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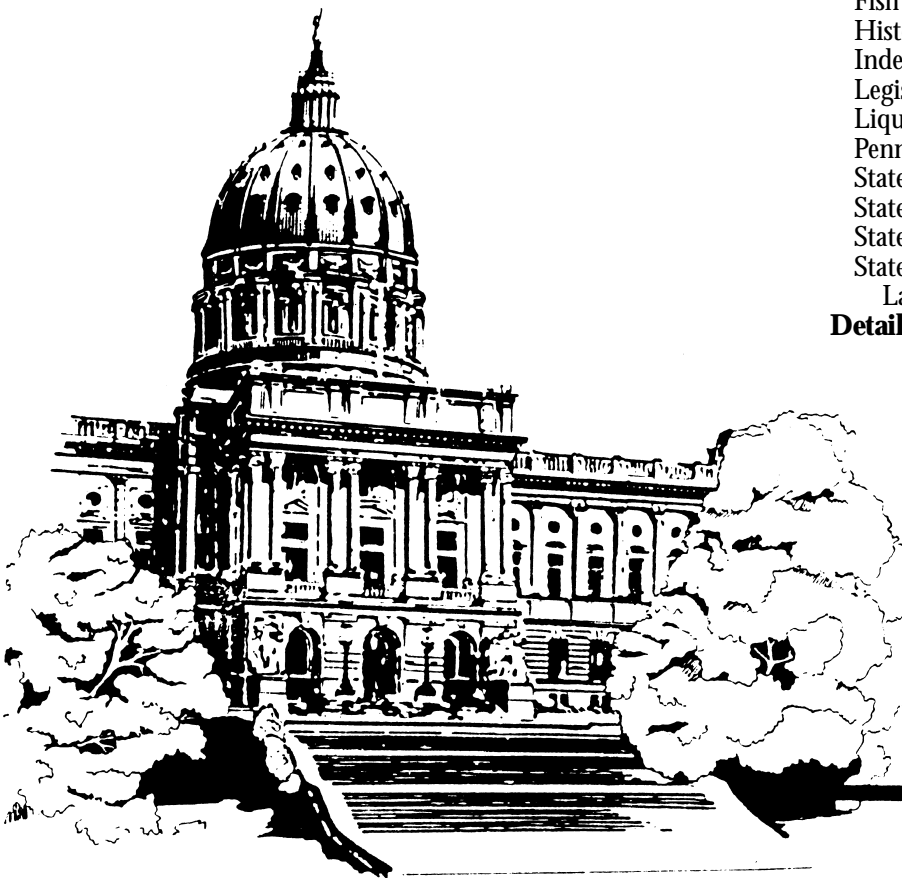
# PENNSYLVANIA BULLETIN

Volume 35  
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Number 34  
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**Agencies in this issue:**

The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Environmental Quality Board  
Fish and Boat Commission  
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Independent Regulatory Review Commission  
Legislative Reference Bureau  
Liquor Control Board  
Pennsylvania Public Utility Commission  
State Ethics Commission  
State Board of Pharmacy  
State Real Estate Commission  
State Registration Board For Professional Engineers,  
Land Surveyors and Geologists

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 369, August 2005**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 231 of the Pennsylvania Bar Admission Rules; No. 373 Supreme Court Rules; Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 5th day of August, 2005, Rule 231 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa.B.A.R. 231 is hereby found to be required in the interest of justice and efficient administration. This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendment adopted hereby shall be effective immediately.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE OF LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

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

#### ADMISSION TO PRACTICE

#### Rule 231. Motions for Admission.

\* \* \* \* \*

(d) *Action by Prothonotary.* If the motion and related documents are in proper order and the required fee is paid the Prothonotary shall:

(1) Enter the name of the applicant upon the docket of persons admitted to the bar of this Commonwealth and the practice of law. Admissions pursuant to Rule 204 (relating to admission of domestic attorneys) or Rule 205 (relating to admission of foreign attorneys) shall be by order. **The Chief Justice may delegate the function of signing such orders to the Prothonotary.**

\* \* \* \* \*

[Pa.B. Doc. No. 05-1554. Filed for public inspection August 19, 2005, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FOREST AND WARREN COUNTIES

Adoption of Local Rule of Civil Procedure Pertaining to Pro Se Filings; Misc. 31 of 2005

#### Order

*And Now*, this 2nd day of August, 2005, *It Is Ordered* that the annexed Local Rule of Civil Procedure for the 37th Judicial District composed of Forest and Warren Counties pertaining to pro se filings be, and the same hereby is, promulgated herewith, to become effective on the 30th day following publication of this rule in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. File one (1) copy with the Prothonotaries of the Court of the 37th Judicial District.

*By the Court*

PAUL H. MILLIN,  
*President Judge*

#### Rule L200.2. Pro Se Filings.

The Prothonotary shall forward a copy of all documents filed by individuals who are represented by counsel of record to that attorney.

Filings that are not in compliance with the law, rule of court or the appropriate fee schedule shall be duly noted and forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

The notice shall be as follows:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF FOREST/WARREN COUNTY THAT IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER YOU SHOULD CONTACT THE FOLLOWING AGENCIES TO OBTAIN LEGAL HELP:

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**AMERICANS WITH DISABILITIES  
ACT OF 1990**

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

[Pa.B. Doc. No. 05-1555. Filed for public inspection August 19, 2005, 9:00 a.m.]

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**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Disbarment**

Notice is hereby given that Navron Ponds having been disbarred from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland

dated January 29, 2004, the Supreme Court of Pennsylvania issued an Order on August 3, 2005, disbaring Navron Ponds from the Bar of this Commonwealth, effective September 2, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 05-1556. Filed for public inspection August 19, 2005, 9:00 a.m.]

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**Notice of Suspension**

Notice is hereby given that on August 3, 2005, pursuant to Rule 214(d)(2), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Ashly Mae Wisher be placed on Temporary Suspension from the practice of law, effective September 2, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 05-1557. Filed for public inspection August 19, 2005, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF PHARMACY [49 PA. CODE CH. 27] Deletion of Exam Fees

The State Board of Pharmacy (Board) amends § 27.91 (relating to schedule of fees) to read as set forth in Annex A.

#### A. *Effective Date*

The final-form rulemaking takes effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Statutory Authority*

The final-form rulemaking is authorized under sections 6(k)(1) and (9) and 8.2(a) of the Pharmacy Act (act) (63 P. S. §§ 390-6(k)(1) and (9) and 390-8.2(a)) and section 812.1 of The Administrative Code of 1929 (71 P. S. § 277.3a).

#### C. *Background and Purpose*

The amendment to § 27.91 deletes references to the fees for the North American Pharmacist Licensure Examination and the Multistate Pharmacy Jurisprudence Examination. The administrators of the examinations, not the Board, set these fees. To avoid the necessity of amending the regulations whenever the examination administrator changes the fees, the Board proposes to delete references to the fees.

#### D. *Summary of Comments and Responses on Proposed Rulemaking*

Notice of the proposed rulemaking was published at 34 Pa.B. 4901 (September 4, 2004). Publication was followed by a 30-day public comment period during which the Board received no public comments. The Independent Regulatory Review Commission (IRRC) had no objections, comments or recommendations to offer on this final-form rulemaking. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

#### E. *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no fiscal impact on the Board or its licensees. The final-form rulemaking should have no fiscal impact on the private sector, the general public or political subdivisions. The final-form rulemaking will avoid preparation of new regulations each time that an examination fee is changed and will not create additional paperwork for the private sector.

#### F. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 4, 2004, the Board submitted copies of the notice of proposed rulemaking, published at 34 Pa.B. 4901, to IRRC and the Chairpersons of the SCP/PLC and the HPLC for review and comment. The

Board did not receive any comments from IRRC, the SCP/PLC and the HPLC or the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), this final-form rulemaking was approved by the HPLC on June 28, 2005, and deemed approved by the SCP/PLC on July 13, 2005. Under section 5.1(g) of the Regulatory Review Act (71 P. S. § 745.5a(g)), this final-form rulemaking was deemed approved by IRRC effective July 13, 2005.

#### H. *Contact Person*

Further information can be obtained by contacting Melanie Zimmerman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3402, www.dos.state.pa.us.

#### I. *Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law and no comments were received.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

#### J. *Order*

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 27, are amended by amending § 27.91 to read as set forth at 34 Pa.B. 4901.

(b) The Board shall submit this order and 34 Pa.B. 4901 to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and 34 Pa.B. 4901 and deposit them with the Legislative Reference Bureau as required by law.

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

MICHAEL J. ROMANO,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 4270 (July 30, 2004).)*

**Fiscal Note:** Fiscal Note 16A-5413 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-1558. Filed for public inspection August 19, 2005, 9:00 a.m.]

### STATE REAL ESTATE COMMISSION [49 PA. CODE CH. 35] Reciprocal License

The State Real Estate Commission (Commission) amends Chapter 35 to read as set forth in Annex A. This final-form rulemaking addresses reciprocal licenses.

*Statutory Authority*

The final-form rulemaking is authorized under sections 201, 501, 601, 602 and 604 of the Real Estate Licensing and Registration Act (RELRA) (63 P.S. §§ 455.201, 455.501, 455.601, 455.602 and 455.604).

*Response to Public Comments and Regulatory Review and Amendments in Final Form Rulemaking*

Notice of proposed rulemaking was published at 34 Pa.B. 4913 (September 4, 2004). Publication was followed by a 30-day public comment period during which the Commission received comments from the Pennsylvania Association of Realtors (PAR). Following the close of the public comment period, the Commission received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

The following is a section-by-section description of the comments and the Commission's response.

*§ 35.201. Definitions.*

*Broker; builder-owner salesperson, campground membership salesperson, cemetery broker; cemetery salesperson, licensee and salesperson*

The definitions of "broker," "builder-owner salesperson," "campground membership salesperson," "cemetery broker," "cemetery salesperson," "licensee" and "salesperson" contain the phrase "unless otherwise specified." The HPLC recommended that the Commission delete this phrase in each of the definitions. The Commission found this suggestion reasonable and has amended each definition accordingly.

*Broker of record*

In the definition of "broker of record," the Commission deleted language regarding a limited broker's license. The HPLC asked for an explanation why the Commission deleted this language. In that limited broker's licenses were removed from the RELRA on June 29, 1990, the Commission has removed the reference from the regulations.

*Main office*

The HPLC recommended that the Commission add the phrase "other than a branch office" to the definition of "main office." The HPLC also suggested that "main office" and "branch office" be further amended to differentiate between the two types of offices. The Commission found these suggestions reasonable and has amended both definitions.

The PAR commented that the definitions for "main office" and "branch office" should be removed because they are unnecessary. The PAR recommended replacing the terms with "fixed office." However, various provisions of the regulations specifically apply to main offices; other provisions apply to branch offices. The Commission was unable to use one definition to refer to both offices.

*Principal place of business*

The PAR recommended that the definition of "principal place of business" be amended to be "the principal office address at which a licensee offers real estate services." However, to qualify for a reciprocal license under section 602(a) of the RELRA, among other requirements, the licensee's principal place of business must not be in this Commonwealth. When the principal place of business moves to this Commonwealth, under section 602(g) of the RELRA, the licensee must convert the reciprocal license

to a standard license. Because the PAR's recommended definition does not incorporate this distinction, the Commission was unable to implement the suggestion.

Similarly, the Commission believes that it would be impracticable to determine "principal place of business" based on sales volume as the PAR suggested. Because real estate offices' sales volume fluctuates monthly or annually, or both, a reciprocal broker with an office in this Commonwealth that has an unusually high volume of sales at one time would be required to convert the reciprocal license to a standard license negating the intent of the RELRA. The Commission believes that a better construction would be to tie the "principal place of business" to the state where the licensee holds a standard license.

Notwithstanding the Commission's decision not to amend the definition, the Commission agrees with the PAR that for reciprocal licensees, their "main office" and the "principal place of business" are the same out-of-State address. Any offices of reciprocal licensees opened within this Commonwealth are characterized as "branch offices."

*Reciprocal license*

In the proposed rulemaking, the definition of "reciprocal license" referred only to licensees from other states that have executed reciprocal agreements with the Commission. The HPLC, IRRC and PAR commented that section 602(e) of the RELRA permits licensees from states that have not executed reciprocal agreements with the Commission to also obtain a reciprocal license. The Commission agreed with the commentators and has amended the definition accordingly.

*Standard licensee*

The HPLC commented that the definition of "standard licensee" could be interpreted as applying to both standard and reciprocal licensees. The HPLC and IRRC recommended that the definition of "standard licensee" be amended to clarify that it applies only to nonreciprocal license holders. To obtain a standard license under the definition, the licensee must fulfill the education/experience and examination requirements of the RELRA. The examination requirement in the RELRA involves passing both the National and Pennsylvania portion of the license examination. While reciprocal licensees are required to pass an examination in the state that issued their licenses, applicants have not passed the Pennsylvania portion of the examination and therefore would not automatically qualify for a standard license as the HPLC suggests. Nonetheless, owing to the HPLC and IRRC's concern, the Commission amended this definition in final-form rulemaking to specifically exclude reciprocal licensees.

The PAR and IRRC questioned whether the Commission intended to limit the issuance of standard licenses to only applicants who reside in this Commonwealth. The Commission does not. Residency is not a requirement for any license. Two classes of out-of-State applicants qualify for standard licenses (assuming that the education/experience and examination requirements have been met): (1) current out-of-State licensees from states that have not either executed reciprocal agreements with the Commission or whose licensure requirements are not substantially comparable with those of this Commonwealth; and (2) out-of-State applicants who desire a standard license.

