---|
| Abington Township Montgomery County | PAG2004604110 f/k/a PAR10T774-1 | Presby Homes and Services Rydal Park Improvements 2000 Joshua Road Lafayette Hill, PA 19444 | Pennypack Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Dublin Township Montgomery County | PAG2004603201 | Congregations Beth Or 700 Pennlyn/Blue Bell Pk. Springhouse, PA 19477 | Unnamed tributary Park Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Limerick Township Montgomery County | PAG2004603235 | Rotelle Development Dise Subdivision 219 Niantic Road Barto, PA 19504 | Mine Run TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Perkiomen Township Montgomery County | PAG2004603180 | Heritage Building Group Carson/Barr Tract 3326 Old York Road Suite A100 Furlong, PA 18925 | Landis Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Montgomery Township Montgomery County | PAG2004604056 | Nappen Associates Montgomeryville Industrial Center Lot 5 119 Keystone Drive Montgomeryville, PA 18936 | Tributary Park Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Conshohocken Borough Montgomery County | PAG2004604023 | Ten Tower Bridge Associates Ten Tower Bridge 300 Barr Harbor Drive Suite 750 West Conshohocken, PA 19428 | Schuylkill River CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Salford Township Montgomery County | PAG2004603211 | Dennis Godshall Damiani Property 2131 Hendricks Station Road Harleysville, PA 19438 | Perkiomen Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Providence Township Montgomery County | PAG2004603236 | Toll Brothers Inc. Rivercrest Phase II—Malickson 3103 Philmont Avenue Huntingdon Valley, PA 19006 | Schuylkill River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Hatfield Township Montgomery County | PAG2004603189 | Site Development, Inc. Snyder Square Shopping Center 17000 Horizon Way Mt. Laurel, NJ 08054 | West Branch Neshaminy Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Limerick Township Montgomery County | PAG2004604055 | Ambler Savings & Loan Assoc. 155 East Butler Pike Ambler, PA 19002 | Landis/Lodal Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Plymouth Township Montgomery County | PAG2004603055 | M/D Development Company Belvoir Estates 770 Crooked Lane King of Prussia, PA 19406 | Unnamed tributary | Diamond Run Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Whitpain Township Montgomery County | PAG2004604097 | Gambone Brothers Amberley at Blue Bell 1030 West Germantown Pike Fairview Village, PA 19409 | Wissahickon Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |

NOTICES

4633

| <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> |
|---|-------------------|---|---|--|
| Lower Merion Township Montgomery County | PAG2004604122 | Haverford School 450 West Lancaster Avenue Haverford, PA 19041 | Cobbs Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015104012 | School District of Philadelphia Northeast High School Athletic Site Phase I 734 Schuylkill Avenue Philadelphia, PA 19146 | Tacony Creek/Delaware River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Taylor Borough Lackawanna County | PAG2003504022 | Daniel Zeleniak 122 Union St. Taylor, PA 18517 | Lackawanna River CWF | Lackawanna County Conservation District (570) 281-9495 |
| Taylor Borough Lackawanna County | PAG2003504027 | Francis Mickavicz 214 N. Main St. Taylor, PA 18517 | Lackawanna River CWF | Lackawanna County Conservation District (570) 281-9495 |
| Apolacon Township Susquehanna County | PAG2005804005 | Gregory Harris R. R. 2, Box 2425 Brackney, PA 18812 | Unnamed tributary to Apalachin Creek CWF | Susquehanna County Conservation District (570) 278-4600 |
| Wright Township Luzerne County | PAG2004004012 | Mountaintop Youth Soccer Complex P. O. Box 102 Mountaintop, PA 18707 | Big Wapwallopen Creek CWF | Luzerne County Conservation District (570) 674-7991 |
| Lehigh and Moore Townships Northampton County | PAG2004804019 | Larry Kemmerer Kemmerer Corp. 3220 Valley View Dr. Bath, PA 18014 | Hokendauqua Creek CWF | Northampton County Conservation District (610) 746-1971 |
| Lower Towamensing Township Carbon County | PAG2001304003 | Guy Seifert GSZC, LP 8015 Pohopoco Dr. Kunkletown, PA 18058 | Aquashicola Creek TSF, MF | Carbon County Conservation District (610) 377-4894 |
| Dunmore Borough Lackawanna County | PAG2003504026 | Sister Mary Persico 2300 Adams Ave. Scranton, PA 18509 | Meadow Brook CWF | Lackawanna County Conservation District (570) 281-9495 |
| City of Scranton Taylor Borough Lackawanna County | PAG2003504020 | Eugene Kane, Jr. P. O. Box 931 Scranton, PA 18501 | Keyser Creek CWF | Lackawanna County Conservation District (570) 281-9495 |
| Centre County Rush Township | PAG2001404009 | Cory Miller 2622 Black Moshannon Rd. Philipsburg, PA 16866 | Moshannon Creek CWF | Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817 |
| Lycoming County Muncy Borough | PAG2004103011 | Blaise Alexander 933 Broad St. Montoursville, PA 17754 | Turkey Run WWF | Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003 |
| Northumberland County Coal Township | PAG2004904009 | Hakes St. Commercial Development Hakes St. Coal Township, PA 17866 | Coal Run CWF | Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 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> |
|---|-------------------|---|---|--|
| Centre County Rush Township | PAG2001404010 | Bill Tafuto ARM Group Inc. P. O. Box 797 Hershey, PA 17033 | Tributary to Moshannon Creek CWF | Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817 |
| Tioga County Tioga and Lawrence Townships Lawrenceville Borough | PAG2005904003 | Department of Transportation District 3-0 P. O. Box 218 Montoursville, PA 17754 | Tioga and Cowanesque Rivers WWF | Tioga County Conservation District 29 East Avenue Wellsboro, PA 16901 (570) 724-1801 |
| Beaver County Center Township | PAG2000404008 | Jason Welch Beaver Valley Lodging, LLC 1910 8th Avenue N. E. Aberdeen, SD 57140 | Rag Run WWF | Beaver County Conservation District (724) 774-7090 |
| Cambria County Cresson Borough | PAG2001104011 | Sister Servants of the Most Sacred Heart of Jesus 866 Cambria Street Cresson, PA 16630-1713 | Little Conemaugh River CWF | Cambria County Conservation District (814) 472-2120 |
| Indiana County North Mahoning Township | PAG2003204009 | Timothy Jablunovsky Department of Transportation District 10 2550 Oakland Avenue Indiana, PA 15701 | Tributaries of Dutch Run and Canoe Creek CWF | Indiana County Conservation District (724) 463-8547 |
| Somerset County Milford Township | PAG2005604009 | Huston Farms, LLC 626 Cross Road Rockwood, PA 15557 | South Glade Creek WWF | Somerset County Conservation District (814) 445-4652 |
| Westmoreland County Hempfield Township | PAG2006504020 | Gene Rayman 2249 Northview Drive North Huntingdon, PA 15642 | Brush Creek WWF | Westmoreland County Conservation District (724) 837-5271 |
| Westmoreland County Hempfield Township | PAG2006504025 | Hempfield Township Municipal Authority R. D. 6 Box 501 Greensburg, PA 15601 | Slate Creek WWF | Westmoreland County Conservation District (724) 837-5271 |
| Butler County Cranberry Township | PAG2001004019 | Hannibal Land Investments, Inc. P. O. Box 420500 Summer Key, FL 33042-0500 Hannabal Land Investment Dutilh Road Cranberry, PA 16319 | Brush Creek WWF | DEP 230 Chestnut Street Meadville, PA 16335 |

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> |
|--|-------------------|--|-----------------------------|---|
| Moosic Borough Lackawanna County Dupont Borough Luzerne County Pittston Township Luzerne County | PAR802210 | Wilkes-Barre/Scranton International Airport 100 Terminal Road Avoca, PA 18641 | Lidy and Mill Creeks CWF | NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511 |
| West Hazleton Borough Luzerne County | PAR232242 | Graham Packaging Company, LP 75 Jaycee Drive West Hazleton, PA 18202-1247 | Black Creek WWF | NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511 |

| <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> |
|---|-------------------|---|--|---|
| Berks County Kutztown Borough | PAR213506 | Berks Products Corporation Kutztown Building Materials P. O. Box 421 Reading, PA 19603 | Saony Creek through stormwater sewer system TSF | SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Berks County Muhlenberg Township | PAR803585 | Berks Products Corporation Fuel Oil Truck Terminal P. O. Box 421 Reading, PA 19603 | Bernharts Creek WWF | SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |

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> |
|---|-------------------|--|---|--|
| North Shenango Township Crawford County | PAG048625 | David S. Graham 3984 Savannah Lane Jamestown, PA 16134-2914 | Unnamed tributary of Bennett Creek | NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Beaver Township Crawford County | PAG048984 | Barbara A. and John R. Miles 6366 Heidler Road Fairview, PA 16415 | Unnamed tributary to Mud Creek | NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Cherrytree Township Venango County | PAG048989 | Richard A. and Tandra W. Sabatini 349 Turkey Farm Road Titusville, PA 16354 | Unnamed tributary to Prather Creek | NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Summit Township Erie County | PAG048964 | Kris Risto 9595 Donation Road Waterford, PA 16441 | Unnamed tributary to Walnut Creek | NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Conewango Township Warren County | PAG049002 | Carl L. and James M. Lopez 191 Scott Run Road Warren, PA 16365 | Scott Run | NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Cussewago Township Crawford County | PAG049000 | Thomas E. Mook P. O. Box 1077 Saegertown, PA 16433 | Unnamed tributary to Cussewago Creek | NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

General Permit Type—PAG-5

| <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 Borough Bucks County | PAG050056 | MEA Inc. 1365 Ackermanville Road Bangor, PA 1013 | Neshaminy Creek Neshaminy-2F | 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> |
|---|-------------------|--|----------------------------|---|
| East Huntingdon Township Westmoreland County | PAG056110 | Groomes Transit Inc. R. R. 2 Box 87 Scottsdale, PA 15683 | Jacobs Creek | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

General Permit Type—PAG-8 (SSN)

| <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> |
|---|---|--|-------------------------------|---|
| Richmond Township Berks County | PAG080002 PAG080011 PAG080013 PAG083522 PAG083551 | Jesse Baro, Inc. 4 Quarry Rd. Douglasville, PA 19518 | Ker-Min (Schlegel) Farm | SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |
| Mt. Pleasant Township Adams County | PAG083588 | Abbottstown-Paradise Joint Sewer Authority P. O. Box 505 Abbottstown, PA 17301 | Kenneth Leatherman Farm | SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |

General Permit Type—PAG-9 (SSN)

| <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> |
|---|-------------------|---|-------------------------------|---|
| Bratton Township Mifflin County | PAG093544 | Renno's Custom Spreading and Vacuum Service 23 Mountain View Lane McVeytown, PA 17051 | Craig Swigart Farm | 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 Clay Township | PAG123583 | Jarad Rottmund 1030 Girl Scout Road Denver, PA 17517 | India River TSF 7J | SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board

within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 1460068, Colledgeville Borough, **Montgomery County** on August 3, 2004, for the operation of facilities approved under Construction Permit No. 4604501.

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

Operations Permit issued to **Hazleton Water Company**, 410 West Mine Street, Hazleton, PA 18201, PWS ID 2406524, Black Creek and Sugarloaf Townships, **Luzerne County** on July 22, 2004, for the operation of facilities approved under Construction Permit No. 4004502.

Operations Permit issued to **Big Boulder Corp.**, P. O. Box 707, Blakeslee, PA 18610, PWS ID 3130306, Kidder Township, **Carbon County** on July 22, 2004, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Nature's Way Pure Water Systems, Inc.**, 164 Commerce Road, Dupont, PA 18641, PWS ID 2406411, Dupont Borough, **Luzerne County** on July 23, 2004, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Hazleton Water Company**, 410 West Mine Street, Hazleton, PA 18201, PWS ID 2406524, Black Creek and Sugarloaf Townships, **Luzerne County** on July 30, 2004, for the operation of facilities approved under Construction Permit No. 4004502.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2640020, Canaan Township, **Wayne County** on August 5, 2004, for the operation of facilities approved under Construction Permit Minor Amendment issued on March 28, 2002.

Operations Permit issued to **Nature's Way Pure Water Systems, Inc.**, 164 Commerce Road, Dupont, PA 18641, PWS ID 2406411, Dupont Borough, **Luzerne County** on August 5, 2004, for the operation of facilities approved under Construction Permit N/A.

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

Permit No. 2804503 MA, Minor Amendment, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Guilford Water Authority |
| Municipality | Greene Township |
| County | Franklin |
| Type of Facility | This permit approves the construction of a new 64,000-gallon water storage tank at Knob Hill. |
| Consulting Engineer | Diana Young, P. E. Buchart-Horn, Inc. P. O. Box 15040 York, PA 17405-7040 |

Permit to Construct Issued August 10, 2004

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

Permit No. 4393505-MA1, Minor Amendment.

| | |
|---------------------|--|
| Applicant | Buhl Community Water Company |
| Borough or Township | Springfield Township |
| County | Mercer |
| Type of Facility | PWS |
| Consulting Engineer | Daniel F. Schmitt, P. E. Gibson-Thomas Engineering Co. Inc. 1004 Ligonier St. Latrobe, PA 15650 |

Permit to Construct Issued August 6, 2004

Permit No. 363W8-T2-MA1, Minor Amendment.

| | |
|----------------------------|-----------------------------------|
| Applicant | West Hickory Water Company |
| Borough or Township | Harmony Township |
| County | Forest |
| Type of Facility | PWS |
| Permit to Construct Issued | August 6, 2004 |

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Administrative Record Reopening

Mangan Property HSCA Site, Moore Township, Northampton County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) reopens the administrative record in the previously referenced matter on the date of publication of this notice, August 21, 2004, under section 506(h) of the HSCA (35 P. S. § 6020.506(h)), to provide the public the opportunity to comment on the costs incurred in conducting a prompt interim response at the Mangan Property HSCA Site (Site). The original public comment period expired on March 14, 2000. The Department closed the administrative record on that date after filing the Statement of Decision and the Response to Public Comments under section 506(g) of the HSCA.

The Department now reopens the administrative record under section 506(g)(3) and (h) of the HSCA to document the costs incurred during the prompt interim response.

This cost information is available for public review and comment from 8 a.m. to 4:30 p.m., Monday through Friday at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

The cost information will be available for public review and comment for 60 days from the date of receipt or publication of this notice. Persons may submit written comments regarding the cost information during the 60 day period by sending or delivering comments to Karen Unruh, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

The Department may hold a public hearing if a written request is received within 30 days of receipt or publica-

tion of the notice. Should the Department decide to conduct a public hearing, persons may present oral comments regarding the cost information for inclusion in the administrative record. The request should be mailed or delivered to Karen Unruh, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. A public hearing will not be held if the Department does not receive a written request within 30 days of publication of this notice.

Once the 60-day public comment period ends and a public hearing is held, should one be requested and deemed necessary by the Department, the Department will respond to any comments received and close the administrative record.