§ 35.222. *Licensure as a broker.*

§ 35.223. *Licensure as salesperson.*

§ 35.224. *Licensure as cemetery broker.*

§ 35.225. *Licensure as cemetery salesperson.*

§ 35.226. *Licensure as builder-owner salesperson.*

§ 35.227. *Licensure as rental listing referral agent.*

§ 35.228. *Licensure as campground membership salesperson.*

§ 35.229. *Licensure as time-share salesperson.*

Proposed §§ 35.222(b)(1), 35.225(b)(1), 35.226(b)(1), 35.227(b)(1), 35.228(b)(1), 35.229(b)(1) delineate the requirements for reciprocal licenses for each licensure class under the RELRA. When another state agreed to issue a license to a standard Pennsylvania licensee without further requirement, the applicant needed only possess a current broker's license issued by that state. When an applicant applied from a state which would require a standard Pennsylvania licensee to complete additional education, experience or examination requirements, the applicant for a Pennsylvania license would be required to complete equivalent requirements. The HPLC made two comments: a reciprocal license can be issued to an applicant from a state that has not executed a reciprocal agreement with this Commonwealth and the section is internally inconsistent.

Regarding the first comment, the Commission agrees with the HPLC and the PAR that section 602(e) of the RELRA permits licensees from states that have not executed reciprocal agreements with the Commission to also obtain a reciprocal license. The Commission has made the same amendment to §§ 35.222(b)(1), 35.223(b)(1), 35.224(b)(1), 35.225(b)(1), 35.226(b)(1), 35.227(b)(1), 35.228(b)(1) and 35.229(b)(1) that it did to the definition of "reciprocal license" in § 35.201 (relating to definitions).

Regarding the second comment, in addition to authorizing the Commission to issue reciprocal licenses to applicants from states that have either executed reciprocal agreements or have comparable requirements, section 602(e) of the RELRA also authorizes the Commission to issue reciprocal licenses to applicants from states whose requirements are not comparable. In the latter instance, the reciprocal applicants are required to complete whatever equivalent requirements would be imposed on Pennsylvania applicants. For example, if Pennsylvania applicants would be required to take an additional state-specific ethics course in the other state to obtain a license, the reciprocal applicant would be required to take a Pennsylvania-specific ethics course to obtain a license in this Commonwealth. Owing to the HPLC's concern that this interpretation was not clearly reflected in proposed rulemaking, the Commission has also amended the second clause in §§ 35.222(b)(1), 35.223(b)(1), 35.224(b)(1), 35.225(b)(1), 35.226(b)(1), 35.227(b)(1), 35.228(b)(1) and 35.229(b)(1) accordingly.

Proposed §§ 35.222(b)(3)(iv), 35.223(b)(2)(iv), 35.224(b)(3)(iv), 35.225(b)(3)(iv), 35.226(b)(3)(iv), 35.227(b)(3)(iv), 35.228(b)(3)(iv) and 35.229(b)(3)(iv) specifically required applicants to comply with the out-of-State service provisions in § 35.221(3) (relating to general requirements). The PAR recommended that these provisions be deleted because the introduction to subsection (b) includes the requirement that applicants comply with § 35.221. The Commission found this recommendation reasonable and has removed these provisions in this final-form rulemaking.

The HPLC also questioned why the Commission does not require reciprocal applicants to provide their license number and date of issuance of that license on their reciprocal application. Because the reciprocal state is required to provide a certification to the Commission including this information, the Commission believed that requiring it also from the licensee would be unnecessary.

§ 35.229. *Licensure as time-share salesperson.*

The PAR recommended that the pronoun in subsection (b)(4) be removed and replaced with gender-neutral language to parallel § 35.228(b)(4) (relating to licensure as campground membership salesperson). The Commission has made this change in this final-form rulemaking.

§ 35.241. *General office requirements.*

Section 35.241 contains general office requirements. The PAR recommended that the Commission delete all of its revisions. As previously explained, "fixed office" does not accurately reflect the distinction between main and branch offices. In addition, the current regulation refers to "jurisdiction" instead of state. An earlier version of the amendments to the RELRA referenced "jurisdiction." However, the final version removed all references to "jurisdiction" and replaced them with references to "state." Accordingly, in this final form rulemaking, the Commission has not amended this provision further.

§ 35.244. *Supervision and operation of office.*

Section 35.244 permits either a standard or reciprocal broker to supervise a real estate office and real estate licensees in this Commonwealth. The HPLC questioned why the Commission would permit a reciprocal licensee to supervise a Pennsylvania office. Section 602(h) of the RELRA specifically confers the same standards and responsibilities on reciprocal licensees as standard licensees (with the exception of their being able to be a member of the Commission, their completing the Pennsylvania continuing education requirement and their passing the Pennsylvania examination). Given that the standards and responsibilities are the same, the Commission believes that there is no statutory basis for preventing reciprocal brokers from supervising real estate offices in this Commonwealth. In fact, before obtaining a reciprocal license, the applicant must verify that the applicant has reviewed, is familiar with and agrees to be bound by the requirements in the RELRA and this chapter. Additionally, permitting reciprocal brokers to supervise their associate brokers and salespersons who have obtained reciprocal licenses in this Commonwealth provides a continuity in supervision.

§ 35.245. *Display of licenses in office.*

Proposed § 35.245 required the broker to conspicuously display the licenses of all standard license holders in the broker's employ in the broker's main office, all reciprocal license holders in the broker's employ in the broker's branch office and a list of all the licensees working out of a particular office at each office. The PAR commented that this provision would be confusing to implement. Upon further reflection, the Commission agrees with the PAR and has adopted, in this final-form rulemaking, a simpler rule applicable to all licensees: Effective with the next renewal period, all real estate licenses must be maintained in the broker's main office and each branch office must maintain a list of employees working out of that office. Because the broker has supervisory responsibility, the Commission continues to believe that original licenses should be maintained at the broker/cemetery broker's main office. However, the Commission does not believe that it is necessary for the licenses to be conspicu-

ously displayed. At the time this provision was adopted, consumers and investigators did not have immediate access to the licensure status of a licensee. Today, however, the Bureau of Professional and Occupational Affairs' online record system allows consumers and investigators immediate access eliminating the need for conspicuous display. Accordingly, in this final-form rulemaking, the Commission has amended § 35.245 to require brokers and cemetery brokers to maintain all original licenses in their main office and a list of licensees in the branch office where the licensees work.

IRRC also recommended that the term "broker" be added after "cemetery." Finding this recommendation reasonable, the Commission has made this amendment.

*§ 35.246. Inspection of office.*

In the proposed rulemaking, the Commission attempted through the inspection rules to further clarify that a standard licensee would have a main and branch office in this Commonwealth while a reciprocal licensee would only have a branch office in this Commonwealth. The PAR recommended that this language be removed because it is unnecessary. Owing to the PAR's concern, the Commission deleted the new language and has returned to the original version.

*§ 35.255. Reciprocal licenses.*

Proposed § 35.255(c) required reciprocal licensees to advise the Commission within 90 days of changing their principal places of business from another state to this Commonwealth, thereby requiring them to convert their reciprocal license to a standard license by the end of the renewal period. IRRC requested that the Commission justify the 90-day period. The HPLC recommended that the Commission reduce the notification period from 90 days to 30 days. The Commission found the HPLC's recommendation acceptable and has reduced the notification period to 30 days.

The HPLC and IRRC also recommended that an office inspection occur whenever a reciprocal licensee converts that license to a standard license. Prior to any real estate office being opened in this Commonwealth, an office must be inspected and found in compliance with the regulations. If the reciprocal licensee already had a real estate office in this Commonwealth, an office inspection would have already been conducted. In that the professional standards and responsibilities of standard and reciprocal license holders are the same, the Commission does not believe that there would be any reason to reinspect the real estate office without further evidence that another inspection was necessary. When the licensee seeking to convert a reciprocal license would also be opening a real estate office in this Commonwealth, an office inspection would be performed prior to that office being opened.

The PAR also suggested a technical amendment to subsection (a) to clarify that the renewal would be for a reciprocal license. Finding this suggestion reasonable, the Commission has amended this subsection accordingly.

*§ 35.271. Examination for broker's license.*

The HPLC recommended two changes to § 35.271(b): the addition of a closing bracket to current subsection (b) and renumbering of the paragraphs in the subsection. The Commission found both recommendations reasonable and has made the changes.

The HPLC also asked the Commission to provide an explanation of the method it uses to count experience in subsection (b)(6). The Commission responds as follows. To qualify to take the broker's examination, an applicant

must acquire 200 points. Points are acquired based on the services provided. In the commercial/industrial area, an applicant would receive 5 points for each sale, 5 points for an exclusive listing which sold, 5 points for each lease and 1 point for an unsold exclusive listing. In the residential area, an applicant would receive 5 points for each sale, 5 points for an exclusive listing which sold, 1 point for each lease and 1 point for an unsold exclusive listing. For each month of full-time employment in property management assistance, an applicant is granted 6 points. A month of full-time employment is defined as a month in which the applicant devoted full-time to performing in this capacity and which the applicant did not perform or earn points for any other real estate activity.

An applicant who is not licensed may be considered to have fulfilled the experience requirement if the applicant has 3 years of equivalent experience (that is, services which fall within the exemptions in section 203 of the RELRA (63 P. S. § 455.203)). An applicant who possesses a real estate broker's license in another jurisdiction will be awarded credit for out-of-State experience provided that the Commission received a certification of licensure from the real estate licensing authority of that jurisdiction indicating active licensure within the last 5 years prior to the application date.

*§ 35.272. Examination for salesperson's license.*

*§ 35.274. Examination for builder-owner salesperson's license.*

Sections 35.272(c) and 35.274(b) refer to "A licensee who is converting that license . . ." The HPLC and the PAR recommended that the Commission replace the word "that" with "reciprocal." Owing to the HPLC's and the PAR's concerns, the Commission has revised the wording of both provisions.

*§ 35.272. Examination for salesperson's license.*

*§ 35.273. Examination for cemetery broker's license.*

*§ 35.275. Examination for rental listing referral agent's license.*

Proposed §§ 35.273(a)(5) and 35.275(b)(4) set forth the requirement that to qualify for a standard license, the applicant's education had to be completed within 10 years prior to passing the examination except for applicants converting a reciprocal license to a standard license. The PAR recommended that the same provision be added to § 35.275(b)(4). In that the subsections immediately following each of the provisions contain an exception for applicants converting a reciprocal license to a standard license, the Commission believes that the additional provisions are unnecessary. Accordingly, in this final-form rulemaking, the Commission has deleted the exception in §§ 35.273(a)(5) and 35.275(b)(4).

The HPLC recommended that § 35.275 be renumbered. Finding this recommendation to be reasonable, the Commission has renumbered the section.

*§ 35.325. Escrow account.*

In § 35.325(b), the Commission replaced the reference to an employing broker with broker of a sole proprietorship and removed partnership, association or corporation. The HPLC questioned whether the change reflects a policy change and, if so, sought the Commission's rationale. By amending this subsection, the Commission merely made a corrective amendment. "Broker of record" is defined as a broker responsible for the real estate transactions of a partnership, association or corporation. Given this definition, the inclusion of "partnership, asso-

ciation or corporation” was mere surplusage. Similarly, in the sole proprietorship context, the correct reference is to a broker who is a sole proprietor rather than an employing broker.

*§ 35.384. Qualifying courses.*

The HPLC and IRRC questioned why the Commission was deleting the requirement that licensees complete a required course developed by the Commission. The deletion of this requirement actually stemmed from a final-form rulemaking package (16A-561) that was simultaneously undergoing regulatory review and became effective on December 11, 2004. See 34 Pa.B. 6530 (December 11, 2004). In the preamble to that final-form rulemaking, the Commission explained that:

In determining whether to retain the required course, the Commission considered the frequency of amendments to the RELRA and the regulations as well as the number of fair housing disciplinary cases. The Commission determined that except in cases where the RELRA or regulations are substantially modified or where, in the Commission’s view, licensees require specific Commission guidance, licensees should be able to take continuing education in subjects that directly benefit their practice or interest. As part of its on-going review of its regulations, however, the Commission intends to monitor trends in disciplinary proceedings. Where the Commission finds an increase in specific violations, it will consider reinstating a required course. As in the past, if a required course becomes necessary, the Commission will notify all licensees and real estate education providers at least 6 months prior to the end of the renewal period.

Because subsection (b) was also being amended in this proposed rulemaking package, the Commission included the amendatory language from the prior regulatory package as well.

*Subchapter H. CONTINUING EDUCATION*

In this final-form rulemaking, the Commission also amended §§ 35.382—35.384 to include the revisions made in the final-form rulemaking published at 34 Pa.B. 6530.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking should have no fiscal impact on the Commonwealth, its political subdivisions or the public. The final-form rulemaking should have a positive fiscal impact on the regulated community because the final-form rulemaking reduces the legal, accounting, reporting or other paperwork requirements on the regulated community.

*Sunset Date*

The Commission continually monitors the effectiveness of its regulations through communication with the regulated population. Accordingly, no sunset date has been set.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 13, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 4913, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing

the final-form rulemaking, the Commission has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 28, 2005, the final-form rulemaking was approved by the HPLC. On July 13, 2005, the final-form rulemaking was deemed approved by SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 14, 2005, and approved the final-form rulemaking.