Prompt Interim Response

Interlectric Mercury Site, Clarendon Borough, Warren County

The Department, under the authority of the HSCA, has determined a response action is necessary for the Interlectric Mercury Site (Site), Clarendon Borough, Warren County at the former Interlectric Company manufacturing facility on the south side of U. S. Route 6. Specifically, the Site is a shed-like room on the northeastern side of the manufacturing facility where mercury-contaminated materials and soils were found, within and just outside of that room.

For this prompt interim response, the Department considered two alternatives for the Site: (1) no action; and (2) excavation and removal of the mercury containing materials and adjacent mercury contaminated soils for off-Site recycling or disposal.

Each alternative was evaluated with respect to four comparison criteria of: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses Applicable or Relevant and Appropriate Requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis, the Department determined that Alternative 2 was the appropriate prompt interim response for the Site. This alternative was selected because it would, in the more cost-effective manner, protect the public and environmental receptors from direct contact with mercury contaminated materials and soils and eliminate the ongoing release and threat of release of mercury into the environment.

This notice is being provided under section 506(b) of the HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment Monday through Friday from 8 a.m. to 4 p.m. at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To make an appointment, call (814) 332-6648.

The administrative record will be open for comment from August 21, 2004, until November 19, 2004. Persons may submit written comments into the record during this time only by sending or delivering them to James W.

Weaver, Project Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. Persons wishing to present comments must register with James W. Weaver before September 21, 2004, by telephone or in writing. Persons interested in finding out if anyone has registered should contact James W. Weaver. If no one registers to present oral comments before September 21, 2004, the public meeting will not be held.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call James W. Weaver at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Narberth Main Post Office, Narberth Borough, **Montgomery County**. Bruce R. Cushing, P. G., URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422-1972 on behalf of USPS, Elizabeth Ann Carter, 22 W. Maple Ave., 2nd Fl., Merchantville, NJ 08109-5100, has submitted a Final Report concerning remediation of site groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Passyunk Property, City of Philadelphia, **Philadelphia County**. Trevor King, ARCADIS, 3000 Cabot Blvd., West, Suite 3004, Langhorne, PA 19047, on behalf of Rodd W. Bender, Attorney for Mary T. Bosco, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

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

Viewmont Mall, Borough of Dickson City and City of Scranton, **Lackawanna County**. Joseph Ozog, Jr., Environmental Scientist II, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 has submitted a combined Remedial Investigation and Final Report (on behalf of Pennsylvania Real Estate Investment Trust, Pasquerilla Plaza, Johnstown, PA 15907) concerning the characterization and remediation of site soils and groundwater found or suspected to have been contaminated with BTEX constituents, naphthalene, lead and other petroleum hydrocarbons. The reports were submitted in fulfillment of a combination of Statewide Health and Site-Specific Standards.

Douze Corporation, South Whitehall Township, **Lehigh County**. Andrew Meadows, The Cardinal Group, Inc., 828 North Hanover Street, Pottstown, PA 19464, has submitted a Final Report (on behalf of David Gendal, Douze Corporation, 18669 Long Lake Drive, Boca Raton, FL 33496) concerning the remediation of soils found or suspected to have been contaminated by an accidental release of no. 2 fuel oil. The report was submitted to demonstrate attainment of the site to the Residential Statewide Health Standard. The report was submitted within 90 days of the release.

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

Hanover Shoe Farms, Union Township, **Adams County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Hanover Shoe Farms, Inc., P. O. Box 339, Hanover, PA 17331-0339, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

Linden Hall School for Girls, Borough of Lititz, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Linden Hall School for Girls, 212 East Main Street, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

Hillwood Palmyra, LP, Hetrick Avenue Property, Petroleum-Containing Soils Site, Palmyra Borough,

Lebanon County. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Final Report concerning remediation of petroleum-containing soils that were encountered during excavation activities at the site. The report is intended to document remediation of the site to the Statewide Health Standard.

Hillwood Palmyra, LP, Hetrick Avenue Property, Soil Mound Site, Palmyra Borough, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Final Report concerning remediation of soils contaminated with lead and copper. The report is intended to document remediation of the site to the Statewide Health Standard.

Hillwood Palmyra, LP, Hetrick Avenue Property, Fill Area Site, North Londonderry Township and Palmyra Borough, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Final Report concerning remediation of site soils contaminated with metals in non-native fill materials. The report is intended to document remediation of the site to the Statewide Health Standard.

Precision Offset Printing Company, Centre Township, **Berks County**. UAI Environmental, Inc., 607 Commerce Drive, Reading, PA 19607, on behalf of Precision Offset Printing Company, P. O. Box 675, Leesport, PA 19533, submitted a Final Report concerning remediation of site groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentra-

tion of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Gilbertsville CVS, New Hanover Township, **Montgomery County**. Craig Herr, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Final Report concerning the remediation of site soil contaminated with lead and site groundwater contaminated with lead and MTBE. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 21, 2004.

Melchiorre Const. Co. Park Site, Phoenixville, Borough, **Chester County**. Lawrence W. Bily, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Peter Melchiorre, Melchiorre Construction Co., P. O. Box 14, R. D. 5, Malvern, PA 19355 has submitted a Final Report concerning the remediation of site soil contaminated with heavy metal. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on August 3, 2004.

Darby Creek Joint Authority Former Sewage Treatment Plant, Darby Township, **Delaware County**. Edward R. Kashdan, P. E., Gannett Fleming, Inc., P. O. Box 80794, Valley Forge, PA 194840794 on behalf of Darby Creek Joint Authority, DELCORA, 100 E. Fifth St., P. O. Box 999, Chester, PA 19016-0999 has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil contaminated with inorganics, PAH, PCB and groundwater contaminated with inorganics. The Remedial Investigation/Risk Assessment Report was approved by the Department on July 27, 2004.

Rosemont Estates, Upper Providence Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Penn International Land Co., 900 E. 8th Ave., Suite 300, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on August 6, 2004.

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

Former Alliance America Facility, Borough of Port Carbon, **Schuylkill County**. Chris Orzechowski, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, submitted a combined Remedial Investigation and Final Report (on behalf of JDSW Real Estate Limited Partnership, Fifth and Mahantango Streets, Pottsville, PA 17901) concerning the remediation of groundwater suspected to have been contaminated by solvents related to historical operations involving lamination of porcelain steel on final products. The reports demonstrated attainment of a combination of groundwater standards including the nonuse aquifer Statewide Health Standard and Site-Specific Standard through pathway elimination and were approved on August 4, 2004.

Corporate Real Estate, Ltd.—Former Werner Street Site, Washington Township, **Northampton County**. Vincent Carbone, P. G., Lawler, Matusky & Skelly Engineers LLP Management, Inc., 609 Hamilton Mall, Allentown, PA 18101 submitted a combined Remedial Investigation and Final Report (on behalf of Jeff Green, 100 Majestic Way, Bangor, PA 18013) concerning the remediation of groundwater suspected to have been contaminated with chlorinated solvents, lead and other inorganics by previous industrial operations and disposal practices. The report demonstrated attainment of the Site-Specific Standard through pathway elimination and was approved on July 26, 2004.

Estate of Pauline Kime (12 Oteyakwa Lake Drive), Franklin Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 submitted a Final Report (on behalf of Attorney Myron DeWitt, 249 Main Street, Susquehanna, PA 18847) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with no. 2 fuel oil constituents as the result of an underground storage tank release. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on July 15, 2004.

Viewmont Mall, Borough of Dickson City and City of Scranton, **Lackawanna County**. Joseph Ozog, Jr., Environmental Scientist II, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 submitted a combined Remedial Investigation and Final Report (on behalf of Pennsylvania Real Estate Investment Trust, Pasquerilla Plaza, Johnstown, PA 15907) concerning the characterization and remediation of site soils and groundwater found or suspected to have been contaminated with BTEX constituents, naphthalene, lead and other petroleum hydrocarbons. The reports were submitted in fulfillment of a combination of Statewide Health and Site-Specific Standards and were approved on August 2, 2004.

Douze Corporation, South Whitehall Township, **Lehigh County**. Andrew Meadows, The Cardinal Group, Inc., 828 North Hanover Street, Pottstown, PA 19464, submitted a Final Report (on behalf of David Gendal, Douze Corporation, 18669 Long Lake Drive, Boca Raton, FL 33496) concerning the remediation of soils found or suspected to have been contaminated by an accidental release of no. 2 fuel oil. The report was submitted to demonstrate attainment of the site to the Residential Statewide Health Standard. The report was originally submitted within 90 days of the release and was approved on July 30, 2004.

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

Hillwood Palmyra, LP, Hetrick Avenue Property, Petroleum-Containing Soils Site, Palmyra Borough, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Hillwood Palmyra, LP, Three Lincoln Center, 5430 LBJ Freeway, Suite 800, Dallas, TX 75240, submitted a Final Report concerning remediation of petroleum-containing soils. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 4, 2004.

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

Stackpole Center Industrial Site Northeast Area, City of St. Marys, **Elk County**. Edward B. Burkett, Burkett Env. Svc., 1218 Brusselles St., P. O. Box 1017, St. Marys, PA 15857 has submitted a Risk Assessment Report concerning the remediation of site soil, groundwater and surface water contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The Risk Assessment Report was approved by the Department on July 16, 2004. This is a correction to the notice published at 34 Pa.B. 4064 (July 31, 2004).

REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

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

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

General Permit Application No. WMGM025R001. Kennedy & Company, Inc., 4910 Simpson Ferry Road, Mechanicsburg, PA 17055. General Permit No. WMGM025 authorizes the processing and beneficial use of unpainted and untreated wood waste, gypsum board, brick, block and concrete waste from new residential and commercial construction. The approved uses are: (1) mulch for landscaping purposes; (2) soil erosion control; and/or (3) temporary walkway material at new residential home or commercial building construction sites or distributed to wholesale outlets. The Central Office approved this registration for coverage under the general permit on August 6, 2004.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit Application No. WMGR038SE007. SPC Corp., 26th and Penrose Avenue, Philadelphia, PA 19145. Application submitted for processing of tires into tire chips and recover metals for beneficial use at the SPC Corp. site in the City of Philadelphia. The application for determination of applicability was determined to be administratively complete by the Southeast Regional Office on August 4, 2004.

General Permit Application No. WMGM020SE004. SPC Corp., 26th and Penrose Avenue, Philadelphia, PA 19145. The application for determination of applicability under the scrap metal for recycling general permit to process ferrous/nonferrous metal coated with ash residue for beneficial use in the City of Philadelphia. The application for determination of applicability was determined to be administratively complete by the Southeast Regional Office on August 4, 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.

Gertrude Hawk Chocolates, Inc., 9 Keystone Industrial Park, Dunmore, PA 18512-1516. Authorization No. WH3586. Effective July 22, 2004.

M & B Truck Line, Inc., 509 73rd St., North Bergen, NJ 07047. Authorization No. WH5874. Effective August 3, 2004.

Kunning Hauling & Disposal, 2027 Reis Run Rd., Pittsburgh, PA 15237. Authorization No. WH6146. Effective July 27, 2004.

Heath Oil Co., P. O. Box 1128, Oil City, PA 16301-0628. Authorization No. WH6236. Effective July 02, 2004.

Jeffery S. Sargent, 960-A State Highway 173, Bloomsburg, NJ 08804. Authorization No. WH6354. Effective July 12, 2004.

Vin-Zam Enterprises, Inc., 50 Union St., Newark, NJ 07105. Authorization No. WH6382. Effective July 19, 2004.

HP Trucking, 608 W. Elm St., Linden, NY 07036. Authorization No. WH6383. Effective July 19, 2004.

Balsharn Singh, 11 Beverly Ct., Robbinsville, NJ 08691. Authorization No. WH6384. Effective July 27, 2004.

City Recycling Corp., 151 Anthony St., Brooklyn, NY 11222. Authorization No. WH6386. Effective July 19, 2004.

Pennsy Supply, Inc., P. O. Box 3331, Harrisburg, PA 17105-3331. Authorization No. WH6388. Effective July 20, 2004.

Penn Township Public Works, 3000 Commercial Ct., Irwin, PA 15642. Authorization No. WH6389. Effective July 20, 2004.

BAJWA Transport, Inc., 22026 Hyde Park Dr., Ashburn, VA 20147. Authorization No. WH6390. Effective July 20, 2004.

PSC Industrial Outsourcing, Inc., 31 Waldron Way, Portland, ME 04103. Authorization No. WH6391. Effective July 20, 2004.

Orejano Transport, 722 Essex Ave., Linden, NJ 07036. Authorization No. WH6392. Effective July 20, 2004.

James A. Scrhiver Excavating, Inc., 680 Clarks Ln., West Chester, PA 19382-6807. Authorization No. WH6393. Effective July 20, 2004.

Sarbjit Singh, 119 B Orchard Apts., Cranbury, NJ 08512. Authorization No. WH6394. Effective July 20, 2004.

Robert J. Champion, 34 Ann St., Pottsville, PA 17501. Authorization No. WH6395. Effective July 20, 2004.

Marcy Hauling, 1206 Whitney Ave., Easton, PA 18045. Authorization No. WH6396. Effective July 20, 2004.

MPB Trucking, Inc., 74 Lincoln Ave., Cliffside Park, NJ 07010. Authorization No. WH6397. Effective July 20, 2004.

Myrmar Al Corporation, 58 Madison Ave., Apt. 2, Jersey City, NJ 07304. Authorization No. WH6398. Effective July 20, 2004.

Saltarin Trucking, Inc., 1312 Morrison Ave., Bronx, NY 10472. Authorization No. WH6399. Effective July 20, 2004.

Carlos Tome, 238 Ivy St., No. 2, Kearny, NJ 07032. Authorization No. WH6400. Effective July 21, 2004.

C. E. Environmental Services, LLC, 15 Weldon Rd., Lake Hopatcong, NJ 07849. Authorization No. WH6401. Effective July 21, 2004.

Pluchino Trucking, 8 Palmer Dr., Wayne, NJ 07470. Authorization No. WH6402. Effective July 21, 2004.

S & G Carting, LLC, P. O. Box 113, Beltsville, NJ 07109. Authorization No. WH6403. Effective August 6, 2004.

Brocklehurst Drop Boxes, 54 Kimberly Dr., Grove City, PA 16127-9037. Authorization No. WH6404. Effective July 21, 2004.

Custom Craft Contractors, Inc., 2224 Bustard Rd., Lansdale, PA 19446. Authorization No. WH6405. Effective July 21, 2004.

Reliable Construction, 153 Treasure Dr., DuBois, PA 15801. Authorization No. WH6406. Effective July 27, 2004.

Tung Carrier, Inc., 114 Wynewood Ln. E., Easton, PA 18040. Authorization No. WH6407. Effective July 26, 2004.

Juan Jufre, 102-29 Nichols Ave., Corona, NY 11368. Authorization No. WH6408. Effective July 27, 2004.

R R Transportation, Inc., 319 5th St., Fairview, NJ 07022. Authorization No. WH6409. Effective July 27, 2004.

Francisco R. C. Neto, P. O. Box 2262, New Burgh, NY 10550. Authorization No. WH6410. Effective July 27, 2004.

McKees Rocks Borough, 340 Bell Ave., McKees Rocks, PA 15136-3514. Authorization No. WH6411. Effective July 27, 2004.

Segundo A. Siguencia, 219 Pacifica St., Newark, NJ 07114. Authorization No. WH6412. Effective August 3, 2004.