*Contact Person*

Further information can be obtained by contacting Deborah Misheck, Administrative Assistant, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us/bpoa.

*Findings*

The Commission finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 34 Pa.B. 4913.
- (4) The final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

*Order*

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

(a) The regulations of the Commission, 49 Pa. Code Chapter 35, are amended by amending §§ 35.203, 35.221, 35.241, 35.242, 35.244, 35.271, 35.305 and 35.325 to read as set forth at 34 Pa.B. 4913; and by amending §§ 35.201, 35.222—35.229, 35.245, 35.255, 35.272, 35.273, 35.274, 35.275 and 35.382—35.384 to read as set forth in Annex A.

*(Editor’s Note:* The Commission has withdrawn the proposal to amend § 35.246, included in the proposed rulemaking at 34 Pa.B. 4913.)

(b) The Commission shall submit this order, 34 Pa.B. 4913 and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commission shall certify this order, 34 Pa.B. 4913 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BEVERLY R. BROOKES,  
*Chairperson*

*(Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 4270 (July 30, 2005).)

**Fiscal Note:** Fiscal Note 16A-5610 remains valid for the final adoption of the subject regulations.



## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## CHAPTER 35. STATE REAL ESTATE COMMISSION

## Subchapter B. GENERAL PROVISIONS

## § 35.201. Definitions.

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

*Act*—The Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902).

*Agency relationship*—A fiduciary relationship between a broker or licensees employed by a broker and a consumer who becomes a principal.

*Associate broker*—An individual broker who is employed by another broker.

*Branch office*—Any fixed location in this Commonwealth, other than the main office, maintained by a broker or cemetery broker, devoted to the transaction of real estate business.

*Broker*—An individual or entity holding either a standard or reciprocal license, that, for another and for a fee, commission or other valuable consideration, does one or more of the following:

(i) Negotiates with or aids a person in locating or obtaining for purchase, lease or acquisition of interest in real estate.

(ii) Negotiates the listing, sale, purchase, exchange, lease, time share and similarly designated interests, financing or option for real estate.

(iii) Manages real estate.

(iv) Represents himself or itself as a real estate consultant, counsellor or house finder.

(v) Undertakes to promote the sale, exchange, purchase or rental of real estate. This subparagraph does not apply to an individual or entity whose main business is that of advertising, promotion or public relations.

(vi) Undertakes to perform a comparative market analysis.

(vii) Attempts to perform one of the actions listed in subparagraphs (i)—(vi).

*Broker of record*—The individual broker responsible for the real estate transactions of a partnership, association or corporation that holds a broker's license.

*Builder-owner salesperson*—An individual holding either a standard or reciprocal license, who is a full-time employee of a builder-owner of single- and multi-family dwellings located in this Commonwealth and who is authorized, for and on behalf of, the builder-owner, to do one or more of the following:

(i) List for sale, sell or offer for sale real estate of the builder-owner.

(ii) Negotiate the sale or exchange of real estate of the builder-owner.

(iii) Lease or rent, or offer to lease, rent or place for rent, real estate of the builder-owner.

(iv) Collect or offer, or attempt to collect, rent for real estate of the builder-owner.

*Bureau*—The Bureau of Professional and Occupational Affairs of the Department.

*Buyer agent*—A licensee who enters into an agency relationship with a buyer/tenant.

*Campground membership*—An interest, other than in fee simple or by lease, which gives the purchaser the right to use a unit of real property for the purpose of locating a recreational vehicle, trailer, tent, tent trailer, pickup camper or other similar device on a periodic basis under a membership contract allocating use and occupancy rights between other similar users.

*Campground membership salesperson*—An individual holding either a standard or reciprocal license, who, either as an employee or an independent contractor, sells or offers to sell campground memberships under the active supervision of a broker. A licensed broker, salesperson or time-share salesperson does not need to possess a campground membership salesperson's license to sell campground memberships.

*Cemetery*—

(i) A place for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle.

(ii) The term does not include a private family cemetery.

*Cemetery associate broker*—An individual cemetery broker employed by another cemetery broker or by a broker.

*Cemetery broker*—An individual or entity holding either a standard or reciprocal license, that is engaged as, or carrying on the business or acting in the capacity of, a broker exclusively within the limited field or branch of business that applies to cemetery lots, plots and mausoleum spaces or openings.

*Cemetery company*—An individual or entity that offers or sells to the public the ownership, or the right to use, a cemetery lot.

*Cemetery salesperson*—An individual holding either a standard or reciprocal license, employed by a broker or cemetery broker exclusively to perform the duties of a cemetery broker.

*Commission*—The State Real Estate Commission.

*Comparative market analysis*—A written analysis, opinion or conclusion by a contracted buyer's agent, transactional licensee or an actual or potential seller's agent relating to the probable sale price of a specified piece of real estate in an identified real estate market at a specified time, offered either for the purpose of determining the asking/offering price for the property by a specific actual or potential consumer or for the purpose of securing a listing agreement with a seller.

*Consumer*—An individual or entity who is the recipient of any real estate service.

*Credit*—A period of 15 hours of instruction.

*Department*—The Department of State of the Commonwealth.

*Designated agent*—One or more licensees designated by the employing broker, with the consent of the principal, to act exclusively as the agent or agents for the principal to the exclusion of all other licensees within the broker's employ.

*Distance education*—Real estate instruction delivered in an independent or instructor-led format during which the student and the instruction are separated by distance and sometimes time.

*Dual agent*—A licensee who acts as an agent for the buyer/tenant and seller/landlord in the same transaction.

*Hour of instruction*—A period of at least 50 minutes.

*Independent learning*—An interactive educational program, including computer-based technology courses, that provides no contact with an instructor.

*Initial interview*—The first communication between a broker or salesperson and a consumer involving the personal/business or financial needs and motivations of the consumer. A discussion of the objective facts about the property, including dimensions, zoning classification, age, description or list price/lease amount, is not by itself a substantive discussion.

*Instructor-led learning*—An interactive educational program, including a classroom or simulated classroom, that provides significant ongoing contact from the instructor to the participant during the learning process.

*Licensee*—An individual or entity holding either a standard or reciprocal license, under the act. For purposes of the consumer notice in § 35.336(a)(relating to disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant), the term means a broker or salesperson.

*Listing broker*—A broker who has entered into a written agreement with a seller/landlord to market property as a seller's agent, dual agent or transaction licensee.

*Main office*—The fixed location other than a branch office of the broker or cemetery broker in this Commonwealth or another state devoted to the transaction of real estate business.

*Manager of record*—The individual rental listing referral agent responsible for the rental listing transactions of a partnership, association or corporation that holds a rental listing referral agent's license.

*Nonexclusive buyer agency agreement*—A nonexclusive agreement governed by a memorandum or contract wherein the buyer retains the right to employ multiple brokers to purchase or lease a property.

*Open listing agreement*—A nonexclusive listing agreement governed by a memorandum or contract wherein the seller retains the right to employ multiple brokers to sell or lease a property.

*Principal*—A consumer who has entered into an agency relationship with a broker or another licensee employed by the broker.

*Principal place of business*—The fixed location of the broker or cemetery broker in the state where the licensee holds the equivalent of a standard license.

*Real estate*—An interest or estate in land—whether corporeal or incorporeal, whether freehold or nonfreehold, whether the land is situated in this Commonwealth or elsewhere—including leasehold interests and time share and similarly designated interests.

*Real estate education provider*—A person or institution who offers real estate education regardless of whether the learning is instructor-led or independent, excluding colleges, universities or institutes of higher learning accredited

by the Middle States Association of Colleges and Secondary Schools or equivalent accreditation.

*Reciprocal license*—A license issued to an individual or entity whose principal place of business for the provision of real estate services is outside of this Commonwealth and who holds a current license to provide real estate services from a state that either has executed a reciprocal agreement with the Commission or has qualifications for licensure which are substantially comparable to those required by the Commission.

*Rental listing referral agent*—

(i) An individual or entity that owns or manages a business which collects rental information for the purpose of referring prospective tenants to rental units or locations of rental units.

(ii) The term does not include an official or employee of a public housing authority that is created under State or Federal law.

*Salesperson*—An individual holding either a standard or reciprocal license, who is employed by a broker to do one or more of the following:

(i) Sell or offer to sell real estate, or list real estate for sale.

(ii) Buy or offer to buy real estate.

(iii) Negotiate the purchase, sale or exchange of real estate.

(iv) Negotiate a loan on real estate.

(v) Lease or rent real estate, or offer to lease or rent real estate or to place real estate for rent.

(vi) Collect rent for the use of real estate, or offer or attempt to collect rent for the use of real estate.

(vii) Assist a broker in managing property.

(viii) Perform a comparative market analysis.

*Seller agent*—A licensee who enters into an agency relationship with a seller/landlord.

*Standard license*—A license, other than a reciprocal license, issued to an individual or entity who has fulfilled the education/experience and examination requirements of the act.

*Subagent*—A licensee, not in the employ of the listing broker, who acts or cooperates with the listing broker in selling property as a seller's/landlord's agent and is deemed to have an agency relationship with the seller.

*Time share*—

(i) The right, however evidenced or documented, to use or occupy one or more units on a periodic basis according to an arrangement allocating use and occupancy rights of that unit or those units between other similar users. As used in this definition, the term "unit" is a building or portion thereof permanently affixed to real property and designed for separate occupancy or a campground membership or portion thereof designed for separate occupancy.

(ii) The term does not include a campground membership.

*Time-share salesperson*—An individual who, either as an employee or an independent contractor, sells or offers to sell time shares.

*Transaction licensee*—A licensee who, without entering into an agency relationship with the consumer, provides

communication or document preparation services or performs other acts listed in the definition of "broker" or "salesperson."

### Subchapter C. LICENSURE

#### LICENSURE REQUIREMENTS

##### § 35.222. Licensure as a broker.

(a) An individual who wants to obtain a standard broker's license shall comply with § 35.221 (relating to general requirements) and:

(1) Have scored a passing grade on each part of the broker's licensing examination within 3 years prior to submission of a properly completed license application except that an applicant who has been actively licensed as a broker by another state within the last 5 years shall take and pass only the Pennsylvania portion of the examination. See § 35.271 (relating to examination for broker's license).

(2) Comply with §§ 35.241 and 35.242 (relating to general office requirement; and office of broker or cemetery broker).

(3) Submit a completed application to the Commission with recommendations attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence from:

(i) One real estate broker holding either a current standard or reciprocal license issued by the Commission.

(ii) Two persons unrelated to the applicant who own property in the county where the applicant resides or has a place of business.

(iii) Two persons unrelated to the applicant who own property in the county where the applicant previously resided, if the applicant changed his county of residence within 1 year prior to the submission of the application.

(b) An individual who wants to obtain a reciprocal broker's license shall comply with § 35.221 and:

(1) Possess a current broker's license issued by another state that agrees to issue a license to a standard Pennsylvania licensee without further requirement, or has qualifications for licensure substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state which would require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Comply with § 35.241 and § 35.242.

(3) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either the Commonwealth or another state.

(ii) The applicant has reviewed, is familiar with and agrees to be bound by the act and this chapter.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(4) If the applicant will be acting as an associate broker, submit a sworn statement from the broker with whom the applicant desires to be affiliated:

(i) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.

(ii) Certifying that the applicant will be actively supervised and trained by the broker.

(5) Submit a certification from the real estate licensing authority of the other state:

(i) Confirming that the applicant's license is active and in good standing.

(ii) Describing any past disciplinary action taken by the licensing authority against the applicant.

(iii) Listing the applicant's office address and the name of the applicant's employing broker.

(c) A partnership, association or corporation that wants to obtain a standard or reciprocal broker's license shall:

(1) Ensure that each member of the partnership or association, or each officer of the corporation, who intends to engage in the real estate business holds either a current standard or reciprocal license issued by the Commission as a salesperson or broker.

(2) Designate an individual who is licensed by the Commission as a broker to serve as broker of record.

(3) Comply with §§ 35.241 and 35.242.

(4) Submit a completed license application to the Commission.

##### § 35.223. Licensure as salesperson.

(a) An individual who wants to obtain a standard salesperson's license shall comply with § 35.221 (relating to general requirements) and:

(1) Have scored a passing grade on each part of the salesperson's licensing examination within 3 years prior to the submission of a properly completed license application except that an applicant who has been actively licensed as a broker or a salesperson by another state within the last 5 years shall take and pass only the Pennsylvania portion of the examination. See § 35.272 (relating to examination for salesperson's license).

(2) Submit a completed license application to the Commission with:

(i) A sworn statement from the broker with whom the applicant desires to be affiliated:

(A) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.

(B) Certifying that he will actively supervise and train the applicant.

(ii) Official transcripts evidencing the acquisition of degrees or course credits required by § 35.272(a)(2).

(b) An individual who wants to obtain a reciprocal salesperson's license shall comply with § 35.221 and:

(1) Possess a current broker's or salesperson's license issued by another state that agrees to issue a license to a standard Pennsylvania licensee without further requirement or has qualifications for licensure which are substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state which would require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either the Commonwealth or another state.

(ii) The applicant has reviewed, is familiar with and agrees to be bound by the act and this chapter.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(3) Submit a certification from the real estate licensing authority of the other state:

(i) Confirming that the applicant's license is active and in good standing.

(ii) Describing any past disciplinary action taken by the licensing authority against the applicant.

(iii) Listing the applicant's office address and the name of the applicant's employing broker.

(4) Submit a sworn statement from a standard or reciprocal broker with whom the applicant will be affiliated:

(i) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.

(ii) Certifying that the applicant will be actively supervised and trained by the broker.

**§ 35.224. Licensure as cemetery broker.**

(a) An individual who wants to obtain a standard cemetery broker's license shall comply with § 35.221 (relating to general requirements) and:

(1) Have scored a passing grade on each part of the salesperson's licensing examination within 3 years prior to submission of a properly completed license application except that an applicant who has been actively licensed as a cemetery broker by another state within the last 5 years shall take and pass only the Pennsylvania portion of the examination. See § 35.273 (relating to examination for cemetery broker's license).

(2) Comply with §§ 35.241 and 35.242 (relating to general office requirement; and office of broker or cemetery broker).

(3) Submit a completed application to the Commission with recommendations attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence from:

(i) One real estate broker holding either a current standard or reciprocal license issued by the Commission.

(ii) Two persons unrelated to the applicant who own property in the county where the applicant resides or has a place of business.

(iii) Two persons unrelated to the applicant who own property in the county where the applicant previously resided, if the applicant changed his county of residence within 1 year prior to the submission of the application.

(b) An individual who wants to obtain a reciprocal cemetery broker's license shall comply with § 35.221 and:

(1) Possess a current cemetery broker's license issued by a state that agrees to issue a license to a standard Pennsylvania licensee without further requirement or has qualifications for licensure which are substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state that would

require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Comply with § 35.241 and § 35.242.

(3) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either this Commonwealth or another state.

(ii) The applicant has reviewed, is familiar with and agrees to be bound by the act and this chapter.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(4) If the applicant will be acting as an associate cemetery broker, submit a sworn statement from the broker with whom the applicant will be affiliated:

(i) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.

(ii) Certifying that the applicant will be actively supervised and trained by the broker.

(5) Submit a certification from the real estate licensing authority of the other state:

(i) Confirming that the applicant's license is active and in good standing.

(ii) Describing any past disciplinary action taken by the licensing authority against the applicant.

(iii) Listing the applicant's office address and the name of the applicant's employing broker.

(c) A partnership, association or corporation that wants to obtain a standard cemetery broker's license shall:

(1) Ensure that each member of the partnership, association or each officer of the corporation, who intends to engage in the real estate business possesses a standard license as a broker or cemetery broker issued by the Commission.

(2) Designate an individual who is licensed by the Commission as a broker or cemetery broker to serve as broker of record.

(3) Comply with §§ 35.241 and 35.242.

(4) Submit a complete license application to the Commission.

(d) A partnership, association or corporation that wants to obtain a reciprocal cemetery broker's license shall:

(1) Ensure that each member of the partnership, association or each officer of the corporation, who intends to engage in the real estate business possesses a standard or reciprocal license as a broker or cemetery broker issued by the Commission.

(2) Designate a broker or cemetery broker holding a standard or reciprocal license to serve as broker of record.

(3) Comply with §§ 35.241 and 35.242.

(4) Submit a complete license application to the Commission.

**§ 35.225. Licensure as cemetery salesperson.**

(a) An individual who wants to obtain a standard cemetery salespersons license shall comply with § 35.221 (relating to general requirements) and:

- (1) Be 18 years of age or older.
- (2) Submit a completed license application to the Commission with a sworn affidavit from the broker or cemetery broker with whom the applicant will be affiliated:
  - (i) Attesting to the applicant's good reputation for honesty, integrity, trustworthiness and competence.
  - (ii) Certifying that he will actively supervise and train the applicant.
- (b) An individual who wants to obtain a reciprocal cemetery salesperson's license shall comply with § 35.221 and:

(1) Possess a current cemetery salesperson's license issued by a state that agrees to issue a license to a standard Pennsylvania licensee without further requirement or has qualifications for licensure which are substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state that would require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Submit a certification from the real estate licensing authority of the other state:

- (i) Confirming that the applicant's license is active and in good standing.
- (ii) Describing any past disciplinary action taken by the licensing authority against the applicant.
- (iii) Listing the applicant's office address and the name of the applicant's employing broker.

(3) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either this Commonwealth or another state.

(ii) The applicant has reviewed, is familiar with and agrees to be bound by the act and this chapter.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(4) Submit a sworn statement from the broker with whom the applicant will be affiliated:

- (i) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.
- (ii) Certifying that the applicant will be actively supervised and trained by the broker.

**§ 35.226. Licensure as builder-owner salesperson.**

(a) An individual who wants to obtain a standard builder-owner salesperson's license shall comply with § 35.221 (relating to general requirements) and:

(1) Have scored a passing grade on each part of the salesperson's licensing examination within 3 years prior to submission of a properly completed license application except that an applicant who has been actively licensed

as a broker, salesperson or builder-owner salesperson by another state within the last 5 years shall take and pass only the Pennsylvania portion of the examination. See § 35.274 (relating to examination for builder-owner salesperson's license).

(2) Submit a completed license application to the Commission with a sworn statement from a builder-owner:

(i) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.

(ii) Certifying that he:

(A) Is a builder-owner of single or multifamily dwellings.

(B) Employs the applicant.

(b) An individual who wants to obtain a reciprocal license as a builder-owner salesperson shall comply with § 35.221 and:

(1) Possess a current builder-owner salesperson license issued by a state that agrees to issue a license to a standard Pennsylvania licensee without further requirement or has qualifications for licensure which are substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state that would require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Submit a certification from the real estate licensing authority of the other state:

- (i) Confirming that the applicant's license is active and in good standing.
- (ii) Describing any past disciplinary action taken by the licensing authority against the applicant.
- (iii) Listing the applicant's office address and the name of the applicant's employing broker.

(3) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either this Commonwealth or another state.

(ii) The applicant has reviewed, is familiar with and agrees to be bound by the act and this chapter.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(4) Submit a sworn statement from the builder-owner with whom the applicant will be affiliated:

- (i) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.
- (ii) Certifying that the builder-owner is a builder-owner of single or multifamily dwellings and employs the applicant.

**§ 35.227. Licensure as rental listing referral agent.**

(a) An individual who wants to obtain a standard rental listing referral agent's license shall comply with § 35.221 (relating to general requirements) and:

(1) Have scored a passing grade on each part of the salesperson's examination within 3 years prior to submis-

sion of a properly completed license application except that an applicant who has been actively licensed as a broker, salesperson or rental listing referral agent by another state within the last 5 years shall take and pass only the Pennsylvania portion of the examination. See § 35.275 (relating to examination for rental listing referral agent's license).

(2) Comply with § 35.241 (relating to general office requirement).

(3) Submit a completed license application to the Commission.

(b) An individual who wants to obtain a reciprocal rental listing referral agent's license shall comply with § 35.221 and:

(1) Possess a current rental listing referral agent's license issued by a state that agrees to issue a license to a standard Pennsylvania licensee without further requirement or has qualifications for licensure which are substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state that would require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Submit a certification from the real estate licensing authority of the other state:

(i) Confirming that the license is active and in good standing.

(ii) Describing any past disciplinary action taken by the licensing authority against the applicant.

(iii) Listing the applicant's office address and the name of the applicant's employing broker.

(3) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either this Commonwealth or another state.

(ii) The applicant has reviewed, is familiar with and agrees to be bound by the act and this chapter.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(4) Comply with § 35.241 (relating to general office requirement).

(c) A partnership, association or corporation that wants to obtain a standard or reciprocal rental listing referral agent's license shall:

(1) Designate an individual who holds either a current standard or reciprocal license as a rental listing referral agent issued by the Commission to serve as manager of record.

(2) Comply with § 35.241.

(3) Submit a completed license application to the Commission.

**§ 35.228. Licensure as campground membership salesperson.**

(a) An individual who wants to obtain a standard campground membership salesperson's license shall comply with § 35.221 (relating to general requirements) and:

(1) Be 18 years of age or older.

(2) Have successfully completed the one-credit (15 hours), Commission-developed course titled Campground Membership Sales, provided the following conditions are met:

(i) The course was taken prior to onsite training.

(ii) The course was taught at an accredited college, university or institute of higher learning in this Commonwealth or a real estate education provider in this Commonwealth approved by the Commission.

(3) Have successfully completed 30 days of onsite training at a campground membership facility subject to the following conditions:

(i) The 30 days of onsite training shall be completed during a 90-day period within 3 years prior to the submission of a license application.

(ii) The trainee shall be actively supervised and trained by a broker.

(4) Submit a completed license application to the Commission with:

(i) An official transcript evidencing acquisition of the qualifying coursework or degree.

(ii) A sworn statement from the broker under whom the applicant received his onsite training certifying that he actively trained and supervised the applicant and providing other information regarding the onsite training as the Commission may require.

(b) An individual who wants to obtain a reciprocal campground membership salesperson's license shall comply with § 35.221 and:

(1) Possess a current campground membership salesperson's license issued by a state that agrees to issue a license to a standard Pennsylvania licensee without further requirement or has qualifications for licensure which are substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state that would require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Submit a certification from the real estate licensing authority of the other state:

(i) Confirming that the applicant's license is active and in good standing.

(ii) Describing any past disciplinary action taken by the licensing authority against the applicant.

(iii) Listing the applicant's office address and the name of the applicant's employing broker.

(3) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either the Commonwealth or another state.

(ii) The applicant has reviewed, is familiar with and agrees to be bound by the act and this chapter.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(4) Submit a sworn statement from the broker from whom the applicant received his onsite training certifying that the broker actively trained and supervised the applicant and providing other information regarding the onsite training the Commission may require.

**§ 35.229. Licensure as time-share salesperson.**

(a) An individual who wants to obtain a standard time-share salesperson's license shall comply with § 35.221 (relating to general requirements) and:

(1) Be at least 18 years of age.

(2) Have successfully completed the two-credit (30 hours), Commission-developed course titled Time Share Sales, provided the following conditions are met:

(i) The course was taken prior to onsite training.

(ii) The course was taught at an accredited college, university or institute of higher learning in this Commonwealth or a real estate education provider in this Commonwealth approved by the Commission.

(3) Have successfully completed 30 days of onsite training at a time share facility subject to the following conditions:

(i) The 30 days of onsite training shall be completed during a 90-day period within 3 years prior to the submission of a license application.

(ii) The trainee shall be actively supervised and trained by a broker.

(4) Submit a completed license application to the Commission with:

(i) An official transcript evidencing acquisition of the qualifying coursework or degree.

(ii) A sworn statement from the broker under whom the applicant received his onsite training certifying that he actively trained and supervised the applicant and providing other information regarding the onsite training the Commission may require.

(b) An individual who wants to obtain a reciprocal time-share salesperson's license shall comply with § 35.221 and:

(1) Possess a current time-share salesperson's license issued by a state that agrees to issue a license to a standard Pennsylvania licensee without further requirement or has qualifications for licensure which are substantially comparable to those required by the Commission. When a reciprocal applicant applies from a state that would require a Pennsylvania licensee to complete additional education, experience or examination requirements, the reciprocal applicant shall complete equivalent requirements for licensure in this Commonwealth.

(2) Submit a certification from the real estate licensing authority of the other state:

(i) Confirming that the applicant's license is active and in good standing.

(ii) Describing any past disciplinary action taken by the licensing authority against the applicant.

(iii) Listing the applicant's office address and the name of the applicant's employing broker.

(3) Submit a completed license application to the Commission with a verified statement that:

(i) To the applicant's knowledge, the applicant is not the subject of discipline or a current investigation or proceeding alleging misconduct under a licensing law or criminal law of either this Commonwealth or another state.

(ii) The applicant has reviewed and is familiar with the act and the regulations and agrees to be bound by the act and regulations.

(iii) The applicant agrees to permit the disclosure of the record in any disciplinary proceeding involving alleged misconduct by the applicant from any state in which the applicant is or has been licensed.

(4) Submit a sworn statement from the broker from whom the applicant received his onsite training certifying that he actively trained and supervised the applicant and providing other information regarding the onsite training the Commission may require.

**OFFICES**

**§ 35.245. Display of licenses in office.**

(a) Commencing with the 2006-2008 renewal period the current license of a broker, cemetery broker or rental listing referral agent and those licensees employed by or affiliated with that broker, cemetery broker or rental listing referral agent shall be maintained at the main office.

(b) A broker or cemetery broker shall maintain a list of licensees employed or affiliated with the broker or cemetery broker at the branch office out of which each licensee works.

**STATUS OF LICENSURE**

**§ 35.255. Reciprocal licenses.**

(a) *Renewal.* In addition to completing the application and paying the fee, a licensee applying for renewal of a reciprocal license shall provide the Commission with a certification that the license is current and in good standing from the state where the licensee has his principal place of business.

(b) *Reactivation.* A licensee who fails to renew a reciprocal license may reactivate the license without being reexamined provided that he holds the equivalent of a current standard license in the state where the licensee has his principal place of business.

(c) *Conversion to standard license.* A reciprocal licensee who designates his principal place of business as in this Commonwealth or who fails to maintain a current standard license in the state of his principal place of business shall notify the Commission within 30 days of the change. To continue to practice in this Commonwealth at the end of the renewal period, the reciprocal licensee shall obtain a standard license in accordance with the applicable requirements of this chapter. Thereafter, the standard licensee shall comply with the requirements for a standard license, including completion of the continuing education requirement.

**Subchapter D. LICENSING EXAMINATIONS**

**§ 35.272. Examination for salesperson's license.**

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a standard salesperson's license shall:

(1) Be 18 years of age or older.