Accredited Excavating & Paving, Inc., 119 Harding Dr., Brick, NJ 08724. Authorization No. WH6413. Effective July 23, 2004.

R. L. Brubaker Trucking, R. R. 1 Box 2935, McAlisterville, PA 17048. Authorization No. WH6414. Effective July 27, 2004.

Earthworks Excavating, 1219 S. Main St., Old Forge, PA 18518. Authorization No. WH6415. Effective July 27, 2004.

MAS Trucking, 184 S. Greenview Rd., Schuylkill Haven, PA 17972. Authorization No. WH6416. Effective July 27, 2004.

Jaswant Singh, 15 St. Ann St., Carteret, NJ 07008. Authorization No. WH6417. Effective July 27, 2004.

David Zuidema, Inc., 90 Midland Ave., Midland Park, NJ 07432. Authorization No. WH6419. Effective July 30, 2004.

L. G. Fisher, Inc., P. O. Box 308, Oak Hall, VA 23416. Authorization No. WH6420. Effective July 30, 2004.

K H & Sons Trucking, Inc., 10913 121st St., South Ozone Park, NJ 11420. Authorization No. WH6421. Effective July 30, 2004.

Daniel Castro, 39 Hamilton Ave., Brentwood, NY 11717. Authorization No. WH6422. Effective July 30, 2004.

ABK Constructors, Inc., 818 Green Hills Rd., Birdsboro, PA 19508. Authorization No. WH6424. Effective July 30, 2004.

John D. Piercy, 207 Roseland Ave., P. O. Box 572, Seneca, PA 16346-0572. Authorization No. WH6424. Effective July 30, 2004.

Precise Plumbing, Inc., 73 Porete Ave., North Arlington, NJ 07031. Authorization No. WH6425. Effective July 30, 2004.

Crowley Roll Off Service, 2440 Saranac Ave., Pittsburgh, PA 15216-3428. Authorization No. WH6426. Effective July 30, 2004.

P. Wilbur Trucking, R. R. 1, Box 126, Tioga, PA 16946. Authorization No. WH6428. Effective July 30, 2004.

All American Sewer Service, Inc., 61 Miller St., Wallington, NJ 07057-2020. Authorization No. WH6429. Effective July 30, 2004.

Central Jersey Septic, Inc., 3168 Bordentown Ave., Oldbridge, NJ 08857. Authorization No. WH6430. Effective July 30, 2004.

David E. Ritzman, 1144 W. Shamokin, Trenvaton, PA 17881. Authorization No. WH6431. Effective July 30, 2004.

JCS Contracting, 102 Pocono Heights, East Stroudsburg, PA 18301-8786. Authorization No. WH6432. Effective July 30, 2004.

Crider's Excavating, Inc., 555 Bosler Ave., Lemoyne, PA 17043. Authorization No. WH6433. Effective July 30, 2004.

Norman J. Mundis, 679 Potts Hill Rd., Lewisberry, PA 17339. Authorization No. WH6434. Effective July 30, 2004.

Barrett Trucking, P. O. Box 2603, Weirton, WV 26062. Authorization No. WH6436. Effective August 3, 2004.

Greg Martin, 143 Meadow Court, Scotrun, PA 18355. Authorization No. WH6437. Effective August 3, 2004.

Poole Anderson Construction, LLC, Industrial Park Rd., P. O. Box 576, Huntingdon, PA 16652. Authorization No. WH6439. Effective August 3, 2004.

A. Apollo Sewer and Plumbing, 110 W Front St., Keyport, NJ 07735. Authorization No. WH6440. Effective August 3, 2004.

Da Silva Line Transport System, Inc., 404 Ainsworth St., Linden, NJ 07036. Authorization No. WH6441. Effective August 2, 2004.

Big Mike Drain & Septic Cleaning, Inc., 96 Schoolhouse Rd., Somerset, NJ 08873. Authorization No. WH6442. Effective August 3, 2004.

Bates Tires & Auto Salvage, 134 Bates Rd., Markleysburg, PA 15459. Authorization No. WH6443. Effective August 3, 2004.

Murry Construction Associates, Inc., 22A East Roseville, Lancaster, PA 17601-6518. Authorization No. WH6444. Effective August 3, 2004.

Sequoia Supply, Inc., 335 NW Bristol Rd., Warminster, PA 18974. Authorization No. WH6445. Effective August 6, 2004.

William Pena, 20 Clent Rd., Apt. 1N, Great Neck, NY 11021. Authorization No. WH6446. Effective August 6, 2004.

Lakewood Automotive, LLC, 4 Beechtree Rd., Roseland, NJ 07066. Authorization No. WH6447. Effective August 6, 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.

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

23-302-138GP: Elwyn, Inc. (111 Elwyn Road, Elwyn, PA 19063) on August 3, 2004, to operate two 600 hp boilers in Middletown Township, **Delaware County**.

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

GP3-21-03064: Brubacher Excavating, Inc. (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507) on

August 3, 2004, for portable nonmetallic mineral processing plants under GP3 in South Middleton Township, **Cumberland County**.

GP3-22-03031: Department of the Army—99th Regional Support Command (99 Soldiers Way, Coraopolis, PA 15108-2550) on August 2, 2004, for portable nonmetallic mineral processing plants under GP3 in East Hanover Township, **Dauphin County**.

GP7-67-03033B: The Sheridan Press (450 Fame Avenue, Hanover, PA 17331-9581) on August 2, 2004, for sheetfed offset lithographic printing press under GP7 in Penn Township, **York County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

23-0024D: Hanson Aggregates Pennsylvania, Inc. (523 West Forge Road, Glen Mills, PA 19342) on August 3, 2004, to operate two baghouses in Middletown Township, **Delaware County**.

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

01-05016F: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214) on August 3, 2004, to install a portable dryer and associated conveyors controlled by a portable fabric filter baghouse at their Charmian facility in Hamiltonban Township, **Adams County**

06-05079B: United Corrstack, LLC (720 Laurel Street, Reading, PA 19602) on August 4, 2004, to modify a boiler controlled by a low NOx burner in the City of Reading, **Berks County**.

22-03055A: Kimmel's Coal and Packaging, Inc. (Machamer Avenue, P. O. Box 1, Wiconisco, PA 17097) on August 2, 2004, to replace the fluidized bed dryer with a rotary dryer and to change the venting of two baghouses at their coal preparation facility in Wiconisco Township, **Dauphin County**.

22-05012A: ISG Steelton, LLC (215 South Front Street, Steelton, PA 17113) on August 3, 2004, to construct a natural gas fired boiler, rated at 99.33 mmBtu/hr, to replace central boiler 2 rated at 200 mmBtu/hr at their Steelton Plant in the Borough of Steelton, **Dauphin County**.

36-03019A: Flury Foundry Co. (1160 Elizabeth Avenue, Lancaster, PA 17601) on August 3, 2004, to construct a molding line controlled by a fabric filter in Manheim Township, **Lancaster County**.

36-05015C: Dart Container Corp. (P. O. Box 546, Leola, PA 17540) on August 2, 2004, to use landfill gas as a fuel in the facility's boilers at their Leola plant in Upper Leacock Township, **Lancaster County**.

38-05019B: AES Ironwood, LLC (305 Prescott Road, Lebanon, PA 17042) on August 4, 2004, to modify the plan approval definitions for start-up and shutdown of two combustion turbines at their facility in South Lebanon Township, **Lebanon County**.

67-05012A: Transcontinental Gas Pipeline Corp. (P. O. Box 1396, Houston, TX 77251-1396) on August 2,

2004, to install NOx controls on two Nordberg FSE-16 engines in Peach Bottom Township, **York County**.

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

AMS 03007: Clean Earth of Philadelphia Inc. (3201 South 61st Street, Philadelphia, PA 19153) on August 5, 2004, to authorize use of no. 2 fuel oil in their thermal destruction unit and to carry out process modifications in Philadelphia, **Philadelphia County**.

AMS 03200: Wayne Industries (130 W. Berkley Street, Philadelphia, PA 1914) on August 5, 2004, to install a 200 hp no. 4 oil fired boiler in Philadelphia, **Philadelphia County**.

AMS 03236: Park Plaza Condominium (3900 Ford Road, Philadelphia, PA 1913) on August 5, 2004, to install two 400 hp no. 4 oil fired boilers in Philadelphia, **Philadelphia County**.

AMS 04043: Philadelphian Condominium (2401 Pennsylvania Avenue, Philadelphia, PA 19130) on August 5, 2004, to use 100% no. 2 fuel oil for 90 days in a 2,200 hp dual fuel IC engine and use natural gas in two existing boilers in Philadelphia, **Philadelphia County**.

AMS 04072: Naval Surface Warfare Center (5001 South Broad Street, Philadelphia, PA 19112) on August 5, 2004, to transfer 30.5 tons of NOx and 249.66 tons of VOC emission reduction credits for use as offsets for the P-104 project in Philadelphia, **Philadelphia County**.

AMS 04088: City of Philadelphia Capital Programs Office (1515 Arch Street, Philadelphia, PA 19101) on August 5, 2004, to install two chillers in Philadelphia, **Philadelphia County**.

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

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

09-0123: Better Materials Corp. (P. O. Box 231, Easton, PA 18044) on August 5, 2004, to operate a batch asphalt plant in Nockamixon Township, **Bucks County**.

09-0124B: Fairless Energy, LLC (5000 Dominion Blvd., Glen Allen, VA 01742) on August 10, 2004, to operate a combined cycle combustion turbine in Falls Township, **Bucks County**.

09-0124E: Fairless Energy, LLC (5000 Dominion Blvd., Glen Allen, VA 01742) on August 10, 2004, to operate a two natural gas preheater in Falls Township, **Bucks County**.

46-0232: Cemco Lift, Inc. (P. O. Box 500, 2801 Township Line Road, Hatfield, PA 19440) on August 6, 2004, to operate a spray paint booth in Hatfield Township, **Montgomery County**.

46-0232A: Cemco Lift, Inc. (P. O. Box 500, 2801 Township Line Road, Hatfield, PA 19440) on August 6, 2004, to operate two spray booths and manual brush painting in Hatfield Township, **Montgomery County**.

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

36-03145: NTN-BCA Corp. (401 West Lincoln Avenue, P. O. Box 1400, Lititz, PA 17543-7020) on August 1, 2004, to install a batch vapor-cleaning machine (degreaser) in Lititz Borough, **Lancaster County**. This plan approval was extended.

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

60-310-006A: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on August 3, 2004, to operate a stone crushing operation and associated air cleaning devices (two water spray dust suppression systems) on a temporary basis, until December 1, 2004, in Buffalo Township, **Union County**. The plan approval has been extended.

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

37-013E: Cemex, Inc. (2001 Portland Park, Wampum, PA 16157) on June 30, 2004, to change the slag feeding equipment in Wampum, **Lawrence County**.

43-277B: George and Thomas Cone Co.—Joy Cone (3435 Lamor Road, Hermitage, PA 16148) on July 31, 2004, for an incinerator in Hermitage, **Mercer County**.

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

AMS 03159: Bro-Tech Corp. (150 Monument Road, Bala Cynwyd, PA 19004) on August 5, 2004, was terminated upon notification by the company that they do not intend to proceed with modifications as authorized in the City of Philadelphia, **Philadelphia County**. The plan approval was issued on November 28, 2003.

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

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

46-00013: Hatfield Quality Meats, Inc.—Sub Clemens Family Corp. (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440) on August 4, 2004, a renewal to operate a facility Title V Operating Permit in Hatfield Township, **Montgomery County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

46-00118: Ursinus College (P. O. Box 1000, Colledgeville, PA 19426) on August 3, 2004, to operate a Synthetic Minor Operating Permit in Colledgeville Borough, **Montgomery County**.

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

63-00883: PA Transformer Technology, Inc. (P. O. Box 440, Canonsburg, PA 15317) on August 2, 2004, for operation of transformer manufacturing at Canonsburg Facility in Canonsburg Borough, **Washington County**. This is a Synthetic Minor Facility.

63-00899: Pleiger Plastics Co.—Washington Plant (P. O. Box 1271, Crile Road, Washington, PA 15301-1271) on July 29, 2004, for their Washington Plant, **Washington County**. The facility's sources of emissions include polyurethane molding operations that primarily emit nonmajor levels of VOC compounds.

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

10-00287: Minteq International, Inc. (395 Grove City Road, Slippery Rock, PA 16057) on August 4, 2004, for a Natural Minor Permit to operate nonclay refectories in Slippery Rock Township, **Butler County**. Emissions sources associated with this facility include mixers, dryers and mold shop.

37-00307: Slippery Rock Salvage (214 Gardner Avenue, New Castle, PA 16107) on August 5, 2004, for a Natural Minor Operating Permit for a scrap steel cutting facility in the City of New Castle, **Lawrence County**.

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.

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

38-05028: Curwood Specialty Films (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042) on August 4, 2004, to operate a flexible packaging printing facility in South Lebanon Township, **Lebanon County**. The State-only operating permit was administratively amended to incorporate the conditions of Plan Approval 38-05028A. This is Revision No. 1 of the operating permit.

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

N96-021: The Curtis Center (625 Walnut Street, Philadelphia, PA 19106) on July 29, 2004, administratively amended to add conditions for one emergency generator and one fire pump in the City of Philadelphia, **Philadelphia County**. The Natural Minor Operating Permit was originally issued September 4, 2001.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

03930108 and NPDES Permit No. PA0200816. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728). Permit revised to change the land use from forestland to pastureland at an existing bituminous surface mine in Wayne and Cowanshannock Townships, **Armstrong County**, affecting 281.7 acres. Receiving streams: unnamed tributaries to South Fork Pine Creek. Application received May 11, 2004. Revised permit issued August 3, 2004.

03990109 and NPDES Permit No. PA0202673. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728). Permit revised to change the land use from forestland to pastureland at an existing bituminous surface mine in Wayne Township, **Armstrong County**, affecting 58 acres. Receiving streams: unnamed tributaries to South Fork Pine Creek and South Fork Pine Creek. Application received May 11, 2004. Revised permit issued August 3, 2004.

03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Application received to add 60 acres to an existing bituminous surface mining site in Washington and East Franklin Townships, **Armstrong County**, now affecting 263.8 acres. Receiving streams: unnamed tributaries of Limestone Run to Limestone Run. Application received July 9, 2003. Revised permit issued August 5, 2004.

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

33980110. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous strip operation to change the post mining land use from forestland to unmanaged natural habitat on the Benjamin Z. Means property in Perry Township, **Jefferson County**. Receiving streams: unnamed tributary to Mahoning Creek. Application received April 29, 2004. Permit issued July 28, 2004.

24930101 and NPDES Permit No. PA0211770. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous strip, auger and beneficial use of residual waste operation in Horton Township, **Elk County** affecting 65.3 acres. Receiving streams: Johnson Run. Application received June 10, 2004. Permit issued July 27, 2004.

1465-24880103-E-1. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to allow for the construction and maintenance of a retention pond within the drainage course and floodway of unnamed tributary no. 19 to Vineyard Run in Horton Township, **Elk County**. Receiving streams: unnamed tributary to Mead Run, unnamed tributary to Vineyard Run, two unnamed tributaries to Laurel Run and two unnamed tributaries to West Branch Walburn Run. Application received July 7, 2003. Permit issued July 29, 2004.