(2) Have successfully completed four credits, or 60 hours of instruction, in basic real estate courses as determined by the Commission under subsection (b).

(3) Submit a completed examination application to the Commission or its designee with the examination fee.

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(2):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of coursework in specific areas of study:

(i) A bachelor's degree with a major in real estate from an accredited college, university or institute of higher learning.

(ii) A bachelor's degree from an accredited college, university or institute of higher learning, having completed coursework equivalent to a major in real estate.

(iii) A juris doctor degree from an accredited law school.

(2) Credits will be allowed for each of the Commission-developed real estate courses—Real Estate Fundamentals and Real Estate Practice—when offered by:

(i) An accredited college, university or institution of higher learning located outside this Commonwealth.

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(3) Credits will be allowed for acceptable basic real estate courses when offered by:

(i) An accredited college, university or institution of higher learning located outside this Commonwealth.

(ii) A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider is located.

(4) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(c) A licensee who is converting a reciprocal license to a standard salesperson's license is exempt from the requirements in subsections (a) and (b) and is only required to pass the state portion of the examination.

**§ 35.273. Examination for cemetery broker's license.**

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a standard cemetery broker's license shall:

(1) Be 21 years of age or older.

(2) Have worked at least 3 years as a licensed salesperson or cemetery salesperson, with experience qualifications that the Commission considers adequate for practice as a cemetery broker, or possess at least 3 years of other experience, education, or both, that the Commission considers the equivalent of 3 years' experience as a licensed salesperson or cemetery salesperson.

(3) Have successfully completed four credits, or 60 hours of instruction, in basic real estate courses as determined by the Commission under subsection (b).

(4) Submit a completed examination application to the Commission or its designee with:

(i) Official transcripts evidencing the acquisition of degrees or course credits.

(ii) A detailed resume of real estate activities performed by the candidate while working as a salesperson or cemetery salesperson, and a sworn statement from the candidate's employing broker confirming that these activities were performed if the candidate is a licensed salesperson or cemetery salesperson.

(iii) A complete description of work experience and education that the candidate considers relevant to the requirements of paragraph (2) if the candidate is not a licensed salesperson or cemetery salesperson.

(iv) The fee for review of the candidate's qualifications to take the examination prescribed in § 35.203 (relating to fees) and the fee for administration of the examination.

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirements of subsection (a)(3):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of course work in specific areas of study:

(i) A bachelor's degree with a major in real estate from an accredited college, university or institute of higher learning.

(ii) A bachelor's degree from an accredited college, university or institute of higher learning, having completed course work equivalent to a major in real estate.

(iii) A juris doctor degree from an accredited law school.

(2) Credits will be allowed for each of the Commission-developed real estate courses—Real Estate Fundamentals and Real Estate Practice—when offered by:

(i) An accredited college, university or institute of higher learning in this Commonwealth.

(ii) A real estate education provider approved by the Commission in this Commonwealth.

(3) Credits will be allowed for cemetery courses when offered by:

(i) An accredited college, university or institute of higher learning in this Commonwealth.

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(4) Credits will be allowed for acceptable basic real estate courses when offered by:

(i) An accredited college, university or institute of higher learning located outside this Commonwealth.

(ii) A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider is located.

(iii) A cemetery association outside this Commonwealth, if the course taught by the cemetery association is equivalent to a course taught by a real estate school in this Commonwealth approved by the Commission.

(5) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(c) A reciprocal licensee who is converting a reciprocal license to a standard cemetery broker's license is exempt from subsection (a) and is only required to pass the state portion of the examination.



**§ 35.274. Examination for builder-owner salesperson's license.**

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a standard builder-owner salesperson's license shall:

- (1) Be 18 years of age or older.
- (2) Be employed by a builder-owner who has a good reputation for honesty, trustworthiness, integrity and competence.
- (3) Submit a completed examination application to the Commission or its designee with the examination fee.

(b) A reciprocal licensee who is converting a reciprocal license to a standard builder-owner salesperson's license is only required to pass the state portion of the examination.

**§ 35.275. Examination for rental listing referral agent's license.**

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a standard rental listing referral agent's license shall:

- (1) Be 18 years of age or older.
- (2) Have successfully completed four credits, or 60 hours of instruction, in basic real estate courses as determined by the Commission under subsection (b).
- (3) Submit a completed examination application to the Commission or its designee with the examination fee.

(b) The Commission will apply the following standards in determining whether an examination candidate has met the requirements of subsection (a)(2):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of coursework in specific areas of study:

- (i) A bachelor's degree with a major in real estate from an accredited college, university or institute of higher learning.
- (ii) A bachelor's degree from an accredited college, university or institute of higher learning, having completed coursework equivalent to a major in real estate.
- (iii) A juris doctor degree from an accredited law school.

(2) Credits will be allowed for each of the Commission-developed real estate courses—Real Estate Fundamentals and Real Estate Practice—when offered by:

(i) An accredited college, university or institute of higher learning in this Commonwealth.

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(3) Credits will be allowed for acceptable basic real estate courses when offered by:

(i) An accredited college, university or institute of higher learning in this Commonwealth.

(ii) A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider is located.

(4) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(c) A reciprocal licensee who is converting a reciprocal license to a standard rental listing referral agent's license is exempt from the requirements in subsections (a) and (b) and is only required to pass the state portion of the examination.

**Subchapter H. CONTINUING EDUCATION**

**§ 35.382. Requirement.**

(a) *Condition precedent to renewal of current standard license.* A broker or salesperson holding a standard license who desires to renew a current license shall, as a condition precedent to renewal, complete 14 hours of Commission-approved continuing education during the preceding license period. The continuing education shall be completed by the May 31 renewal deadline.

(b) *Condition precedent to reactivation and renewal of noncurrent standard license.* A broker or salesperson holding a standard license who desires to reactivate and renew a noncurrent license shall, as a condition precedent to reactivation and renewal, complete 14 hours of Commission-approved continuing education during the 2-year period preceding the date of submission of the reactivation application. A broker or salesperson holding a standard license may not use the same continuing education coursework to satisfy the requirements of this subsection and subsection (a).

(c) *Exception.* The continuing education requirement does not apply to reciprocal license holders or cemetery brokers, cemetery salespersons, builder-owner salespersons, timeshare salespersons, campground membership salespersons and rental listing referral agents who hold standard licenses.

(d) *Documentation.* A licensee shall provide the Commission with information necessary to establish the licensee's compliance with this subchapter.

**§ 35.383. Waiver of continuing education requirement.**

(a) The Commission may waive all or part of the continuing education requirement of § 35.382 (relating to requirement) upon proof that the standard license holder seeking the waiver is unable to fulfill the requirement because of illness, emergency or hardship. The following are examples of situations in which hardship waivers will be granted.

(1) A standard license holder who seeks to renew a current license that was initially issued within 6 months of the biennial license period for which renewal is sought will be deemed eligible, on the basis of hardship, for a full waiver of the continuing education requirement.

(2) A standard license holder who seeks to renew a current license that was reactivated from noncurrent status within 6 months of the biennial license period for which renewal is sought will be deemed eligible, on the basis of hardship, for a full waiver of the continuing education requirement.

(3) A standard license holder who is a qualified continuing education instructor will be deemed eligible, for the waiver of 1 hour of continuing education for each hour of actual classroom instruction in an approved continuing education topic that the instructor is qualified to teach. Duplicate hours of instruction in the same topic during the same biennial license period will not be considered for waiver purposes.

(b) Requests to waive the continuing education requirement must be filed with the Commission on or before

March 31 of the renewal year unless the applicant proves to the satisfaction of the Commission that it was impracticable to do so.

**§ 35.384. Qualifying courses.**

(a) Except as provided in subsection (b), a licensee shall complete 14 hours of continuing education in acceptable courses in a minimum of 2-hour increments. A standard license holder shall satisfy the continuing education requirement by doing one of the following:

(b) The Commission may, for a given biennial license period and with adequate notice to standard license holders, require that all or part of the 14 hours be completed in required topics.

- (c) Acceptable courses include the following:
- (1) Real estate ethics.
  - (2) Laws affecting real estate.
  - (3) Real estate financing and mathematics.
  - (4) Real estate valuation and evaluation.
  - (5) Property management.
  - (6) Land use and zoning.
  - (7) Income taxation as applied to real property.
  - (8) Ad valorem tax assessment and special assessments.
  - (9) Consumer protection and disclosures.
  - (10) Agency relationships.
  - (11) Landlord-tenant laws.
  - (12) Environmental issues in real estate.
  - (13) Antitrust issues in real estate.
  - (14) Current litigation related to real estate.
  - (15) Legal instruments related to real estate transactions.
  - (16) Legalities of real estate advertising.
  - (17) Developments in building construction techniques, materials and mechanical systems.
  - (18) Real estate investment analysis.
  - (19) Management of real estate brokerage operations.
  - (20) Property development.
  - (21) Real estate securities and syndication.
  - (22) Real property exchange.
  - (23) Broker courses encompassing supervisory duties and standards of conduct and practice contained in Subchapter E (relating to standards of conduct and practice).
  - (24) Marketing promotion and advertising of real estate inventory.
  - (25) Use of technology in delivering real estate services.
- (d) Unacceptable courses include: mechanical office and business skills; for example, typing, speed writing, preparation of advertising copy, development of sales promotional devices, word processing, calculator and computer operation and office management and related internal operations procedures that do not have a bearing on the public interest.

[Pa.B. Doc. No. 05-1559. Filed for public inspection August 19, 2005, 9:00 a.m.]

**STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**

[49 PA. CODE CH. 37]

**Biennial Renewal Fees and Examination Fees**

The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) amends § 37.17 (relating to schedule of fees) to read as set forth in Annex A.

The final-form rulemaking raises the biennial renewal fees for professional engineers, professional land surveyors and professional geologists from \$25 to \$50. The new biennial renewal fees will initially apply to licensees who renew their biennial registrations for the renewal period that begins October 1, 2005. The final-form rulemaking also deletes examination fees from the Board's fee schedule and adds an explanatory statement about how examination fees are set and collected. The final-form rulemaking also makes minor editorial changes to the descriptions of certain fees for consistency of usage.

*Summary of Comments and Responses to Proposed Rulemaking*

The Board published a notice of proposed rulemaking at 35 Pa.B. 258 (January 8, 2005), with a 30-day public comment period. The proposed rulemaking explained in detail the fiscal and policy reasons for amending the Board's fee schedule. The Board did not receive any public comments.

The Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (House Committee) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.14). The Board did not receive comments from the Senate Committee on Consumer Protection and Professional Licensure (Senate Committee) as part of its review of proposed rulemaking under the Regulatory Review Act.

The proposed rulemaking provided for the deletion of examination fees from the Board's fee schedule, but did not add an explanatory statement about examination fees. The House Committee and IRRC recommended that language be added to the fee schedule explaining how examination fees are set and collected. The Board agrees that the clarification would be useful. The Board has incorporated into the final-form rulemaking a statement that examination fees are established by agreement between the Commonwealth and the testing organizations that develop, administer and grade the examinations and that examination candidates pay examination fees directly to the testing organizations.

The House Committee and IRRC also recommended that the Board consider amending § 37.16 (relating to general information; application and examination). Section 37.16(c) provides that examinations are to be held in Pittsburgh, Harrisburg, Philadelphia and other places designated by the Board during the months of April and October of each year. Section 37.16(c) further provides that applications for examination eligibility are to be submitted to the Board by December 1 for the April examination and by July 1 for the October examination.

The House Committee questioned whether § 37.16(c) should be revised, given that the testing organizations administer the examinations. IRRC likewise requested clarification, recommending that the Board replace the current § 37.16(c) with language indicating where exami-

nation candidates can obtain information about current testing organizations, examination fees, examination deadlines, examination dates and examination locations. IRRC also noted that the information in § 37.16(c) is outdated with regard to the application deadlines for the professional geologist examination.

The Board agrees with the House Committee and IRRC that § 37.16(c) should be amended. The Board is in the process of updating and revising its entire set of regulations in Chapter 37. The Board recently sent an exposure draft of the general amendments to professional organizations for preproposal comment. The proposed amendments to § 37.16, as reflected in the exposure draft, would include language similar to that recommended by

<i>Certification Class</i>	<i>No. of Renewing Licensees</i>		<i>Fee Increase</i>	<i>Additional Revenues</i>
Professional Engineer	32,355	x	\$25	\$808,875
Professional Land Surveyor	3,413	x	\$25	\$85,325
Professional Geologist	2,637	x	\$25	\$65,925

#### *Paperwork Requirements*

The final-form rulemaking will require the Board to change its biennial renewal form to reflect the new fees. The final-form rulemaking will not create additional paperwork requirements for the regulated community.

#### *Effective Date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The new biennial renewal fees will initially apply to licensees who renew their registrations for the biennial renewal period beginning October 1, 2005.

#### *Statutory Authority*

Section 9 of the Engineer, Land Surveyor and Geologist Registration Law (Registration Law) (63 P.S. § 156) requires the Board to establish fees by regulation and to ensure that revenues derived from fees, fines and civil penalties are adequate to cover the Board's expenditures over a biennial period. Section 4(e) of the Registration Law (63 P.S. § 151(e)) contemplates that the Board may assess biennial renewal fees by regulation.

The Board considers the amendments to be both required by law and the least restrictive means of covering the cost of activities that the Board is required to perform.

#### *Regulatory Review*

Under authority of section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on December 22, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 258, to IRRC for review and comment. Under authority of section 5(a) and (f) of the Regulatory Review Act, on February 2, 2005, the Board submitted copies of the notice of proposed rulemaking published at 35 Pa.B. 258 to the Chairpersons of the House and Senate Committees for review and comment.

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

IRRC. Examination candidates would be directed to contact the testing organizations for examination applications and examination-related information, including examination fees, examination dates and locations and examination application filing deadlines. Examination candidates would be advised that contact information about testing organizations may be obtained from the Board's website. The Board anticipates that the proposed general revisions will be published for public comment and submitted for regulatory review by early 2006.

#### *Fiscal Impact*

The final-form rulemaking will generate approximately \$960,125 in additional biennial renewal fee revenues, broken down as follows:

Under authority of section 5.1(e) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(e) and (j.2)), the final-form rulemaking was approved by the House Committee on June 28, 2005, and deemed approved by the Senate Committee on July 13, 2005. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 14, 2005, and approved the final-form rulemaking.

#### *Additional Information*

For additional information about the final-form rulemaking, submit inquiries to Shirley S. Klinger, Administrator, State Registration Board for Professional Engineers, Land Surveyors and Geologists, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7049, ST-ENGINEER@state.pa.us.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Registration Law.

(4) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 35 Pa.B. 258.

#### *Order*

The Board, acting under the Registration Law, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 37, are amended by amending § 37.17 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

THEODORE TESLER, P. G.,  
*President*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 4270 (July 30, 2004).)*

**Fiscal Note:** Fiscal Note 16A-478 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**

**QUALIFICATIONS FOR LICENSURE**

**§ 37.17. Schedule of fees.**

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

Biennial renewal of registration..... \$50

(b) *Professional geologists.* The Board will charge the following fees:

Application for registration..... \$50

Biennial renewal of registration..... \$50

Temporary permit..... \$25

(c) *Other fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores..... \$25

Verification of license, registration or permit.... \$15

(d) *Fees to testing organizations.* Examination fees are established by agreement between the Commonwealth and the testing organizations that develop, administer and grade the examinations. Examination candidates pay examination fees directly to the testing organizations.

[Pa.B. Doc. No. 05-1560. Filed for public inspection August 19, 2005, 9:00 a.m.]

**Title 55—PUBLIC WELFARE**

**DEPARTMENT OF PUBLIC WELFARE**

**[55 PA. CODE CH. 1121]**

**Pharmaceutical Services; Revisions to the State Maximum Allowable Cost for Pharmaceutical Services**

The Department of Public Welfare (Department), under the authority of sections 201(2), 403(b), 443.4 and 454 of the Public Welfare Code (code) (62 P. S. §§ 201(2), 403(b), 443.4 and 454), as amended by the act of July 7, 2005 (P. L. 177, No. 42) (Act 42), amends §§ 1121.2 and 1121.56 (relating to definitions; and drug cost determination) to read as set forth in Annex A.

*Omission of Proposed Rulemaking*

Act 42 amended the code by adding section 454. Section 454 of the code specifies that until December 31, 2005,

notwithstanding any other provision of law, the Department must promulgate regulations to establish provider payment rates under section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)), known as the Commonwealth Documents Law (CDL). That section authorizes an agency to omit or modify notice of proposed rulemaking when the regulation relates to Commonwealth grants or benefits. In addition, section 454 of the code expressly exempts provider payment rates from review under the Regulatory Review Act (71 P. S. §§ 745.1—745.15), and from review by the Attorney General under section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)). Finally, section 454(a) and (b) of the code provides that the regulations shall specify the effective date for provider payment rates.

The Department is adopting this final-omitted rulemaking in accordance with section 454 of the code because the final-omitted rulemaking relates to provider payment rates. The final-omitted rulemaking also provides for the effective date for the provider payment rates.

*Purpose*

The purpose of this final-omitted rulemaking is to:

1. Amend the current Medical Assistance (MA) fee-for-service (FFS) methodology in Chapter 1121 (relating to pharmaceutical services) for determining the State maximum allowable cost (MAC) for multisource brand name and generic drugs. The Department will determine the State MAC at the lower of the following:

(i) The upper payment limit established by the Centers for Medicare and Medicaid Services (CMS).

(ii) Provided that the generic product is available at the price established by the Department from at least two wholesalers:

(a) If the generic product is available from more than one manufacturer, the base price of 150% of the lowest acquisition cost for the generic product, unless 150% of the lowest acquisition cost is not at least 120% of the second lowest acquisition cost, in which case the base price will be set at 120% of the second lowest acquisition cost.

(b) If the generic product is available from only one manufacturer, the base price of 120% of the acquisition cost for the generic product.

2. Amend the current MA FFS methodology in Chapter 1121 to provide the time frames for updating the State MAC.

3. Amend the current MA FFS methodology in Chapter 1121 to clarify the package size to be used for determining the product cost for nonbreakables.

*Background*

The Pennsylvania MA Program assures the availability of a wide array of medically necessary healthcare services, supplies and equipment to approximately 1.8 million indigent and disabled persons. Prescription drugs are among the healthcare services that the Commonwealth has opted to include in the MA benefit package. The prescription drug benefit contains two types of drugs: 1) drugs available from only one manufacturer that holds or held the patent for the drug, commonly referred to as single-source brand name drugs; and 2) drugs available from multiple manufacturers and distributors, commonly

referred to as multisource drugs. A multisource drug typically includes both the brand name and the generic versions of the drug.

Under Federal law, the drug cost component of pharmacy reimbursement is based on the Estimated Acquisition Cost (EAC), which is defined as the state Medicaid "agency's best estimate of the price generally and currently paid by providers for a drug marketed or sold by a particular manufacturer or labeler in the package size of the drug most frequently purchased by providers." See 42 CFR 447.301 (relating to definitions). Before August 10, 2005, the Department calculated the EAC for all drugs at the lower of the average wholesale price (AWP) minus 10% and has paid the lower of the EAC or the State MAC plus a \$4 dispensing fee. See 25 Pa.B. 3978 (September 23, 1995). Yet, the MA Program continued to have one of the highest payment rates for prescription drugs in this Commonwealth.

States across the country are struggling to maintain their Medicaid programs as healthcare costs are increasing at a faster rate than state revenues, while the caseload of persons eligible for the program continues to grow. Rising drug costs play a major, if not the primary, role in escalating Medicaid costs. All three of these trends are affecting the Pennsylvania MA Program. The MA Program caseload is projected to increase by 5.9% in State Fiscal Year 2005-2006. MA costs for the State fiscal year are projected to increase by 6.7% while projected State revenues for the same period are projected to increase by only 2.8%. Expenditures for pharmaceutical services increased from \$730,090,896 in calendar year 2002 to close to \$1 billion in calendar year 2004, an increase of almost 37%.

The MA Program has responded to these challenges by implementing a number of initiatives designed to improve the efficiency and cost-effectiveness of the program while maintaining access to quality care for MA recipients. See 35 Pa.B. 4309 (August 6, 2005). Notwithstanding the savings associated with the success of these initiatives, in the face of ever-skyrocketing pharmacy expenditures, the Department cannot ignore the trends occurring in other state Medicaid programs and private third-party plans or the payment rates accepted by pharmacies in this Commonwealth, which show that the Department's pharmacy payment rates for both brand name and generic drugs were higher than those of virtually any other payor in this Commonwealth and many comparable Medicaid programs. The Pharmaceutical Assistance Contract for the Elderly (PACE) Program was the only publicly funded prescription drug program in this Commonwealth whose payment rates for drugs were as generous as those of the MA Program. The payment rates established by the Pennsylvania Employee Benefits Trust Fund and nearly all of the commercial third-party prescription drug programs in this Commonwealth, as well as the HealthChoices managed care organizations (MCOs) under contract to the Department to provide services to some 65% of the MA population, were significantly lower than those in the FFS delivery system.

In setting payment rates for pharmacy services in the MA Program, the Department seeks to assure that high quality pharmacy services are available to MA recipients to the same extent as to the general population in the same geographic area at the best possible price. As a prudent buyer of medical care for its recipients, the Department must be able to obtain rates similar to those extended to other third-party payors and other state Medicaid agencies. Pharmacy providers generally com-

plain that the lower payment rates offered by third-party payors are unfair to them and have an adverse impact on recipient access. The pharmacy industry has on two occasions in the past voiced a similar complaint to the Department, predicting that reduced payment rates would restrict recipient access and diminish the quality of care: in 1995, when the Department revised the pharmacy payment methodology from AWP to AWP minus 10%, and again in 1998 when the HealthChoices MCOs lowered their pharmacy payment rates to below AWP minus 10%. At neither time did the revised payment rates result in less access for MA recipients to pharmacy services of high quality anywhere in this Commonwealth; they certainly did not result in less access than that enjoyed by the general public.

For all of these reasons, effective August 10, 1995, the Department revised its calculation of the EAC for both brand name and generic drugs. See 35 Pa.B. 4309. The Department had announced its intention to revise the methodology for determining the State MAC for multisource drugs at the same time. See 35 Pa.B. 3268 (June 4, 2005). After receiving comments in response to the public notice published at 35 Pa.B. 3268, the Department delayed implementation of a revised State MAC to allow for additional public comment after publishing more specific details regarding the proposed methodology for determining the State MAC. See 35 Pa.B. 4264 (July 30, 2005). Having considered the comments received in response to the public notice published at 35 Pa.B. 4264, the Department is revising the methodology for determining the State MAC as described in the public notice. The revised methodology will apply to those generic drugs that have received an "A-rating" from the United States Food and Drug Administration (FDA) and their brand name counterparts unless a State MAC price cannot be established. In those cases, the Department will pay the EAC as explained in the final-omitted rulemaking published at 35 Pa.B. 4309.

Generic versions of brand name drugs are reviewed and approved by the FDA using the same strict guidelines and inspections used to evaluate and approve brand name drugs. Generic drugs that meet the same standards for strength, quality and purity as the brand name drugs are given an "A rating" by the FDA and are considered to be equivalent to the brand name counterparts. Generically equivalent drugs contain the same active ingredients and come in the same strengths and dosage forms as the brand name counterparts. Therefore, the FDA assures that all "A-rated" generically equivalent drugs can be substituted for the brand name drug with the full expectation that the generic product will produce the same clinical effect and safety profile as the brand name product.

Equally safe and "A-rated" generically equivalent drugs are today available for many brand name drugs at a lower cost. The State MAC is the upper payment limitation that the Department sets on certain multisource drugs for which both the brand name product and at least one A-rated generically equivalent product is available. The State MAC sets a drug cost payment limit on each drug when the generic product has the same active ingredients, is in the same strengths and the same dosage form and is given by the same route of administration as the brand name product. The main purpose of a State MAC is to take advantage of the price differentials between the brand name product and the less expensive equivalent generic drugs.

Currently in the MA Program, the State MAC is comprised of: 1) drugs for which the Federal government

has established a Federal upper limit; and 2) several other multisource drugs that do not have Federal upper limits (FUL).

The Federal upper limit is the maximum Medicaid payment limit established by the CMS on multiple source drugs that are listed as therapeutically equivalent to the brand name or single source drug in the most recent version of "The Approved Drug Products with Therapeutic Equivalence Evaluations" (known as the "Orange Book"), and for which at least three suppliers list the "A-rated" drug as available for sale Nationally. Within each generic formulation, the Federal upper limit is set at 150% of the lowest-priced generic drug as listed in the three nationally recognized pricing services. See 42 CFR 447.332 (a)(1)(i)–(iii) and (b) (relating to upper limits for multiple source drugs).

For drugs that do not have FUL, the Department sets the State MAC for these other multisource drugs at the baseline price as determined using the drug price listed in available Nationally recognized pricing services such as FirstData Bank, Medi-Span and Micromedic. See § 1121.56(d)(1). The baseline price is defined as the recalculated mean average for a multisource drug product using only the prices within one standard deviation of the original mean average. See § 1121.2.

Many new generically equivalent products have become available on the marketplace for which the Federal government has not yet assigned a Federal upper limit and the Department has not yet established a baseline price. Therefore, no State MAC has been established, and the Department had been paying for these drugs at AWP minus 10%, even though the drugs were available at considerably lower cost. For this reason, the Department established a separate EAC for brand name and generic drugs, effective August 10, 2005. See 35 Pa.B. 4309. Even the revised EAC for generic drugs does not enable the Department to take full advantage of the prices that are reported to be currently available.

For example, in September 2002, the Office of the Inspector General of the United States Department of Health and Human Services (OIG) issued a report on actual acquisition pricing, entitled Medicaid Pharmacy-Additional Analysis of the Actual Acquisition Cost of Prescription Drug Products (Report #A-06-02-00041) available on the OIG's website at [www.oig.hhs.gov/oas/reports/region6/60200041.htm](http://www.oig.hhs.gov/oas/reports/region6/60200041.htm). The objectives of this report were to develop estimates of the discount below AWP available for single-source drugs, all drugs without FUL, multisource drugs without FUL and multisource drugs with FUL. With respect to multisource drugs, the OIG concluded that pharmacies were able to purchase multisource drugs with FUL at an estimated discount of 72.1% below AWP and multisource drugs without FUL at an estimated discount of 44.2% below AWP.