16880104 and NPDES Permit No. PA0104710. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous strip and tippel refuse disposal operation in Limestone, Porter and Monroe Townships, **Clarion County** affecting 156.2 acres. Receiving streams: one unnamed tributary to Sloan Run, one unnamed tributary to Parsons Run, three unnamed

tributaries to Leatherwood Creek. This renewal issued for reclamation only. Application received June 7, 2004. Permit issued August 4, 2004.

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

56971301. NPDES Permit No. PA0214973, GM&S Coal Corporation (P. O. Box 99, Boswell, PA 15531), to revise the permit for the Geronimo Mine in Jenner Township, **Somerset County** to add permit and subsidence control plan acres, Underground Acres Proposed 41.80, SCP Acres Proposed 41.80. No additional discharges. Permit issued July 30, 2004.

03851303. NPDES Permit No. PA0213462, McVilleville Mining Company (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Clementine No. 1 Mine in North Buffalo and South Buffalo Townships, **Armstrong County** to add underground permit and subsidence control plan acres, Underground Acres Proposed 2192, SCP Acres Proposed 2,192. No additional discharges. The first downstream potable water supply intake from the point of discharge is the Buffalo Township Municipal Authority at Freeport. Permit issued August 3, 2004.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866.

17030110 and NPDES Permit No. PA020243540. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 116.8 acres. Receiving streams: unnamed tributaries to Montgomery Creek and West Branch Susquehanna River. Application received August 7, 2003. Permit issued July 28, 2004.

17-03-01. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). The Moshannon District Mining Office awarded a Government Financed Construction Contract to Junior Coal Contracting, Inc. on June 17, 2004, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 3 acres in Decatur Township, **Clearfield County**. Under the terms of the contract, no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received August 29, 2004. Permit issued June 17, 2004.

17-03-02. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). The Moshannon District Mining Office awarded a Government Financed Construction Contract to Junior Coal Contracting, Inc. on June 17, 2004, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 5.4 acres in Decatur Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of

this Commonwealth. Application received August 29, 2003. Permit issued June 17, 2004.

17-03-07. Larson Enterprises, Inc. (P. O. Box 96, Kylertown, PA 16847). The Moshannon District Mining Office awarded a Government Financed Construction Contract to Larson Enterprises, Inc. on July 21, 2004, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 3.7 acres in Graham Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received February 24, 2004. Permit issued July 21, 2004.

Noncoal Permits Actions

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

58040824. G. K. Flagstone, Inc. (R. R. 1 Box 1132, Nicholson, PA 18446), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: East Branch of Tunkhannock Creek. Application received April 19, 2004. Permit issued August 6, 2004.

09890301C10 and NPDES Permit No. PA0594466. Naceville Materials (1371 West Street Road, P. O. Box 161, Warminster, PA 18974), renewal of NPDES Permit for discharge of treated mine drainage in West Rockhill Township, **Bucks County**, receiving stream: unnamed tributary to Ridge Valley Creek. Application received May 27, 2004. Renewal issued August 6, 2004.

58010803T and NPDES Permit No. PA0224171. Reading Materials, Inc. (P. O. Box 1467, Skippack, PA 19474), transfer of an existing quarry operation in Bridgewater Township, **Susquehanna County** affecting 41.96 acres, receiving stream: unnamed tributary to South Branch Creek. Application received March 12, 2004. Transfer issued August 6, 2004.

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

33042803. Glenn Brothers Quarry (P. O. Box 281, Corsica, PA 15829) Commencement, operation and restoration of a small noncoal sandstone operation in Union Township, **Jefferson County** affecting 7.3 acres. Receiving streams: Simpson Run. Application received April 15, 2004. Permit issued August 3, 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 Blvd., Pottsville, PA 17901-2454, (570) 621-3118.

28044032. David H. Martin, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Penn National Development Lot Q31 in Guilford

Township, **Franklin County** with an expiration date of July 31, 2005. Permit issued August 3, 2004.

01044011. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Drummer Boy Campground in Straban Township, **Adams County** with an expiration date of July 31, 2005. Permit issued August 3, 2004.

01044012. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Links at Gettysburg in Mount Joy Township, **Adams County** with an expiration date of July 31, 2005. Permit issued August 3, 2004.

22044025. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Milton Hershey Schools in Derry Township, **Dauphin County** with an expiration date of July 30, 2005. Permit issued August 3, 2004.

06044035. Doli Construction Corporation (120 Independence Lane, Chalfont, PA 18914), construction blasting at Steever's Glen Sewer Project in Cumru Township, **Berks County** with an expiration date of February 27, 2005. Permit issued August 3, 2004.

54044007. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Delaware Valley Subdivision in Wayne Township, **Schuylkill County** with an expiration date of July 30, 2005. Permit issued August 3, 2004.

15044031. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Hidden Way Subdivision in Tredyffrin Township, **Chester County** with an expiration date of July 30, 2005. Permit issued August 3, 2004.

67044039. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Equilibrium Equities for a warehouse in Fairview Township, **York County** with an expiration date of August 31, 2005. Permit issued August 5, 2004.

01044010. Geological Technologies, Inc. (715 Baltimore Street, Martinsburg, WV 25401), construction in Gettysburg Borough and Cumberland Township, **Adams County** with an expiration date of August 31, 2004. Permit issued August 5, 2004.

67044038. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting for Stone Hill in York Township, **York County** with an expiration date of July 31, 2005. Permit issued August 5, 2004.

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

14034002. Paradise Contracting (223 Paradise Road, Bellefonte, PA 16823), for construction blasting in Spring Township, **Centre County**, with an extended duration of 34 days. Permit issued July 27, 2004.

14044003. C. D. G. Properties, LLC (P. O. Box 11172, State College, PA 16805), for construction blasting in Benner Township, **Centre County**, with an extended duration of 59 days. Permit issued July 27, 2004.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900.

56044005. Sheehan Pipe Line Construction (P. O. Box 950, Waynesburg, PA 15370). Blasting activity permit issued for a pipeline construction project in Brothersvalley and Allegheny Townships, **Somerset County**. Duration of blasting is 180 days. Permit issued July 30, 2004.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users 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.

E15-692. Upper Uwchlan Township, 140 Pottstown Pike, Chester Springs, PA 19425, Upper Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the water obstructions and encroachments associated with the construction of a 1.01-mile three-lane loop road by-pass and to extend Park Road 0.23 mile to improve traffic flows in the vicinity of the Village of Eagle. The Eagle Loop Road will intersect Pottstown Pike (SR 0100) south of the Wolfington Tract

(Downingtown, PA Quadrangle N: 13.3 inches; W: 8.3 inches), traverse east and parallel Pottstown Pike rejoining it north of the intersection with Park Road (Downingtown, PA Quadrangle N: 16.2 inches; W: 9.5 inches) in Upper Uwchlan Township, Chester County.

The work involves the following:

1. To relocate 450 linear feet of an intermittent reach of an unnamed tributary of Pickering Creek (HQ-TSF) by constructing 540 linear feet of new stream channel along station 34+00 to 38+50 of the proposed Eagle Loop Road.

2. To construct and maintain approximately 32 linear feet of twin 29-inch by 42-inch CMP arch culverts in the relocated channel referenced in Item 1 associated with the construction of a pedestrian trail.

3. To relocate and modify approximately 1,170 linear feet of an intermittent reach of an unnamed tributary of Pickering Creek associated with the construction of the Park Road extension to connect Pottstown Pike (SR 0100) with the proposed Eagle Loop Road.

4. To construct and maintain approximately 94 linear feet of a 78-inch CMP culvert crossing of an intermittent reach of an unnamed tributary of Pickering Creek which will be relocated as referenced in Item 3 at station 38+40 of the proposed Eagle Loop Road. In addition to the 78-inch CMP culvert, an energy dissipation apron will be placed with the extents of Endwall 3.

5. To construct and maintain approximately 99 linear feet of 54-inch CMP culvert conveying stormwater runoff from the north and west of the intersection of Park Road and the Eagle Loop Road. In addition to the 54-inch CMP culvert, R-3 riprap will be placed within the extents of Endwall 4 for energy dissipation.

6. To place and maintain fill in 0.17 acre of wetland (PFO) at road station 19+50 to 21+50.

The project proposes to temporarily impact approximately 1,620 linear feet of stream, permanently impact approximately 200 linear feet of intermittent reaches of an unnamed tributary of Pickering Creek and 0.17 acre of adjacent wetland (PFO). The permittee will compensate for wetland losses by providing the construction of 0.34 acre of replacement wetlands (PEM/FO) offsite.

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.

E48-350. Department of Conservation and Natural Resources, Bureau of State Parks, P. O. Box 8451, Harrisburg, PA 17105-8451. City of Easton, **Northampton County**, Army Corps of Engineers Philadelphia District, Subbasin 2C.

To remove the existing structures and to construct and maintain a visitor center and associated parking areas in the 100-year, right side floodplain of the Delaware River at the site of the former Canal Museum. The project is in Delaware Canal State Park, southwest of the confluence of the Lehigh and Delaware Rivers (Easton, PA-NJ Quadrangle N: 12.0 inches; W: 11.7 inches).

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

E07-386: Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Freedom Township, **Blair County**, ACOE Baltimore District.

To remove the existing bridges and then to construct and maintain: (1) a single clear span bridge of 45.32 feet on a 60 degree skew with an underclearance of 5.0 feet across Poplar Run (CWF) and related outfalls; and (2) a single clear span bridge of 41.0 feet on a 60 degree skew with an underclearance of 4.13 feet across Blue Knob Run (CWF) and related outfalls on SR 3010, Section 002, Segment 0140, Offsets 0446 and 0670, to improve the traffic safety conditions at the Village of Puzzletown (Hollidaysburg, PA Quadrangle N: 0.5 inch; W: 16.0 inches) in Freedom Township, Blair County.

E29-090: Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Wells Township, **Fulton County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain: (1) a 21.3-foot by 5.25-foot concrete box culvert on a 70 degree skew at the channel of Roaring Run (HQ-CWF) on SR 4010, Segment 0060, Offset 0000 to improve the roadway condition; and (2) temporarily relocate the channel of same stream and construct a 36-inch diameter pipe and a twin 48-inch diameter temporary road crossing. Described activities are about 2.2 miles northeast of Wells Tannery Village (Wells Tannery, PA Quadrangle N: 20.3 inches; W: 1.0 inch) in Wells Township, Fulton County.

E38-135: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in South Londonderry Township, **Lebanon County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a 20-foot by 7-foot box culvert at the channel of Conewago Creek (TSF) on SR 0241, Section 005, Segment 0060, Offset 0000, to improve the condition of the roadway, about 0.75 mile north of the Village of Lawn (Elizabethtown, PA Quadrangle N: 19.3 inches; W: 4.8 inches) in South Londonderry Township, Lebanon County.

E22-476: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Upper Paxton Township, **Dauphin County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a new single span bridge of 91.5 feet on a 35 degree skew with a minimum underclearance of 6 feet across Little Wiconisco Creek (WWF) to be 35 feet downstream of the existing bridge to improve roadway alignment and safety of SR 4008, Section 012, Segment 0010, Offset 0843, 0.3 mile south of Killingier Village (Millersburg, PA Quadrangle N: 10.2 inches; W: 6.53 inches) in Upper Paxton Township, Dauphin County.

E22-478: Mary Esquivel, 1630 Fishing Creek Valley Road, Harrisburg, PA 17112 in Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 208 square foot addition to an existing dwelling within the floodway of Fishing Creek East (WWF), for the purpose of enlarging livable space, approximately 700 feet north of Route 443 (Harrisburg East, PA Quadrangle N: 21.4 inches; W: 16.2 inches) in Middle Paxton Township, Dauphin County.

E36-775: Centerville Associates Limited, Baron's Ridge Subdivision, 987 Chapel Forge Court, Lancaster, PA 17601 in Penn and Rapho Townships, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) a wetland road crossing; (2) an educational nature trail crossing wetlands; and (3) a sewer line crossing over a UNT, all tributaries to

Chickies Creek (WWF), for the purpose of constructing the proposed Baron's Ridge residential subdivision on the Manheim, PA Quadrangle (Latitude—40°10'46", Longitude—76°23'12") in Penn and Rapho Townships, Lancaster County. The permittee is required to provide a minimum of 0.38 acre of replacement wetlands.

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

E18-374. Steven S. Sanders, 208 Green Street, Lock Haven, PA 17745. Sanders deck in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 5.55 inches; W: 12.77 inches).

To construct and maintain a 25-foot by 20-foot wooden deck, covered by a metal clad roof on top of four 6-inch by 6-inch, 8-foot high wooden posts, extending from an existing 30-foot by 30-foot at-grade concrete pad on an upper bench of ground out over the lower bench of ground onto two 6-inch by 6-inch wooden posts in the left 100-year floodway of the West Branch Susquehanna River, 220 feet downstream from the intersection of the Monsey Drive and Water Valley Road. This permit was issued under section 105.13(e) "Small Projects."

E19-240. Mifflin Township Supervisors, P. O. Box 170, Mifflinville, PA 18631. Sewer line river crossing in Mifflin Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 6.00 inches; W: 8.50 inches).

To construct and maintain: (1) approximately 1,250 linear feet of 6-inch diameter ductile iron pipe force main a minimum of 3 feet below the streambed across the Susquehanna River (WWF) on the downstream side of the Market Street Bridge; (2) approximately 10 linear feet of 8-inch diameter sewer line a minimum of 3 feet below the streambed of an unnamed tributary to the Susquehanna River (WWF) approximately at the intersection of a point 600 feet north of Kline Street and 200 feet east of West Street; and (3) 225 linear feet of 8-inch diameter sewer line under a PEM/SS wetland system along the west side of John Street. The project will temporarily impact approximately 0.1 acre of wetland while impacting approximately 1,270 feet of waterway.

E41-537. Edward and Janet Newman, 166 Kendal Avenue, Jersey Shore, PA 17740. Small Projects Water Obstruction and Encroachment Joint Permit Application in Watson Township, **Lycoming County**, ACOE Susquehanna River Basin District (Jersey Shore, PA Quadrangle N: 20.2 inches; W: 11.9 inches).

To remove two existing structures totaling 541 square feet of enclosed area and construct and maintain a two story addition totaling 1,026 square feet of enclosed area in the floodway of Pine Creek, which is 5.0 miles north of the intersection of SR 0220 and SR 0044 along Torbert Lane in Watson Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

E55-198. Kenneth E. Wright, Box 334, Shamokin Dam, PA 17876. Water Obstruction and Encroachment Permit application in Monroe Township, **Snyder County**, ACOE Susquehanna River Basin District (Sunbury, PA Quadrangle N: 17.68 inches; W: 8.75 inches).

To construct and maintain an 18-foot by 21-foot metal carport in the floodway of the Susquehanna River in Monroe Township, Snyder Township. This permit was issued under section 105.13(e) "Small Projects."

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

E43-311. David B. Aldridge, 137 Briar Hill Road, Zelenople, PA 16063-9661. Aldridge Property Dam on Indian Run Road in Springfield Township, **Mercer County**, ACOE Pittsburgh District (Greenfield, PA Quadrangle N: 1.3 inches; W: 0.7 inch).

To maintain approximately 0.48 acre of fill material placed within a palustrine emergent/palustrine scrub-shrub wetland area during the construction of a dam along the east side of Indian Run Road, 3,100 feet southeast of the intersection of Indian Run Road and Leesburg Station Road. The permittee is required to provide 1.0 acre of replacement wetlands.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D11-047A. West Carroll Water and Sewer Authority, P. O. Box 328, Elmora, PA 15737-0374. To modify, operate and maintain Bakerton Dam across West Branch Susquehanna River (CWF), impacting approximately 2.7 acres of the reservoir by dredging to increase storage volume and approximately 200 feet of stream channel for the purpose of water supply (Carrolltown, PA Quadrangle N: 16.5 inches; W: 14.5 inches), West Carroll Township **Cambria County**.

SPECIAL NOTICES

Pennsylvania Wetland Replacement Project

The Department of Environmental Protection (Department) has approved the following wetland restoration project for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National Fish and Wildlife Foundation established to offset wetland losses. Construction for the following project is anticipated to begin in the fall 2004. For further information, contact Alissa Myers, Department of Environmental Protection, Division of Waterways, Wetlands and Erosion Control, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827, almyers@state.pa.us.

Project No. D03G23-002. Sponsored by Radnor Township, the primary objective of this two-phase, 1.0+ acre emergent wetland creation in the Valley Run Watershed of the Delaware River drainage is wildlife habitat and education. The project is in Radnor Township, Delaware County.

BUREAU OF DEEP MINE SAFETY

Approval of Request for Variance

The Department of Environmental Protection, Bureau of Deep Mine Safety (Bureau) has approved AMFIRE Mining Company's request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act (act) at the Madison Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Allison Gaida, (724) 439-7469 or from the Bureau's website: www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm.

Summary of the Request: AMFIRE Mining Company, LLC requested a variance from section 242(c) of the act to allow for the common ventilation of belt conveyor entry with other entries at the Madison Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements set forth in the act.

The basis for the Bureau's tentative approval is summarized as follows:

1. The Pyott-Boone 9500 CO Monitoring System will provide advance warning of a developing mine fire originating in the conveyor belt entry. When maintained and operating correctly, this system provides warnings much earlier than the point type heat sensors.

2. Common entries would permit the larger section mantrip and scoops access to belt entry for transportation of personnel and supplies.

3. The operator will maintain a separate isolated intake escapeway that is at a higher air pressure than the belt and common entries.

4. The plan provides for the common entries to serve as an alternate intake escapeway. There will be a total of three separate, isolated escape routes.

This approval is limited to a variance from section 242(c) of the act requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) of the act shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the plan and the following conditions:

1. All mine employees shall be task trained in the Pyott Boone Model 9500 CO monitoring system alert and alarm response procedures. These procedures shall also be included in the 8-hour annual retraining.

2. A test button shall be installed to allow a daily function check of the outside surface alarm system. A competent person shall make this daily function test and a record of this test shall be maintained on file at the mine.

3. As part of the requirements of section 228 of the act, all belt entries, common entries and unfenced roadways shall be preshifted in their entirety.

4. A preshift date board should be placed at each CO sensor location.

5. Designated areas shall be established at strategic locations along the belt entry and common entry to determine whether the air is traveling in the proper course and normal volume. This air reading shall be taken by a scientific means (anemometer, chemical smoke tube and velometer).

[Pa.B. Doc. No. 04-1553. Filed for public inspection August 20, 2004, 9:00 a.m.]

Availability of General NPDES Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10)

The Department of Environmental Protection (Department) announces the availability of the renewed National Pollutant Discharge Elimination System General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10). This General Permit is issued under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20). The renewed General Permit will be effective immediately and will expire 5 years from the date of its issuance.

The General Permit package is available upon request by contacting the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, gmaduka@state.pa.us. The final General Permit package, including the comment and response document, is also available on the Department's website: www.dep.state.pa.us (DEP Keyword: NPDES Permits; choose "General Permits").

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1554. Filed for public inspection August 20, 2004, 9:00 a.m.]

Coastal Zone Management Program; Coastal Zone Grants for Federal Fiscal Year 2005

The Coastal Zone Management Program's (program) mission is to "protect and enhance fragile natural resources by reducing conflicts between competing land and water uses while representing a comprehensive approach to managing the impacts of development and other activities on coastal areas." Applications for Federal Fiscal Year 2005 Coastal Zone grants (grants) will be accepted from August 23, 2004, through October 25, 2004. Grants are available for planning, design, engineering and research projects as authorized by the Federal Coastal Zone Management Act (act). Grants are also available for certain construction and acquisition projects as authorized by section 306A of the act and for various Coastal Nonpoint Source Pollution Program projects. These funds would be available for projects that support the program's mission, beginning October 1, 2005.

The use and availability of these funds is subject to Federal and State statutes, rules and applicable regulations. Federal funding is provided through the National Oceanic and Atmospheric Administration.

To request an application or to obtain more information concerning grants, visit the Department of Environmental Protection's website: www.dep.state.pa.us (DEP Keyword: Coastal Zone) or contact the Department of Environmental Protection, Water Planning Office, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1555. Filed for public inspection August 20, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Brookville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brookville Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6(b) (relating to identification of personnel).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

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

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

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

[Pa.B. Doc. No. 04-1556. Filed for public inspection August 20, 2004, 9:00 a.m.]

Application of Lancaster General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 7.10.H2 (relating to cardiac catheterization procedure).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 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. 04-1557. Filed for public inspection August 20, 2004, 9:00 a.m.]

Application of UPMC Monroeville Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Monroeville Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.2(d) (relating to modifications to HHS requirements).

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

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

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

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

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

[Pa.B. Doc. No. 04-1558. Filed for public inspection August 20, 2004, 9:00 a.m.]

Application of UPMC Passavant for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-1559. Filed for public inspection August 20, 2004, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6(b) (relating to identification of personnel).

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

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

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

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

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

[Pa.B. Doc. No. 04-1560. Filed for public inspection August 20, 2004, 9:00 a.m.]

Governor's Council on Physical Fitness and Sports Meeting

The Governor's Council on Physical Fitness and Sports will hold a meeting on Wednesday, September 15, 2004, from 9 a.m. to 12 p.m. in Room 427, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kevin Alvarnaz, Chief, Cardiovascular Health Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-2957, 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. 04-1561. Filed for public inspection August 20, 2004, 9:00 a.m.]

Hearing Aid Advisory Council Meeting

The Hearing Aid Advisory Council, established by section 201 of the Hearing Aid Sales Registration Law (35 P.S. § 6700-201), is scheduled to hold a meeting on September 17, 2004, from 9:30 a.m. to 12 p.m. at 132 Kline Plaza, Suite A, Harrisburg, PA 17104.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodations to do so, contact Carol Williams, Director, Bureau of Community Program Licensure and Certification, (717) 783-8665. Speech and/or hearing impaired persons should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-1562. Filed for public inspection August 20, 2004, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.2(9) (relating to requirements):

Bloomsburg Health Care Center
211 East First Street
Bloomsburg, PA 17815

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

Broad Mountain Nursing & Rehab. Center
50 West Laurel Street
Frackville, PA 17931

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(k) (relating to prevention, control and surveillance of tuberculosis (TB)):

HRH Transitional Care Unit
1648 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID 083902

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

Saint Mary's East
607 East 26th Street
Erie, PA 16504

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

The Jewish Home of Eastern Pennsylvania
1101 Vine Street
Scranton, PA 18510

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.21, 205.36(h) and 205.38 (relating to special care room; bathing facilities; and toilet facilities):

Bethany Village Retirement Center
325 Wesley Drive
Mechanicsburg, PA 17055

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

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

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

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

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

[Pa.B. Doc. No. 04-1563. Filed for public inspection August 20, 2004, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Ongoing List of Behavioral Health Managed Care Organizations

The Department of Public Welfare (Department) is maintaining an ongoing list of qualified behavioral health managed care organizations (BH-MCO) as potential contractors for the HealthChoices Behavioral Health Program (HCBHP). New submissions are being requested from MCOs which are not currently on the list. The development of this list was introduced at 31 Pa.B. 888 (February 10, 2001) as the first step in a two-step process for obtaining a behavioral health contractor, should the need arise. The HCBHP is a mandatory managed care program for Medicaid recipients in this Commonwealth. Additional information about the HCBHP is available on the Department's website: www.dpw.state.pa.us/omhsas/dpwmh.asp.

The list of qualified BH-MCOs would be utilized in the following circumstances, including:

- * Contract negotiations with a potential contractor selected through a Request for Proposal (RFP) process fail.

- * A potential contractor selected through an RFP process fails the Readiness Review process.

- * An existing contractor terminates the contract or is terminated by the Department.

As stated at 31 Pa.B. 888, the list of qualified BH-MCOs will be opened periodically to new submissions which are not currently on the list. MCOs selected for the list of qualified bidders will remain active on the list for 2 years. After 2 years they will be required to resubmit information for consideration to remain on the list.

The following is a list of requirements necessary to qualify as a potential HCBHP contractor:

- * One year experience with a State behavioral health Medicaid program.

- * Not currently under suspension or debarment by the Commonwealth or any other state or the Federal government.

- * Licensed by the Department of Health and the Insurance Department.

- * Management Information System (MIS) experience in processing HIPAA-compliant 837 files.

To apply as a potential HCBHP contractor, submit a letter of interest on official corporate letterhead by September 10, 2004, to Mike Root, Office of Mental Health and Substance Abuse Services, Room 238, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105, fax (717) 772-7964.

Submit the following information by 2 p.m. on September 24, 2004, to the Department of Public Welfare, Attn: Daniel Boyd, Division of Procurement, Room 106, Health and Welfare Building, Commonwealth and Forster Sts., Harrisburg, PA 17120.

List of Deliverables

1. Describe experience in providing services to Medicaid recipients including:

- * Type of behavioral health (mental health and drug and alcohol) services covered.

- * Description of categories of aid/population covered.

- * Number of years experience with Medicaid programs.

2. Provide a report on the number of claims processed (for Medicaid population) in the most recent 6-month period, including timeliness of processing clean claims and the number of claims paid/rejected.

3. Provide a flow chart of the MIS.

4. Provide evidence of capacity to submit HIPAA-compliant 837 files.

5. Provide a copy of current Commonwealth license from the Department of Health and the Insurance Department.

6. Provide a copy of the most recent audited, annual filing with a state insurance department.

7. Provide a copy of the most recent annual audited company financial statement.

8. Outline a plan to start up or expand (if currently operating in this Commonwealth) operations in this Commonwealth.

9. Provide the name, address and phone number of three references familiar with the MCO operations (one must provide reference from a State Medicaid program).

Department staff will verify the information submitted by the MCOs. As part of the verification process, the Department may conduct an onsite visit. Each MCO will be notified of its qualification status.

The second step of the process is outlined in the event that the list is utilized to obtain a contractor. The Department will:

- * Contact the vendors on the list and verify their continued interest in obtaining an HCBHP contract.
- * Inform the vendors of the county or counties requiring a BH-MCO contractor.
- * Release a procurement document that contains the requirements for the HCBHP to the interested vendors on the list along with instructions on how to submit a bid.
- * Evaluate all responses to the procurement document and select a contractor.

The previous two-step process will not replace the RFP process to obtain a HCBHP contract in the remainder of this Commonwealth. The procurement process for the

expansion of the HCBHP into future zones will follow a similar procedure as established in the Southeast, Southwest and Lehigh/Capital Zones, which required a response to an RFP.

Questions should be directed to Karen Ulp, Office of Mental Health and Substance Abuse Services, Room 236, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 705-8297, fax (717) 772-7964. Persons with a disability who require an auxiliary aid or service should submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 04-1564. Filed for public inspection August 20, 2004, 9:00 a.m.]

2004 Group One Exception Requests; Medical Assistance Long Term Care Participation Review

By this notice, published under 55 Pa. Code § 1187.21a(e)(4) (relating to nursing facility exception requests—statement of policy), the Department of Public Welfare (Department) announces the 2004 Group One Exception Requests covering the submission period of January 1, 2004, through June 30, 2004.

New Facility Requests

| <i>Number</i> | <i>Facility</i> | <i>Address</i> | <i>County</i> | <i>Beds</i> |
|---------------|--|---|---------------|-------------|
| JJ04002 | Fox Subacute—Hershey | Hershey, PA 17033 | Dauphin | 60 |
| JJ04004 | Lutheran Social Services Luther Ridge | 2735 Luther Drive Chambersburg, PA 17201 | Franklin | 40 |
| JJ04006 | Devon Manor | 235 Lancaster Avenue Devon, PA 19333 | Chester | 131 |

Expansion Requests

| <i>Number</i> | <i>Facility</i> | <i>Address</i> | <i>County</i> | <i>Beds</i> |
|---------------|---|---|---------------|-------------|
| JJ04001 | Fox Subacute at Clara Burke | 251 Stenton Avenue Plymouth Meeting, PA 19462 | Montgomery | 30 |
| JJ04003 | Jameson Care Center | 3349 Wilmington Road New Castle, PA 16105 | Lawrence | 22 |
| JJ04005 | Pinnacle Health Skilled Nursing Unit at Seidle | 120 South Filbert Street Mechanicsburg, PA 17055 | Cumberland | 21 |
| JJ04007 | Manorcare Health Services—York South | 200 Pauline Drive York, PA 17402 | York | 9 |
| JJ04008 | Manorcare Health Services—Lebanon | 900 Tuck Street Lebanon, PA 17042 | Lebanon | 13 |

Copies of the previously listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

Fiscal Impact

This notice will have no fiscal impact.

Public Comment

Interested persons are invited to submit written comments related to this notice within 30 days of publication to the Department of Public Welfare, Bureau of LTC Programs, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 04-1565. Filed for public inspection August 20, 2004, 9:00 a.m.]

FISH AND BOAT COMMISSION

Opening of Tacony Access Area, Philadelphia County

By notice published at 31 Pa.B. 3370 (June 23, 2001), the Executive Director of the Fish and Boat Commission (Commission) temporarily closed the Tacony Access Area, Philadelphia County, to all public access and use, effective 12 a.m. on June 30, 2001. The Executive Director of the Commission will reopen the Tacony Access Area to the public subject to the following restrictions. Acting under the authority of 58 Pa. Code § 53.4(a) (relating to limiting access to Commission property and other restrictions), the Executive Director will close the Tacony Access Area to the public from 10 p.m. to 5 a.m. and will annually close it to the public during the winter season when posted. These restrictions are effective when posted at the site. It is unlawful for persons to enter or remain upon Commission property during the times it is closed to public use without the express written consent of the Executive Director or a designee.

The Executive Director, acting under the authority of 58 Pa. Code § 53.4(c), has prohibited the use or possession of beer and alcoholic beverages at the Tacony Access Area. This restriction is effective when posted at the site. It is unlawful to violate restrictions imposed by the Executive Director on behalf of the Commission under 58 Pa. Code § 53.4(c).

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

[Pa.B. Doc. No. 04-1566. Filed for public inspection August 20, 2004, 9:00 a.m.]