In December 2004, the Congressional Budget Office (CBO) issued a report on Medicaid FFS reimbursement to pharmacies for prescription costs from 1997 to 2002, available on the CBO's website at [www.cbo.gov/showdoc.cfm?index=6038&sequence=0](http://www.cbo.gov/showdoc.cfm?index=6038&sequence=0). As explained in the report:

One of the main factors behind high markups for some types of drugs was Medicaid's reimbursement system. That system relies on the published list prices of drugs (which are largely set by manufacturers) to determine pharmacies' reimbursements, instead of using the actual cost of the drugs to the pharmacies. States reimburse pharmacies using for-

mulas that are typically based on the average wholesale price (AWP) of a drug, which (like the sticker price on a car) is a published list price that few purchasers actually pay. For example, a state might reimburse a pharmacy 85 percent to 90 percent of the average wholesale price of a drug plus a fixed dollar amount of \$3 to \$5 (as a dispensing fee) to cover the pharmacy's other costs. By relying on list prices, Medicaid's reimbursement formulas lead to large markups on drugs that have large differences between their list price and the price that the pharmacy actually pays . . . .

Especially in the case of a newer generic drug, manufacturers have an incentive to set a high list price but to make the drug available to pharmacies at a significantly lower price. A relatively high markup on a generic drug gives a pharmacist an incentive to substitute that drug for another generic or brand-name drug. When a new generic drug becomes available, manufacturers can compete for the pharmacy's business partly by setting a high list price and a low actual price for the pharmacy . . . .

[www.cbo.gov/showdoc.cfm?index=6038&sequence=0](http://www.cbo.gov/showdoc.cfm?index=6038&sequence=0). The report noted that an incentive to maintain high list prices diminishes over time, largely because the States' payment rates become subject to the FUL. [www.cbo.gov/showdoc.cfm?index=6038&sequence=0](http://www.cbo.gov/showdoc.cfm?index=6038&sequence=0). As also observed in the report, however, there is sometimes a delay before CMS establishes a Federal upper limit. [www.oig.hhs.gov/oei/reports/oei-03-02-00670.pdf](http://www.oig.hhs.gov/oei/reports/oei-03-02-00670.pdf).

Many private, commercial third-party payors previously used the FUL to establish the size and pricing of their MACs. Almost all have adopted an expanded MAC list, including more generic drugs than on the Federal upper limit list. Public third-party payors such as HealthChoices MCOs and the Pennsylvania Children's Health Insurance Programs (CHIP), as well as other state Medicaid agencies are also adopting expanded MAC lists. See the report on the CBO's website at [www.cbo.gov/showdoc.cfm?index=6038&sequence=0](http://www.cbo.gov/showdoc.cfm?index=6038&sequence=0).

Like these other payors, the Department will revise the methodology to determine the State MAC to take advantage of the prices that are now available.

Before selecting a new State MAC methodology, the Department reviewed the state MAC Programs of other state Medicaid programs and the impact those programs have on recipient access to drugs. That review revealed that some MAC methodologies were so aggressive that they prompted legitimate concerns about whether pharmacists could buy the drugs at the established prices, thereby presenting a barrier to access. Taking the lessons learned from those state Medicaid programs, the Department's methodology encompasses not only a quantitative pricing calculation but also ongoing monitoring to assure that drugs are in fact available at the State MAC.

Based on its review of existing reports addressing the cost of multisource drugs as well as the MAC programs of other States, the Department is revising its MAC methodology both by subjecting all eligible drugs to the same methodology and by changing the pricing calculation.

Rather than applying the Federal upper limit to all drugs for which the CMS has established limits, the Department will set the State MAC for all multisource brand name and generic products at the lower price of the Federal upper limit or the State MAC calculation. The State MAC calculation borrows from the methodology that the CMS uses to establish the FUL, but the Depart-

ment has included additional safeguards in the methodology to assure that the drug is available at the established price. In addition, the Department will also consider the financial impact of the Federal rebate before subjecting a newly approved generic drug to State MAC pricing. In some cases, primarily for a period of time after a branded drug loses patent protection, it might be more advantageous for the Department to pay the brand name product and receive the Federal rebate than to pay the State MAC price for the generic product.

In summary, the Department will establish the State MAC for brand name and "A-rated" therapeutically equivalent generic multisource drugs at the lower of the following:

1. The upper payment limit established by the CMS.
2. Provided that the generic product is available at the price established by the Department from at least two wholesalers:
  - (a) If the generic product is available from more than one manufacturer, the base price of 150% of the lowest acquisition cost for the generic product, unless 150% of the lowest acquisition cost is not at least 120% of the second lowest acquisition cost, in which case the base price will be set at 120% of the second lowest acquisition cost for the generic product.
  - (b) If the generic product is available from only one manufacturer, the base price of 120% of the acquisition cost.

The purpose of including a separate base price in those situations where the generic product is available from only one manufacturer is to recognize the two primary pharmacy markets, chains and independents, as well as rural versus urban locations, and their respective purchasing options. This State MAC provision takes into account additional market forces, such as the costs related to the carrying of inventory, which is not considered a component of the dispensing fee.

In calculating the State MAC, the MAC price will be calculated based on the typical use of 100-count bottles, or smaller sizes if 100-count bottles are not manufactured. An exception to this requirement is where standard practice patterns preclude this requirement, for example the situation where oral contraceptives are packaged only in a 28-day supply. Larger bottle sizes may be used to calculate the MAC price based on typical pharmacy stocking patterns if, for example, a particular product is typically purchased in 1,000-count bottles. In no case, however, will the MAC price be calculated using repackaged drugs.

The Department, in establishing the State MAC, has included additional safeguards. The Department will require the use of a National database of wholesaler information to ensure that only those products that are readily available will be used to develop the MAC price points. The generic product must have no manufacturing problems or shortages. The Department will monitor and verify drug shortage information through pharmacies, National drug wholesalers and public information as well as the National pricing services. Even after a MAC price is established for a drug, the Department will suspend the drug from the State MAC if these conditions are not met.

The revised EAC for the drug cost component of generic drugs, published as final-omitted rulemaking at 35 Pa.B. 4309 and the revised State MAC methodology enacted through this amendment, aligns the Department's pay-

ment methodology for generic drugs with those of other public payors and more closely approximates the cost of generic drugs, as reported by both the OIG and the CBO. These measures enable the Department to purchase generic drugs at the best possible price and provide access to pharmaceutical services to MA recipients.

The Department is also making two additional revisions to the State MAC payment methodology relating to the timeframes for updating of the State MAC and clarifying the package size to be used for determining the product cost for nonbreakables.

The Department currently updates the State MAC based on two timeframes:

- (1) The time frame established by the CMS when CMS issues the FUL.
- (2) For multisource drugs not subject to the CMS FUL, every 6 months.

The Department will retain the current CMS FUL timeframe for multisource drugs where the price has been established at the CMS FUL. However, to ensure that the Department is able to respond to and benefit from the frequent pricing changes occurring in pharmacy pricing the Department has revised the timeframe for updating all other multisource drug State MAC pricing to every 3 months as opposed to every 6 months.

In addition, the Department has made a technical revision to the package sizes the Department will use for the purpose of determining the product cost as it relates to nonbreakables, for example, ointments and creams. The Department will use the smallest size available. The use of the smallest size will provide for a price that will help ensure availability of the product as there are instances where manufacturers do not produce the nonbreakables in larger sizes.

#### *Requirements*

Section 1121.2 is amended to delete the definition of "BaseLine price." Section 1121.56 is amended to revise the methodology for calculating the State MAC for multisource drugs, clarification of common package sizes and the timeframe for updating the State MAC.

#### *Affected Individuals and Organizations*

Pharmacies and other providers that dispense prescription drugs to MA recipients will be affected by this final-omitted rulemaking, which revises the methodology for determining the State MAC for brand name and generic multisource drugs.

#### *Accomplishments and Benefits*

This final-omitted rulemaking aligns the Department's pharmacy payment rates within those of other private third-party payors in this Commonwealth as well as comparable or contiguous state Medicaid programs by expanding the State MAC methodology to include more multisource drugs. The final-omitted rulemaking enables the MA Program to take advantage of all available generic drug pricing opportunities and potential savings while maintaining recipient access to medically necessary drugs.

#### *Fiscal Impact*

This final-omitted rulemaking will result in reduced payments to pharmacies enrolled in the MA Program. The Commonwealth will realize \$22.353 million (\$10.279 million in State funds) in savings in Fiscal Year 2005-2006.

*Paperwork Requirements*

No new or additional paperwork requirements result from the adoption of this final-omitted rulemaking.

*Public Process*

The Department published an advance public notice at 35 Pa.B. 3268 announcing its intent to revise the payment methodology for both brand name drugs and generic drugs. The Department invited interested persons to comment on the proposed changes. In response to comments received, the Department published a second advance public notice at 35 Pa.B. 4264 describing the proposed State MAC methodology in greater detail and inviting additional public comment on the proposed methodology. Five commentators, including two trade associations, provided additional comment.

Before publishing the public notice at 35 Pa.B. 3268, the Department presented a copy of the proposed regulation, including the revised State MAC pricing methodology for multisource drugs, at the Medical Assistance Advisory Committee (MAAC) meeting on December 9, 2004. In addition, the Department discussed the revised payment methodology for both brand name and multisource drugs at the MAAC meeting on February 24, 2005, and shared an advance copy of the public notice announcing the proposed revision to the pharmacy payment methodology for brand name and multisource drugs at the May 26, 2005, MAAC meeting. The Department received no comments from the MAAC.

At the MAAC meeting on July 28, 2005, the Department informed the MAAC that it would publish a new public notice to allow for additional comment and provided the email address to which comments could be sent in addition to the usual mailing address.

*Discussion of Comments*

Most of the comments received in response to the public notice published at 35 Pa.B. 4264 were duplicative of those received in response to the notice issued at 35 Pa.B. 3268, which were addressed at the final-omitted rulemaking at 35 Pa.B. 4309. Following is a summary of the comments received that were not addressed in the final-omitted rulemaking and the Department's response to those comments.

*Comment*

Three commentators complained that pharmacies have to cover copayments if an MA recipient cannot pay, with one commentator requesting that the Department should be liable for any copayments that recipients cannot pay.

*Response*

The Department has required recipient copayment since September 1, 1984, and has informed providers, as set forth in § 1101.63(b)(5) (relating to payment in full), that the amount of the copayment will be deducted from the Commonwealth's payment to the provider. In addition, as set forth in § 1101.63(b)(8), the Commonwealth has informed providers of their responsibility to provide services even if the MA recipient is unable to pay the copayment amount as well as their right to attempt to collect the copayment amount.

The amendments to the recipient pharmacy copayment liability will be mitigated to the extent recipients will accept generic drugs.

*Comment*

One commentator observed that reducing the payment rates for generic products does not encourage the use of

generics and suggested that the Department should support pharmacies that dispense generic medications.

*Response*

While the commentator provided no specifics, the Department has already implemented pharmacy changes to encourage the use of generics. Among these changes are mandatory substitution requirements and specific drug prior authorization criteria. In addition, through planned revisions to pharmacy copayments, the Department intends to raise the recipient copayment for brand name drugs and either will maintain or decrease the copayment for generic drugs. Thus, the Department will provide an incentive for prescribing and dispensing of generic drugs. These changes will be implemented in a future rulemaking.

*Comment*

One commentator suggested that the Department should have taken into consideration the budget effect of 250,000 dual eligible recipients transferring to the Medicare Part D Drug Program on January 1, 2006, as well as the savings from the prior authorization of Proton Pump Inhibitors (PPI), before revising the pharmacy payment rates.

*Response*

The Department continues to review any potential savings as a result of the implementation of the Part D pharmacy benefit for dual eligibles. The review, taking into consideration the required State phase-down contributions under Medicare Part D, currently projects no net savings to the Department.

The Department has benefited from savings through the prior authorization of PPI. However, while generating certain savings to the Department, this prior authorization's primary purpose was to bring the Department in line with current industry pharmacy standards from both a quality of care and fiscally prudent standpoint.

*Comment*

One commentator repeated concerns submitted to the Department on July 22, 2005, asking the Department to specify how the Department will establish the State MAC and to request a delay until there is a "study" of the pharmacy payment proposals. The commentator also alleged that when North Carolina implemented a similar state MAC, it experienced operational issues.

*Response*

The Department, in response to comments regarding the public notice published at 35 Pa.B. 3268, thereafter published the methodology to establish the State MAC at 35 Pa.B. 4264. The commentator did not raise specific concerns regarding the actual methodology proposed by the Department.

As to the request that the Department perform a "study" prior to implementing pharmacy payment changes, the Department, as previously stated, has already performed studies and has reviewed studies regarding pharmacy pricing conducted by other agencies. For example, the OIG's report, entitled "Medicaid Pharmacy-Additional Analysis of the Actual Acquisition Cost of Prescription Drug Products," issued September 2002, found that pharmacies were able to purchase multisource drugs, without Federal upper limits, with an estimated discount of 44.2% below AWP. The Department also reviewed the pharmacy pricing methodologies of other states' Medicaid programs, as well as other third-party payors in this Commonwealth. The Department deter-



mined that the revised State MAC methodology will align its payment policies with those of other payors. Regarding the statement that the Department did not comply with the obligation of section 2213-A of The Administrative Code of 1929 (71 P. S. § 581-13), the Department has previously addressed this issue. See 35 Pa.B. 4309.

In regard to the MAC Program in North Carolina, which is similar to that being implemented in this Commonwealth, the Department contacted the contractor administering the state MAC as well as North Carolina State staff to discuss their experience in implementing the MAC. North Carolina staff reported that there have been no significant administrative issues and that no additional staff was needed to address complaints.

#### *Regulatory Review Act*

Under section 454 of the code, this final-omitted rule-making is not subject to review under the Regulatory Review Act.