Proposed Change to the List of Class A Wild Trout Waters; Young Womans Creek

The Fish and Boat Commission (Commission) is considering a change to the list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries.*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lb/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries.*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries.*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries.*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations. At its meeting on October 4 and 5, 2004, the Commission intends to consider removing the following water from the current list of Class A Wild Trout Streams: Young Womans Creek, Section 02, Clinton County, from Beechwood Trail downstream to 1.2 km upstream of the confluence with the Left Branch of Young Womans Creek, a distance of 5.7 miles. This stream is currently listed as a Class A wild brown trout water. The Commission is considering removing Young Womans Creek from the list because the Commission has documented the total brown trout biomass to be below the criterion of at least 40 kg/ha for two consecutive stream examinations.

The Commission surveyed the stream in September 2000 and July 2003. In September 2000, the total brown trout biomass was 24.6 kg/ha. The total brown trout biomass in July 2003 was 26.84 kg/ha. By removing this water from the Class A wild trout streams list, the Commission will increase its flexibility in how it manages the stream.

Persons with comments, objections or suggestions concerning the removal are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted to rapfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The Commission also intends to hold a public meeting regarding this issue on August 26, 2004, from 7 p.m. to 9 p.m. in the Chapman Township Volunteer Fire Company, Park Avenue, North Bend, PA (a short distance off Route 120 at North Bend).

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

[Pa.B. Doc. No. 04-1567. Filed for public inspection August 20, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|--|---|-------------------------------------|
| 19-6 | Department of Corrections Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs (34 Pa.B. 3010 (June 12, 2004)) | 7/12/04 | 8/11/04 |

Department of Corrections Regulation # 19-6 (IRRC # 2403)

Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs

August 11, 2004

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Corrections (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on July 12, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 91.6. Use of force and restraints.— Reasonableness; Clarity.

Subsection (a)

Subsection (a)(2)(i) allows for the use of deadly force if an inmate attempts to "escape from a correctional facility or while in immediate pursuit of an inmate escaping from a correctional facility." The term "correctional facility" is not defined. The term "facility" is defined under § 91.6 as "An institution, motivational boot camp or community corrections center operated or contracted by the Department." The Department has indicated that this provision does not apply to an escape from a community corrections center. For clarity, the final-form regulation should define the term "correctional facility" and it should not include the term community corrections center. Alternatively, the defined term "facility" should be substituted for "correctional facility" and subsection (a)(2)(i) should be amended to specifically exempt community corrections centers.

Subsection (a)(2)(ii) allows the use of deadly force if an inmate who has been convicted of a forcible felony attempts to "escape from a work detail, transport or other approved temporary absence when deadly force is necessary to prevent the escape . . ." The term "forcible felony" is not defined in regulation or statute. However, it is defined in Department Policy Statement No. DC ADM-201—Use of Force as "an offense involving the threat of physical force or violence against any individual." The Department should include this definition in the final-form regulation.

Subsection (c)

This subsection establishes the procedures for the use of chemical munitions. It requires staff to follow procedures in Administrative Directives. The Department should include the name and form number of the applicable documents in the final-form regulation.

2. Section 93.2. Inmate correspondence.—Clarity.

Subsection (f) relates to the rejection of correspondence. It states, in part, "The letter may be held for at least 7 business days after mailing of the notification to permit reasonable opportunity to protest the decision." The word "may" suggests that this provision is optional. The Department has indicated that they routinely hold letters for 7 business days. The final-form regulation should make this provision a requirement by changing the word "may" to "will."

3. Section 93.3. Inmate visiting privileges.—Reasonableness; Clarity.

Subsection (a)

This subsection relates to the approved list of visitors. We have three areas of concern.

First, the opening sentence is being amended to state "A list of approved visitors may contain at least 20 names or more if permitted by the Department." This change seems to require an inmate to have at least 20 visitors on the list. To avoid this confusion, the Department should retain the existing language that stated, in part, "A list of approved visitors may contain up to 20 names . . ."

Second, under the existing regulation, a child under 12 years of age may visit an inmate when accompanied by an adult. The proposed amendment would require a child under 18 years of age to be accompanied by a parent, legal guardian or county children/youth services agency staff. The Department's current policy statement and handbook are inconsistent with this provision in the proposed regulation.

Section (VI)(A)(2)(f) of Department Policy Statement No. DC ADM-812—Inmate Visiting Privileges provides that an immediate family member approved by the parent or legal guardian may accompany a minor when visiting an inmate. In addition, section (VI)(C)(2) allows a minor to visit only when accompanied by a parent/legal guardian, county children/youth services agency staff or an adult approved by the parent/legal guardian.

The *Handbook for the Families and Friends of Pennsylvania Department of Corrections Prison Inmates* permits an adult on an inmate's approved visiting list to accompany a child visiting an inmate. The Department should explain the inconsistencies between the proposed regulation and the documents previously noted.

Third, the provision regarding the removal of visitors from an approved list is being amended by deleting the phrase "for good cause." The Department should retain this phrase, or explain the basis on which the facility manager will remove the name of a visitor.

Subsections (b), (c) and (j)

These subsections relate to visitations by religious advisers, attorneys and media representatives. They all contain the phrase "... the total designated by the Department." The Department has indicated that they do not "designate" lists of visitors. Instead, they approve lists of visitors. These subsections should be amended to read "... the total approved by the Department."

Subsection (h)

Subsection (h)(1) and (2) provides that visiting days and hours will be "at the discretion of the facility manager." Representative Kathy Manderino, a member of the House Judiciary Committee, is concerned that this new language would make it more difficult for family members to visit inmates who are confined to facilities far from their homes. She suggests the Department establish minimum standards for all facilities that would allow reasonable access for family visits. We agree that visiting days and hours should reasonably accommodate family members.

4. Section 93.6. Religious activities.—Reasonableness; Clarity.

Subsection (a)

This subsection is being amended to delete language which permits inmates to "possess approved religious items" and be granted "reasonable accommodation for dietary restrictions." The Department should explain the reason for deleting this language.

Subsection (b)

This subsection relates to religious advisers. The rule-making is deleting a provision that allows qualified representatives of a faith from the outside community to hold regular services in the correctional facility if the facility contains a sufficient number of inmates of the same faith. This provision is being replaced with the following sentence: "Staff or volunteers will be permitted to hold services that are consistent with the security needs and orderly administration of the facility." The Department has indicated that qualified representatives who have received endorsement from their faith group will still be allowed to hold services. The final-form regulation should be amended to reflect this fact.

Subsection (c)

This subsection in the existing regulation specifies how requests for accommodations of faith will be handled. Why is this subsection being deleted?

5. Section 93.7. Telephone calls.—Clarity.

Subsection (a) references 18 Pa.C.S. Chapter 57 (relating to wiretapping and electronic surveillance). The Department has indicated that the applicable provision is 18 Pa.C.S. § 5704. The final-form regulation should be amended to include a reference to 18 Pa.C.S. § 5704.

6. Section 93.9. Inmate complaints.—Reasonableness; Clarity.

This section has been amended to add that an inmate who submits a "frivolous" grievance may be subject to appropriate disciplinary procedures. The definition of "frivolous grievance" is in DC-ADM 804—Inmate Grievance System. The final-form regulation should include this definition. Also, the Department should reference DC-ADM 804, which explains who determines if a grievance is frivolous and when that determination is made.

7. Section 93.10. Inmate discipline.—Reasonableness; Clarity.

Subsection (a)

This subsection states, in part, that "Rules which define expectations and prohibitions for inmate behavior will be established by the Department and *made available* to the inmate population." (Emphasis added.) This sentence implies that rules will be established sometime in the future. However, the Department indicated that rules have been established and are contained in the *Department of Corrections Inmate Handbook (Handbook)*. The final-form regulation should include a reference to that document.

Representative Manderino has expressed concern over the insertion of the phrase "made available" which replaces the existing term "distributed." The concern is that since inmates will be held responsible for complying with the rules and may be disciplined for infractions, they should receive a complete copy of the rules. We agree.

Additionally, we note that the phrase "made available" or "available" appears in subsection (b)(2), as well as the following sections of the proposed regulation: the definition of "contraband" in § 91.1; § 93.2(e)(1); § 93.3(h)(6); and § 94.3(a)(1) and (6). The same concern applies to these sections. The final-form regulation should specify when the complete *Handbook* will be provided to inmates and how inmates will be informed of updates to the *Handbook* and other Department policy statements.

Subsection (b)

Subsection (b)(2) adds language pertaining to an "informal resolution process" for inmate misconduct charges. The Department should explain how this process will be implemented.

Under existing subsection (b)(5), written statements of a decision and the reasoning of the hearing body must be based on the "preponderance of the evidence." The Department is proposing to replace "preponderance of the evidence" with "some evidence." However, "some evidence" is not a legal standard for basing a finding of guilt. The Department should explain why it is not substituting another legal standard, such as "substantial evidence," on which a finding of guilt will be based.

8. Section 93.12. Prison Medical Services Program.—Need; Reasonableness; Clarity.

Subsection (d)

This subsection lists medical services that will be provided to an inmate without charge. Subsection (d)(8) states that "Infirmity care in a Department facility excluding organ transplantation." Based on discussion with Department staff, we understand that this provision was intended to address organ donation by an inmate. However, this procedure would not take place in a Department facility. Therefore, the exclusion listed in this subsection is unnecessary and should be deleted.

Subsection (e)

Under this subsection, the fee for medical services is being increased from \$2 to \$3 with subsequent increases of an additional \$1 on July 1, 2005, and July 1, 2007. The Department should explain the basis for the fee increases.

9. Section 94.3. Procedures for participating in prerelease programs.—Clarity

Subsection (a) establishes the criteria for eligibility for prerelease programs. Subsection (a)(1) is being amended to add that inmates sentenced to "other offenses as specified in State or Federal statutes or specified by the Department in the Commonwealth of Pennsylvania *Department of Corrections Inmate Handbook*" are not eligible. The final-form regulation should include references to the applicable State and Federal statutes.

10. Section 94.5. Notification process.—Clarity.

Subsection (b) establishes the procedures to be followed if a judge or court objects to the prerelease of an inmate. If the Department and the judge or court cannot reach an agreement, the Department will refer the matter to the Board for "a hearing." The existing regulation uses the word "arbitration." Why has "arbitration" been replaced with "a hearing"? Also, what does the arbitration process entail?

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1568. Filed for public inspection August 20, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Conseco Senior Health Insurance Company; Rate Increase Filing for Long Term Care Policy Forms ATL-FQ-LTC, ATL-FQ-NH and ATL-FQ-HHC; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25% for the Long Term Care Forms ATL-FQ-LTC, ATL-FQ-NH, ATL-FQ-HHC and the associated riders. The American Travelers Life Insurance Company originally issued these forms. The average premium will increase from \$1,668 to \$2,060 and will affect 1,657 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to November 4, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the

left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1569. Filed for public inspection August 20, 2004, 9:00 a.m.]

Erie Insurance Exchange; Private Passenger Rules and Rates Filing

On August 6, 2004, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 1.0% increase amounting to \$9.397 million annually, to be effective January 1, 2005.

Unless formal administrative action is taken prior to October 5, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links," click "Rate filings published in the PA Bulletin."

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1570. Filed for public inspection August 20, 2004, 9:00 a.m.]

Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910). Organizations and physicians that self-insure their medical malpractice ex-

posures are also required to report this claims information. These reports are required under section 743 of the act (40 P. S. § 1303.743).

The claims information must be reported to the Fund and to the Department. The following calendar year 2003 claims information is due to the Fund and the Insurance Department by October 15, 2004:

- The aggregate amount of premium earned.
- The aggregate amount of losses paid.
- The aggregate amount of losses incurred.
- The aggregate amount of loss reserves outstanding.
- The aggregate amount of loss adjustment expenses paid.
- The aggregate amount of loss adjustment expenses incurred.
- The aggregate amount of loss adjustment expense reserves outstanding.
- A table showing separately by accident year and county the number of claims first reported (or arising) in 2003.
- A table showing separately by accident year and disposition (that is, judgement of arbitration panel, judgement of court, settlement or other) the number of claims closed by county (or disposed) in 2003.
- A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2003 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; and the basic coverage premiums collected.

Reports must be submitted as an Excel spreadsheet. A letter has been mailed instructing medical malpractice carriers to submit their 2003 data.

Medical malpractice carriers who have not received a letter should contact Brenna Murphy, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2114, brmurphy@state.pa.us. Questions should be directed to Brenna Murphy.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1571. Filed for public inspection August 20, 2004, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Temporary Staffing Classifications Filing

On August 4, 2004, the Insurance Department (Department) received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing to revise the procedures used in determining loss cost values for temporary staffing classifications. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The PCRB requests these changes to be effective April 1, 2005, on a new and renewal basis.

Twenty-four temporary staffing classifications are currently in use, each being a one-to-one equivalent of a counterpart direct employment classification. Each temporary staffing classification has been using its counterpart direct employment classification's rating value until sufficient data had been collected and developed to allow meaningful comparison of temporary staffing and direct

employment experience. The PCRB has now collected 5 full policy years of data for those temporary staffing classifications allowing comparisons to be made with direct employment experience.

The filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links," click "Rate filings published in the PA Bulletin."

The filing is also available for review on the PCRB's website: www.pcrb.com (click "Filings").

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1572. Filed for public inspection August 20, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Grant L. Hess; file no. 04-124-06320; Erie Insurance Group; doc. no. P04-08-003; September 21, 2004, 1:30 p.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Lena Panich; file no. 04-210-02780; Nationwide Mutual Insurance Company; doc. no. PH04-08-002; September 14, 2004, 11:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured

for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1573. Filed for public inspection August 20, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pittsburgh, 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 A. T. Ormai, S. Ormai Flinn and Christina Ormai Osb; file no. 04-210-80301; State Auto Property and Casualty Insurance; doc. no. PH04-08-001; September 14, 2004, 10 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Rena F. Venditti; file no. 04-308-71423; Allstate Insurance Company; doc. no. PI04-08-004; September 9, 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 Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1574. Filed for public inspection August 20, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe # 0263, 418 East Ohio Street, Pittsburgh, PA 15212.

Lease Expiration Date: June 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 4,500 net useable square feet of new or existing retail commercial space on East Ohio Street serving the lower north side section of the City of Pittsburgh.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Bedford County, Wine & Spirits Shoppe # 0501, 409 East Pitt Street, Bedford, PA 15222.

Lease Expiration Date: May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,300 net useable square feet of new or existing retail commercial space serving the Town of Bedford. The site must provide free off-street parking and rear access for tractor-trailer deliveries.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Blair County, Wine & Spirits Shoppe # 0701, Station Mall, 1613 9th Avenue, Altoona, PA 16602.

Lease Expiration Date: May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space serving downtown Altoona. The site must have free parking with rear-door loading facilities.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Erie County, Wine & Spirits Shoppe # 2506, Corry Plaza, 350 W. Columbus Avenue, Corry, PA 16407.

Lease Expiration Date: June 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of new or existing retail commercial space serving the Town of Corry. The site must have free parking and rear-door loading facilities.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Indiana County, Wine & Spirits Shoppe # 3203, 560 Franklin Street, Clymer, PA 15728.

Lease Expiration Date: July 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Town of Clymer.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Potter County, Wine & Spirits Shoppe # 5301, 14 E. Second Street, Coudersport, PA 16915.

Lease Expiration Date: May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Town of Coudersport. The site must provide rear access for tractor-trailer deliveries.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Somerset County, Wine & Spirits Shoppe # 5601, 686 Market Square, Meyersdale, PA 15552.

Lease Expiration Date: May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Meyersdale area. Facilities with off-street parking and good loading are preferred.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Joseph Molhoek, (412) 565-5130

Philadelphia County, Wine & Spirits Shoppe # 5133, 401 Franklin Mills Circle, Philadelphia, PA 19154.

Lease Expiration Date: December 31, 2011

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 15,000 net useable square feet of new or existing retail commercial space in a 1/2-mile radius of the intersection of Route 95 and Route 63, Philadelphia.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

Lancaster County, Wine & Spirits Shoppe # 3614, Hawthorne Centre Shopping Center, 2076 Fruitville Pike, Lancaster, PA 17601.

Lease Expiration Date: August 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 15,000 to 17,000 net useable square feet of new or existing retail commercial space within the proximity of the intersection of Fruitville Pike and Roseville Road, north of U. S. Route 30, Manheim Township.

Proposals due: September 10, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-1575. Filed for public inspection August 20, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Insurance Coverage Requirements for Motor Carriers

Public Meeting held
 August 5, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

Insurance Coverage Requirements for Motor Carriers;
Doc. No. M-00041816

Order

By the Commission:

In 1995, we issued a declaratory order delineating various insurance requirements mandated by our regulations. *Petition of Thomas Redfield*, Doc. No. P-00950951

(Order entered October 4, 1995). Specifically, we determined that when a claimant is involved in an accident with a motor carrier, the motor carrier's insurance coverage is available to the claimant, even if the particular carrier vehicle involved in the accident was not listed on the insurance policy. We based our decision mandating coverage on the requirements of State law and our regulations,¹ as well as the Certificate of Insurance² filed with the Commission by the motor carrier's insurer (the Form E certificate), along with the endorsement³ to the motor carrier's insurance policy referenced in Form E. That certification and endorsement to the insurance policy, coupled with the statutory and regulatory provisions governing insurance requirements for motor carriers, led us to conclude that coverage was available to claimants, regardless of whether the particular carrier vehicle was listed on the insurance policy.

Notwithstanding our *Redfield* order, we are aware that an insurer providing coverage to motor carriers may be denying coverage based on the unlisted vehicle theory previously rejected in *Redfield*. In addition, we are also aware that an insurer may be denying coverage based on a similar unlisted driver theory. Apparently, this insurer is relying on recent case law, *Lebanon Coach Co. v. Carolina Casualty Insurance Co.*, 675 A. 2d 279 (Pa. Super., 1996), to support a result contrary to our decision in *Redfield*.

Given our paramount concern that insurance coverage is available to individuals involved in accidents with motor carriers, as required by State law and Commission regulations, we will take this opportunity to readdress the *Redfield* issue. We find that this matter may merit issuance of a declaratory order in light of the significant public protection issues involved and the apparent uncertainty that exists. 66 Pa.C.S. § 331(f). Specifically, we will address the issue of claims being denied based on exclusionary language, such as vehicle and driver lists, allegedly found in insurance policies issued to motor carriers. Notwithstanding our prior decision in *Redfield*, we will invite comment from the insurance industry, the motor carrier industry, the public and any other interested party to address alleged uncertainties and legal controversies; *Therefore*,

It Is Ordered That:

1. A declaratory order proceeding is hereby initiated to address the effect of exclusionary clauses possibly found in insurance policies issued to motor carriers, and the effect of those clauses on coverage mandated by statute and regulation.

2. This order shall be served on all motor carrier insurers actively providing coverage in this Commonwealth.

3. This order shall be published in the *Pennsylvania Bulletin*.

4. Comments are to be filed within 20 days of the date of publication. An original and nine copies of comments

¹66 Pa.C.S. § 512 (pertaining to power of Commission to require insurance) and 52 Pa. Code §§ 32.2 and 32.11 (pertaining to motor carrier insurance requirements).

²Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, Form E.

³Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, Form F.

must be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA, 17105-3265.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1576. Filed for public inspection August 20, 2004, 9:00 a.m.]

Order

Public Meeting held
August 5, 2004

Commissioners Present: Terrance J. Fitzpatrick; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Piz-zingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission v. Verizon
Pennsylvania Inc. Tariff No. 216 Revisions Regarding
Four Line Carve-Out; Doc. No. R-00049524*

Order

By the Commission:

On June 8, 2004, Verizon Pennsylvania Inc. (Verizon) filed a tariff revision to its Services for Other Telephone Companies Tariff-Pa. PUC No. 216, effective August 7, 2004, to eliminate Unbundled Network Elements (UNE) for switching and transport, including UNE-Platforms (UNE-P), for four or more lines.¹ Verizon indicates that it is seeking to implement the Federal Communications Commission's (FCC) Four Line Carve-Out Rule² in the areas served by the 12 central offices in Density Cell 1 (Philadelphia and Pittsburgh).

Specifically, Verizon's instant filing adds language to Tariff No. 216 to cease provisioning new orders from Competitive Local Exchange Carriers (CLEC) after September 9, 2004, for the following UNEs in Density Cell 1:

- 1) Four or More Lines Switching Line Ports.
- 2) Four or More Lines Local Switching Line Port Features.
- 3) Local Switching (End Office) Trunk Ports for use with Four or More lines Local Switching Line Ports.
- 4) Common (Shared) Transport for use with Four or More Lines Local Switching Line Ports.
- 5) Platforms that include Four or More Lines Local Switching Line Ports.
- 6) Combinations that include Four or More Lines local Switching Line Ports.

Verizon provided notice to CLECs under existing inter-connection agreements that after September 9, 2004, Verizon will offer CLECs the option to receive these UNEs on a resale basis under 47 U.S.C.A. § 251(c)(4) or under commercially-negotiated agreements.

Verizon claims its filing complies with the FCC's Triennial Review Order (TRO)³ and in particular removes an

¹ Verizon also made a separate filing on the same date to eliminate enterprise switching for high capacity loops and related UNE-Ps, docketed at R-00049425.

² 47 CFR 53.319(c)(2)

³ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978, FCC 03-36, as corrected by FCC 03-227, CC Doc. No. 01-338, Report and Order (rel. Aug. 21, 2003), vacated-in-part, remanded-in-part and affirmed-in-part by *USTA v. FCC*, 359 F.3d 554 (D.C. Cir. 2004), petitions for cert. pending.

existing conflict with Federal law. Verizon also refers to the Commission's May 28, 2004, Order: *In re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Local Circuit Switching for the Enterprise Market*, Doc. No. I-00030100 (May 28th Order).⁴

On June 24, 2004, the Office of Small Business Advocate (OSBA) filed a complaint against Verizon's filing. The OSBA alleges that Verizon's tariff filing is misleading because they omit pertinent information putting into context procedural steps to be taken to resolve the alleged conflict with Federal law. The OSBA also states the tariff filing is contrary to the Commission's existing Orders and against Commission's latest mandate in the Reconsideration Order to maintain status quo established in its Global Order.

The OSBA claims that the proper venue for contesting the alleged conflict between State and Federal law and the Commission's interpretation of Section 271 is in the Federal courts. Accordingly, the OSBA requests Verizon's tariff revisions be denied and to direct Verizon to seek relief from the Federal district court or, in the alternative, suspend the tariff revisions for an investigation.

On July 2, 2004, AT&T filed on behalf of its affiliated CLECs, AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh and TCG Delaware Valley, a complaint against the proposed tariff revision. In its complaint, AT&T avers that implementing a Four Line Carve-Out rule would preclude CLECs from obtaining or continuing to lease local circuit switching to serve four or more lines and is aimed at inhibiting competitive choice for small and medium business customers in the Philadelphia and Pittsburgh areas.

AT&T states that the Commission, in its Global Order, required Verizon to make UNE-P available in this Commonwealth without limitation to residential customers and to business customers generating less than \$80,000 annual total billed revenue. Moreover, Verizon's effort to limit the availability of UNE-P through the imposition of the Four Line Carve-Out rule violates the prior decision of the Commission.

AT&T claims Verizon's suggestion that the FCC's TRO authorizes the Four Line Carve Out rule is without merit as the FCC explicitly recognized that specific market factors could result in a different cut-off threshold than the four line proxy. AT&T asserts that the FCC required the status quo be maintained until the states establish new thresholds for defined markets. AT&T argues that while the FCC expected states might elect to reapply the four line limit, there could be significant evidence to the contrary that would justify a higher limit. According to AT&T, the FCC expressly recognized a cross over point may exist where it makes economic sense for a multi-line customer to be served by a DS1 loop. AT&T claims the economically efficient cross-over point in this Commonwealth is between 14 and 16 lines, not the 4 lines proposed by Verizon. Therefore, AT&T states Verizon's proposed tariff is not authorized by the TRO.

On July 12, 2004, in response to Verizon's instant filing, the Pennsylvania Carriers Coalition (PCC) filed a Complaint and Request for Suspension of Tariff Supplements (Complaint).⁵ In its Motion to Dismiss, PCC claims

that the instant filings eliminate certain services or regulatory obligations and, as indicated by Verizon, that the revisions are filed in response to the Commission's May 28th Order which directed Verizon to file non-TELRIC rates for enterprise switching under 66 Pa.C.S. §§ 1301 and 1308. However, although described differently by Verizon, the tariff revisions do nothing more than request the Commission to relieve Verizon from certain of the Global Order's unbundling obligations. PCC contends the proper procedural vehicle for Verizon to seek relief from its unbundling obligations is an application to abandon service under 66 Pa.C.S. § 1102(a)(2), and that accordingly, the tariff revisions should be dismissed. Specifically, PCC feels that rather than filing tariff supplements under 66 Pa.C.S. § 1308, Verizon should have filed a pleading seeking relief from the Global Order's unbundling obligations.

PCC's Complaint states that Verizon's instant filing disregards recent Commission Orders wherein Verizon's request was denied to relieve it of the Global Order obligations and, therefore, Verizon must continue to offer UNE-P to CLECs for all customers having less than \$80,000 in total billed revenue. PCC also asserts that the FCC Four Line Carve-Out rule is not binding on the states and should be treated as a presumption not a requirement and that the tariff revision should be summarily rejected.

Further, PCC claims that Verizon has continued obligation to offer unbundling local switching under 47 U.S.C.A. § 271(c)(2)(B)(vi). PCC adds Verizon is bound by the just and reasonable and nondiscriminatory rate standard provided in 47 U.S.C.A. § 202 which is the same standard the Commission applied under State law in approving Verizon's existing Tariff 216 rates, and to charge anything above cost-based rates would be discriminatory under both 47 U.S.C.A. § 202 and 66 Pa.C.S. § 1304. Furthermore, Verizon has agreed to similar unbundling obligations as a condition of its merger with GTE Inc.

PCC also claims the Commonwealth Court upheld the \$80,000 TBR rule and specifically found that there was nothing to suggest that the classification was a "mismatch" or otherwise conflict with Federal law. PCC also contends that the Commission, in its December 18, 2003, Order, which was further reiterated in the May 28th, Order made legal determinations that under Federal law, local circuit switching must continue to be unbundled by Verizon under 47 U.S.C.A. § 271, that under State law and the Global Order UNE-P must continue to be offered to serve all customers at or below the \$80,000 TBR threshold, and that Verizon must continue to offer network elements and UNE-P to CLECs at the current rates contained in Verizon Tariff 216.

The PCC professes that the Commission in its DS1 Switching Order and the Reconsideration Order has envisioned the filing of a pleading in the form of a Petition which would be followed by a development of a full evidentiary record in seeking a relief from its Global Order unbundling obligation. PCC further states that Verizon's tariff revisions under 66 Pa.C.S. §§ 1301 and 1308, which are reserved for rate changes, should be dismissed and required to file a pleading requesting relief from the Global Order's unbundling obligations under the Global Order standards for relief.

In its Complaint, PCC claims that since Verizon has not proposed a change of rates and that it is proposing to abandon certain services to its CLEC customers, that the

⁴ This order disposed of Verizon's Petition for Reconsideration of that Section of Commission's December 18, 2003, Order distinguishing Verizon's distinct access obligation stemming from Global Order, the Pennsylvania 271 Order and the TRO.

⁵ On July 12, 2004, PCC also filed a complaint and Motion to Dismiss Verizon's tariff revisions to Tariff 216 regarding elimination of enterprise switching UNES at Doc. No. R-00049524.

proper procedural vehicle for Verizon to seek relief from its unbundling obligations is an application under 66 Pa.C.S. § 1102(a)(2).

Our review of the proposed tariff filing indicates that it may be unlawful, unjust, unreasonable and contrary to the public interest. Further, in a related filing of Verizon at Doc. No. R-00049525, filed concurrently with the instant filing, we are ordering a new proceeding providing an opportunity for Verizon to demonstrate whether it can be relieved of its Global Order obligation to provision UNE-P to CLECs. The decision we make in that proceeding will invariably have an effect in the final determination in this case. Accordingly, we will suspend this filing for investigation and for the purposes of a Recommended Decision on the relevant factual and legal issues. To expedite resolution of this proceeding, the recommended decision should be issued by December 2, 2004, if practicable; *Therefore,*

It Is Ordered That:

1. An investigation on Commission motion be, and hereby is, instituted to determine the lawfulness, justness and reasonableness of the rates, rules and regulations contained in the revision to Verizon's Tariff-Telephone Pa. PUC No. 216, filed on June 8, 2004, to become effective on August 7, 2004.

2. The proposed revision to Verizon's Tariff-Telephone Pa. PUC No. 216, filed on June 8, 2004, to become effective on August 7, 2004, to remove UNEs for switching and transport including UNE-Ps for four or more lines from the available UNEs in Density Cell 1 (Philadelphia and Pittsburgh), is suspended for a period not to exceed 6 months, or until February 6, 2005, under 66 Pa.C.S. § 1308(b), but without prejudice to Pennsylvania Carrier Coalition's Motion to Dismiss, pending the outcome of this investigation, unless otherwise directed by Order of the Commission.

3. Verizon shall file the appropriate tariff suspension supplements and shall continue to apply the existing rates, rules and regulations in Tariff-Telephone Pa. PUC No. 216 during the suspension period.

4. The Office of Administrative Law Judge (OALJ) shall assign this matter to an Administrative Law Judge for proceedings as shall be deemed necessary and the issuance of a Recommended Decision to be issued by December 2, 2004, if practicable. The OALJ shall coordinate, and if appropriate consolidate, this matter with the proceeding at Doc. No. R-00049525.

5. The Administrative Law Judge's Recommended Decision shall include an analysis of the relationship, if any, between the disposition of this case and disposition of the issue pending in Doc. No. R-00049525 as to whether Verizon can be relieved from the Global Order obligation to provision UNE-P to CLECs.

6. The Motion to Dismiss Tariff Revision filed by the Pennsylvania Carriers Coalition shall be addressed by the Administrative Law Judge in limine.

7. If it becomes clear that a final Commission order disposing of the proposed tariff revision will not be entered by the end of the 6-month suspension period established in ordering paragraph 2, the Administrative Law Judge assigned to this case shall issue an Interim Order suspending this filing for an additional 3 months or until May 6, 2005.

8. A copy of this Order be served upon Verizon, AT&T, the PCC, the Office of Consumer Advocate, the OSBA, the Office of Trial Staff, the OALJ and published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1577. Filed for public inspection August 20, 2004, 9:00 a.m.]

Order

Public Meeting held
August 5, 2004

Commissioners Present: Terrance J. Fitzpatrick; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Piz-zingrilli; Wendell F. Holland

Pennsylvania Public Utility Commission v. Verizon Pennsylvania Inc. Tariff No. 216 Revisions Regarding Switching, Transport and Platform for High Capacity Loops; Doc. No. R-00049525

Order

By the Commission:

On June 8, 2004, Verizon Pennsylvania Inc. (Verizon) filed a tariff revision to its Services for Other Telephone Companies Tariff-Pa. PUC No. 216, effective August 7, 2004, to eliminate Unbundled Network Elements (UNE) for switching and transport, including UNE-Platforms (UNE-P) for high capacity loops¹ for the enterprise market.

Specifically, Verizon's instant filing adds language to Tariff No. 216 to cease provisioning new orders from Competitive Local Exchange Carriers (CLEC) after September 9, 2004, for the following UNEs:

- 1) ISDN-PRI Local Switching Port.
- 2) ISDN-PRI Local Switching Port Features.
- 3) Local Switching (End Office) Trunk Ports for use with ISDN-PRI Local Switching Port.
- 4) Common (Shared) Transport for use with ISDN-PRI Local Switching Port.
- 5) UNE Primary Rate Interface (PRI) ISDN Platform.
- 6) UNE Primary Rate Interface (PRI) ISDN Foreign Exchange Platform.
- 7) Switched DS1 Local Switching Port Features.
- 8) Switched DS1 Local Switching Port Features.
- 9) Local Switching (End Office) Trunk Ports for use with Switched DS1 Local Switching Port.
- 10) Common (Shared) Transport for use with Switched DS1 Local Switching Port.
- 11) UNE DS1 DID/DOD/PBX Platform.
- 12) UNE DS1 DID/DOD/PBX Foreign Exchange Platform.

Verizon provided notice to CLECs under existing interconnection agreements that after September 9, 2004, Verizon will offer CLECs the option to receive these UNEs on a resale basis under 47 U.S.C.A. § 251(c)(4) or under commercially-negotiated agreements.

¹ ISDN-PRI, DS1

Verizon claims its filing complies with the Federal Communications Commission's (FCC) Triennial Review Order (TRO)² and in particular removes an existing conflict with Federal law. Verizon also refers to the Commission's May 28, 2004, Order: In re: *Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Local Circuit Switching for the Enterprise Market*, Doc. No. I-00030100 (May 28th Order).³ Verizon requests the instant tariff revision be considered as a request for the elimination of the current tariff provisions and rates for enterprise switching.

On June 24, 2004, the Office of Small Business Advocate (OSBA) filed a complaint against Verizon's filing. The OSBA alleges that Verizon's tariff filing is misleading because they omit pertinent information putting into context procedural steps to be taken to resolve the alleged conflict with Federal law. The OSBA also states the tariff filing is contrary to the Commission's existing Orders and against Commission's latest mandate in the Reconsideration Order to maintain status quo established in its Global Order.

The OSBA claims that the proper venue for contesting the alleged conflict between State and Federal law and the Commission's interpretation of Section 271 is in the Federal courts. Accordingly, the OSBA requests Verizon's tariff revisions be denied and to direct Verizon to seek relief from the Federal district court or, in the alternative, suspend the tariff revisions for an investigation.

On July 12, 2004, the Pennsylvania Carriers Coalition (PCC) filed a Compliant and Request for Suspension Tariff Supplements (Compliant) and a Motion to Dismiss Tariff Supplements (Motion to Dismiss) Verizon's filing to eliminate Enterprise Switching. PCC claims the instant filings eliminate certain services or regulatory obligations and as indicated by Verizon that the revisions are filed in response to the Commission's Reconsideration Order of May 28, 2004. Further, according to PCC, the proper procedure for Verizon to seek relief from its unbundling obligations is an application to abandon service under 66 Pa.C.S. § 1102(a)(2).

PCC's Complaint states that Verizon's filing to eliminate the availability of UNE-P to CLECs to serve various business customers in its territory is in disregard to recent Commission Orders that refused Verizon's request to relieve it of the Global Order requirements to continue to offer UNE-P to CLECs to serve all customers with under \$80,000 in total billed revenue (TBR rule). PCC requests that Verizon's filing be summarily rejected, or at least suspended, for the conduct of hearings to apply the Global Order standard for modifying Verizon's unbundling requirements.

PCC also claims the Commonwealth Court upheld the \$80,000 TBR rule and specifically found that there was nothing to suggest that the classification was a "mis-match" or otherwise conflict with Federal law. PCC asserts that the Commission, in its December 18, 2003, Order, which was further reiterated in the May 27, 2004, Reconsideration Order, made legal determinations that under Federal law, local circuit switching must continue to be unbundled by Verizon under 47 U.S.C.A. § 271; that under State law and the Global Order UNE-P must

continue to be offered to serve all customers at or below the \$80,000 TBR threshold; and that Verizon must continue to offer network elements and UNE-P to CLECs at the current rates contained in Verizon Tariff 216.

PCC also claims that Verizon continues to have an unbundling obligation pertaining to local switching and transport under 47 U.S.C.A. § 271 wherein its wholesale service to CLECs must be provided at just and reasonable rates and in a nondiscriminatory manner. Furthermore, that Verizon agreed to similar unbundling obligations as a condition of its merger with GTE Inc.

Consistent with our decision in our July 8, 2004, Order at R-00038871C0001 (addressing the material the question as to whether this Commission lacks independent authority under section 271 of the act to relieve Verizon's line sharing requirement), we conclude that it is premature to eliminate the UNEs that are still required under Section 271. If the FCC makes a determination as to Verizon's ongoing obligation as part of its Section 271 commitment, Verizon may then petition the Commission for such further action as may be appropriate.⁴

Meanwhile, we shall initiate a proceeding to provide an opportunity for Verizon to make its case as to why it should be relieved of its obligation to provide UNE-P to CLECs. In the Global Order we set the following requirements to eliminate UNE-P:

Thereafter UNE-P and EELs will continue to be offered to CLECS, except where BA-PA can demonstrate to the Commission, by a preponderance of the evidence, that collocation space is available that it can be provisioned in a timely manner, and that considerations of the number of customers and revenues from the customers served by the CLEC from a collocation in that central office represents a valid reasonable economic alternative to the provision of UNE-P and/or EELs to that CLEC.

(Global Order Pg. 90)

Accordingly, we shall treat Verizon's instant filing as its request for a proceeding to determine whether Verizon can meet its burden to demonstrate, consistent with our Global Order entered September 30, 1999, at Nos. P-00991648 and P-00991649, that collocation space is available, that it can be provisioned in a timely manner and that considerations of the number of customers and revenues from the customers served by the CLEC from a collocation in that central office represents a valid reasonable economic alternative to the provision of UNE-P to that CLEC.

Our review of the proposed tariff filing indicates that it may be unlawful, unjust, unreasonable and contrary to the public interest. Further, the proceeding we are instituting today will provide Verizon with the opportunity to demonstrate whether there are valid reasonable economic alternatives for CLECs to the provisioning of UNE-P as was required in the Commission's Global Order. Verizon shall continue to offer UNEs for switching and transport, including UNE-P for high capacity loops, for the enterprise market at tariffed rates until otherwise ordered. Accordingly, we will suspend this filing for investigation and for the purposes of a Recommended Decision on the relevant factual and legal issues. To expedite resolution of this proceeding, the recommended decision should be issued by December 2, 2004, if practicable; *Therefore,*

² Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, 18 FCC Rcd 16978, FCC 03-36, as corrected by FCC 03-227, CC Doc. No. 01-338, Report and Order (rel. Aug. 21, 2003), vacated-in-part, remanded-in-part and affirmed-in-part by *USTA v. FCC*, 359 F.3d 554 (D. C. Cir. 2004), petitions for cert. pending.

³ This Order disposed of Verizon's Petition for Reconsideration of that Section of Commission's December 18, 2003, Order distinguishing Verizon's distinct access obligation stemming from Global Order, the Pennsylvania 271 Order and the TRO.

⁴ As noted that on October 24, 2003, the Verizon telephone companies filed a petition asking the FCC to forebear from Section 271 obligations. See Petition for Forbearance of the Verizon Telephone Companies Pursuant to 47 U.S.C. § 160(c); CC Doc. No. 01-338. The matter is pending further FCC action from Federal court remand.

It Is Ordered That:

1. An investigation on Commission motion be, and hereby is, instituted to determine the lawfulness, justness and reasonableness of the rates, rules and regulations contained in the revision to Verizon's Tariff-Telephone Pa. PUC No. 216, filed on June 8, 2004, to become effective on August 7, 2004.

2. The proposed revision to Verizon's Tariff-Telephone Pa. PUC No. 216, filed on June 8, 2004, to become effective on August 7, 2004, to eliminate enterprise switching including Platforms from the available UNEs in Pennsylvania, is suspended for a period not to exceed 6 months, or until February 6, 2005, under 66 Pa.C.S. § 1308(b), but without prejudice to PCC's Motion to Dismiss, pending the outcome of this investigation, unless otherwise directed by Order of the Commission.

3. This investigation shall include, inter alia, consideration of whether Verizon can meet its burden to demonstrate, consistent with our Global Order entered September 30, 1999, at Nos. P-00991648 and P-00991649, that collocation space is available, that it can be provisioned in a timely manner and that considerations of the number of customers and revenues from the customers served by the CLEC from a collocation in that central office represents a valid reasonable economic alternative to the provision of UNE-P to that CLEC.

4. Verizon shall file the appropriate tariff suspension supplements and shall continue to apply the existing rates, rules and regulations in Tariff-Telephone Pa. PUC No. 216 during the suspension period.

5. The Office of Administrative Law Judge (OALJ) shall assign this matter to an Administrative Law Judge for proceedings as shall be deemed necessary and the issuance of a Recommended Decision to be issued by December 2, 2004, if practicable. The OALJ shall coordinate, and if appropriate consolidate, this matter with the proceeding at Doc. No. R-00049524.

6. The Motion to Dismiss Tariff Revision filed by the PCC shall be addressed by the Administrative Law Judge in limine.

7. If it becomes clear that a final Commission order disposing of the proposed tariff revision will not be entered by the end of the 6-month suspension period established in Ordering Paragraph No. 2, the Administrative Law Judge assigned to this case shall issue an Interim Order suspending this filing for an additional 3 months or until May 6, 2005.

8. A copy of this Order be served upon Verizon, the PCC, the Office of Consumer Advocate, the OSBA, the Office of Trial Staff, the OALJ and published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1578. Filed for public inspection August 20, 2004, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility

Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 13, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers* for transportation of persons as described under the application.

A-00120986. A Classy Limousine Service, LLC (655 Mountain Street, Enola, Cumberland County, PA 17025), a limited liability company of the Commonwealth—persons, in limousine service, between points in the Counties of Dauphin, York, Cumberland and Perry, and from points in said counties, to points in Pennsylvania, and return.

Application of the following for certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of household goods by transfer as described under the application.

A-00120984. Sigmund Transfer Company, LLC (2606 Fifth Avenue, McKeesport, Allegheny County, PA 15132), a limited liability company of the Commonwealth—(1) household goods in use: (a) between points in the County of Allegheny; and (b) from points in the County of Allegheny, to points in Pennsylvania, and vice versa; and (2) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of all the rights authorized under the certificate issued at A-00105669 to B. H. Stumpf, Co., Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers* for the transportation of household goods as described under the application.

A-00115326, Folder 3. Galil Moving & Storage, Inc. (111 Linnet Street, Bayonne, NJ 07002), a corporation of the State of Delaware—household goods in use, for REO Allegiance, Inc., between points in Pennsylvania; subject to the following condition: that all service shall be limited to transportation performed under eviction and foreclosure services. *Attorney:* Joel B. Albert, Two Bala Plaza, Suite 300, Bala Cynwyd, PA 19004.

Application of the following for the approval of the *transfer of stock* as described under the application.

A-00108299, Folder 5000. J. E. T. Enterprises, Inc. t/d/b/a Londonderry Limousines, Ltd. (320 Plaza Drive, Palmyra, Lebanon County, PA 17078), a corporation of the Commonwealth—for the approval of the transfer of 100 shares of issued and outstanding shares

held by Eric G. Shank and 30 shares of issued and outstanding shares held by E. Wilfred Light to John J. Gross. *Attorney:* Keith D. Wagner, 6 E. Main Street, P. O. Box 323, Palmyra, PA 17078.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1579. Filed for public inspection August 20, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #04-109.1, Install Concrete Floor at Tioga Marine Terminal (TMT), until 2 p.m. on Thursday, September 9, 2004. The bid 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 August 24, 2004. Additional information and project listings can be found at 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 on September 2, 2004, at 10 a.m. at the TMT (inside the gate), Delaware Ave. and Tioga Street, Philadelphia, PA 19134. Bidders must provide the Procurement Department, in writing, with the names of individuals that will be attending the prebid meeting. The information must be faxed, 24 hours prior to the meeting, to (215) 426-6800, Attn: Procurement Department.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1580. Filed for public inspection August 20, 2004, 9:00 a.m.]

STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs v. Gregory Alan Johnson, M.D., Respondent; Doc. No. 0892-49-02; File No. 01-49-04770

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or

permit to practice your profession or occupation. You may be subject to civil penalties of up to \$1,000 for each violation.

If you wish to defend against the charges in the order to show cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the order to show cause.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within 30 days of the date on the order to show cause. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three copies of your answer and any pleadings or other documents related to this matter to the following address:

Deanna S. Walton, Prothonotary
Bureau of Professional and Occupational Affairs
124 Pine Street, Suite 200
Harrisburg, PA 17101

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the order to show cause.

Order to Show Cause

And Now, this 22nd day of July, 2002, Gregory Alan Johnson, M.D. (Respondent) is hereby *Ordered to Show Cause* why the State Board of Medicine (Board), upon consideration of the Factual Allegations and the applicable law, should not suspend, revoke or otherwise restrict Respondent's license, certificate, registration or permit, or impose a civil penalty. This action is brought pursuant to the Medical Practice Act, Act of December 20, 1985, P. L. 457, No. 112, as amended, (Act), 63 P. S. § 422.1 et seq., and will be conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501—508, 701—704, 63 P. S. §§ 2201—2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251.

It Is Further Ordered that Respondent file an Answer to this Order to Show Cause in writing within thirty (30) days of the date of this Order stated above, in accordance with 1 Pa. Code § 35.37.

CHARLES D. HUMMER, Jr., M.D.,
Chairperson

[Pa.B. Doc. No. 04-1581. Filed for public inspection August 20, 2004, 9:00 a.m.]