#### *Findings*

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv) because the final-omitted rulemaking relates to Commonwealth grants and benefits.

(2) Adoption of this final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

#### *Order*

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 1121, are amended by amending §§ 1121.2 and 1121.56 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.

(d) This order takes effect on August 22, 2005.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-499. No fiscal impact; (8) recommends adoption. Implementation of the notice will generate savings to the General Fund beginning in Fiscal Year 2005-2006 of \$10.279 million.

### **Annex A**

## **TITLE 55. PUBLIC WELFARE**

### **PART III. MEDICAL ASSISTANCE MANUAL**

#### **CHAPTER 1121. PHARMACEUTICAL SERVICES**

##### **GENERAL PROVISIONS**

#### **§ 1121.2. Definitions.**

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

*AWP*—The average wholesale price for a drug as found in the Department's pricing service publication.

*Brand name*—A registered trade name commonly used to identify a drug.

*Compounded prescription*—A prescription that is prepared in the pharmacy by combining two or more ingredi-

ents and involves the weighing of at least one solid ingredient which shall be a compensable item or a legend drug in a therapeutic amount.

*Department's pricing service*—A Nationally recognized pricing guide currently under contract with the Department, selected by competitive bids consistent with the Commonwealth procurement practices, which can supply the Department with services needed to maintain the drug reference file under this chapter.

*DESI drug*—A drug product for which Federal Financial Participation (FFP) is not available under 42 CFR 441.25 (relating to less than effective drugs).

*Experimental drug*—A drug or product currently being investigated under licensure by the Food and Drug Administration (FDA) to determine its safety and effectiveness.

*Federal upper limit*—The per unit amount set for a multisource drug which is established by the HCFA under 42 CFR 447.331—447.333 (relating to upper limits for multisource drugs).

*HCFA*—The Health Care Financing Administration.

*HCFA multisource drug*—A multisource drug identified by the HCFA for which FFP is limited under 42 CFR 447.331—447.333.

*Legend drug*—A drug or product that under Federal law or State law can be dispensed only upon the order of a physician.

*Licensed prescriber*—A person currently licensed under the law of a state to order medication.

*Multisource drug*—A drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

*Nonlegend drug*—A drug or product that can be purchased without a prescription.

*OBRA '90*—The Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508, 104 Stat. 1388).

*State MAC*—The maximum allowable cost established for a multisource drug.

*Usual and customary charge*—The pharmacy's lowest net charge an MA recipient would pay for a prescription as a non-Medicaid patient at the time of dispensing for the same quantity and strength of a particular drug or product, including all applicable discounts, such as special rates to nursing home residents, senior citizens, or other discounts extended to a particular group of patients. This lowest net price does not apply to special in-store rates or discounts extended to charitable organizations, religious groups, store employees and their families, nonprofit organizations, members of the medical profession or other similar non-Medicaid groups.

#### **PAYMENT FOR PHARMACEUTICAL SERVICES**

#### **§ 1121.56. Drug cost determination.**

(a) The Department will base its drug cost for compensable legend and nonlegend drugs on the lower of:

(1) The Estimated Acquisition Cost (EAC) established by the Department as the current AWP found in the Department's pricing service for the most common package size of that product minus 10%.

(2) The State MAC established by the Department.

(b) The Department will update the EAC for individual drugs on a monthly basis as it appears in the Department's pricing service.

(c) HCFA establishes lists that identify and set Federal upper limits for the HCFA multisource drugs and provides the listing of these drugs and revisions to the list to the Department through Medicaid manual transmittals on a periodic basis.

(d) The Department will determine the State MAC by one of the following methods:

(1) For multisource drugs, the Department will set the State MAC at the lower of the following:

(i) The upper payment limit established by the CMS.

(ii) Provided that the generic product is available at the price established by the Department from at least two wholesalers:

(A) If the generic product is available from more than one manufacturer, the base price of 150% of the lowest acquisition cost for the generic product, unless 150% of the lowest acquisition cost is not at least 120% of the second lowest acquisition cost, in which case the base price will be set at 120% of the second lowest acquisition cost.

(B) If the generic product is available from only one manufacturer, the base price is 120% of the acquisition cost for the generic product.

(2) For disposable insulin syringes, the Department will set the State MAC at the amount listed in the MA Program Fee Schedule.

(e) The Department will update the State MAC:

(1) If the State MAC for a multisource drug is set at the Federal upper payment limit established by CMS, the Department will apply the Federal upper limits for CMS multisource drugs to be effective on the date established by CMS and will describe the update to each pharmacy enrolled in the MA Program when it is available.

(2) The Department will apply the price for all other State MAC multisource drugs every 3 months, and will distribute the update to each pharmacy enrolled in the MA Program.

(f) With the exception of the HCFA multisource drugs, the Department will make further additions to the list of State MAC drugs after consultation with the Medical Assistance Advisory Committee as to whether the application of a State MAC is cost effective to the Department for a particular multisource drug. The Department will add the HCFA multisource drugs to the State MAC list effective as of the effective date established by HCFA.

(g) With the exception of disposable insulin syringes, the State MAC does not apply if the conditions are met as described in § 1121.53(b)(1) and (2) (relating to limitations on payment).

(h) The most common package size for the purposes of determining the product cost is one of the following:

(1) For capsules, tablets and liquids available in breakable package sizes:

(i) The listed package size if only one package size is listed.

(ii) The 100 or pint package size if more than one package size is listed.

(iii) The next smaller package size from the 100 or pint size, excluding a drug company's unit-dose package size, if more than one package size is listed other than the 100 or pint package size.

(iv) The package size closest to the 100 or pint package size, excluding a drug company's unit-dose package size, if the next smaller package is the unit-dose package size.

(2) The listed package size for all dosage forms available for all nonlegend drug products.

(3) The smallest package size for all dosage forms available in nonbreakable packages.

[Pa.B. Doc. No. 05-1561. Filed for public inspection August 19, 2005, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

### Stream Redesignations (Newtown Creek, et al.)

The Environmental Quality Board (Board) proposes to amend §§ 93.7, 93.9d, 93.9e, 93.9g, 93.9l, 93.9o, 93.9q and 93.9v to read as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of June 21, 2005.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Richard H. Shertzer, Acting Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD-users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. Statutory and Regulatory Authority

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

#### D. Background of the Proposed Rulemaking

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, best management practices and effluent limits) on individual sources of pollution. The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (Commission). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other

designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality and permitted activities shall ensure the protection of designated and existing uses.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in §§ 93.3 and 93.4 (relating to protected water uses; and Statewide water uses). Examples of water uses protected include the following: Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be "redesignated" through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF, prior to a rulemaking. Then, the Department will recommend to the Board that the existing uses be made "designated" uses, through rulemaking, and be added to the list of uses identified in § 93.9 (relating to designated water uses and water quality criteria).

These streams were evaluated in response to one petition, as well as requests from the Commission and the Department's Southeast Regional Office (SERO), Northeast Regional Office (NERO) and Bureau of Water Supply and Wastewater Management (BWSWM) as follows:

*Petition:* Pine Run

*Commission:* Messenger Run

*SERO:* Indian Spring Run

*NERO:* Unnamed Tributary (UNT) to Lizard Creek

*BWSWM:* Newtown Creek, Indian Creek

These amendments were developed as a result of aquatic studies conducted by the BWSWM and the Commission. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality of Exceptional Value Waters). Based upon the Department's analysis of the data collected in these surveys, the Department recommends the designations described in this preamble and as set forth in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Richard H. Shertzer whose address and telephone number are listed in Section B.

The following is a brief explanation of the recommendations for each waterbody:

*UNT 03876 to Lizard Creek*—This UNT to Lizard Creek is located in the Lehigh River watershed and flows through East Penn Township, Carbon County. This basin

is currently designated Trout Stocking (TSF) and was evaluated for redesignation based on a request from NERO. The Commission conducted a survey on the stream and documented the presence of a naturally reproducing brook trout population along with blacknose dace and creek chubs. The UNT to Lizard Creek had a biological condition score of 100%. Wild Creek, a nearby EV stream was used as the reference stream. It is a tributary to Pohopoco Creek located in Carbon County. The candidate stream station metrics were compared to those of the reference stream which has a comparable drainage area. The sampling of the two streams was done on the same day to minimize the effects of seasonal variation. Based on applicable regulatory criteria, the Department recommends that the use designation of UNT to Lizard Creek basin be changed from the current TSF to EV based on a biological condition score of greater than 92%.

*Newtown Creek*—Newtown Creek is a tributary to Neshaminy Creek in the Delaware River drainage. The basin is located in Middletown, Newtown and Wrightstown Townships and the Borough of Newtown, Bucks County. Newtown Creek was inadvertently omitted from Chapter 93 (relating to water quality standards). Six species of fish were captured in Newtown Creek. Species collected are commonly found in warm water habitats. Based on the fishery data, the Department recommends that the entire Newtown Creek basin be designated WWF. The Department also recommends Newtown Creek be designated Migratory Fishes (MF) since it is an unimpeded tributary to Neshaminy Creek, which is designated MF. Turbidity was adopted as special criteria for specific waters in the Neshaminy as early as September 2, 1971. The present turbidity criteria are as follows:

$T_1$ —Not more than 100 NTU

$T_2$ —For May 15—September 15 of any year, not more than 40 NTU; for September 16—May 14 of any year, not more than 100 NTU.

*Pine Run*—Pine Run is a tributary to Chest Creek in Chest Township, Clearfield County near Westover. It is currently designated CWF. The basin was evaluated for redesignation as EV in response to a petition submitted by the Chest Township Road District. The collection of native brook trout indicates that Pine Run supports a coldwater fish community. Rouges Harbor Run is an EV stream that is also a tributary to Chest Creek. It was chosen as the reference station based on proximity, geologic setting and drainage area being most similar to the candidate stream. The Department recommends that the Pine Run basin be redesignated EV based on waters with biological conditions scores at all three sampling stations greater than 92% of the reference, thus satisfying the regulatory criterion for redesignation as EV.

*Indian Spring Run*—Indian Spring Run is a tributary to Pequea Creek in the Susquehanna River watershed. It is located in West Caln, Sadsbury and West Sadsbury Townships, Chester County and Salisbury Township, Lancaster County. Indian Spring Run is currently designated CWF. As a result of a request from SERO, the basin was evaluated for redesignation as EV. The Commission conducted a survey of the fish community and found a healthy brook trout population and other cold water species such as blacknose dace and creek chubs. Rock Run is a tributary to French Creek in Chester County and was used as the reference stream. It was

used because it has a protected use designation of EV and has a drainage area comparable to Indian Spring Run. The comparison was also based on the metrics of the streams. The Department recommends that the use designation of the Indian Spring Run basin from the source to the SR 10 Bridge be changed from CWF to EV based on biological condition scores greater than 92% of the reference station score and UNT 07540 basin from the source to SR 10 Bridge be changed from CWF to HQ-CWF based on a biological condition score between 83—92% of the reference score. The remaining portion of this stream will retain the CWF designation.

*Messenger Run*—Messenger Run is a tributary of Tionesta Creek which flows through Sheffield Township south of Warren. Messenger Run was evaluated based on an inquiry by the Commission regarding its Chapter 93 aquatic life use designation. Messenger Run was inadvertently omitted from Chapter 93. The Commission found the presence of a coldwater fishery in the basin. The Commission has identified a Class B wild brook trout fishery in Messenger Run. It also found blacknose dace, mottled sculpin and fantail darter. Jacks Run was chosen as the reference stream based on sub-ecoregion, drainage area and documented biological integrity. Jacks Run is currently designated EV. The Department recommends that the Messenger Run basin, from source to mouth, be designated EV, based on Messenger Run's biological condition score of 100% which exceeds the 92% criterion for EV waters.

*Indian Creek*—Indian Creek is a fourth-order tributary of the Younghigheny River in Donegal Township, Fayette County. The main stem of Indian Creek between the mouth of Champion Creek and its confluence with the Younghigheny River was evaluated by the Department because it was inadvertently omitted from Chapter 93. The Commission documented the presence of a coldwater fishery in the basin. Species identified include mottled sculpin, brown trout, rainbow trout, blacknose dace and longnose dace. Based on the presence of cold water species, the Department recommends that the mainstem of Indian Creek, from its confluence with Champion Creek to its mouth, be designated as CWF.

*Corrections*—In addition to these recommended revisions, the Department proposes a spelling correction in § 93.9g (relating to Drainage List G). In the listing for Beaver Creek, a tributary to East Branch Brandywine Creek, the spelling of "Cain" Township will be corrected to "Caln" Township.

In § 93.9l (relating to Drainage List L), the Department proposes to correct the stream listings for McBrides Run and Markles Gap Run, which are incorrectly listed in Chapter 93. Both streams are located in Centre County, and are tributaries to Spring Creek in the West Branch Susquehanna River Watershed. In the Chapter 93 rule-making package from 1979, McBrides Run and Markles Gap Run are listed as the local names for these tributaries. After thoroughly reviewing the PA Stream Directory and the Stream Maps, the Department concluded that McBrides Run is UNT 23007 and is a tributary to Logan Branch. McBrides Run will retain its current designation but will be relocated within the drainage list to the Logan Branch Watershed. Markles Gap is UNT 23057 and is a tributary to Spring Creek. The Markles Gap listing will be changed to UNT 23057. This correction does not affect the current stream designation.

The Department is also proposing a correction to Table 3, Dissolved Oxygen in § 93.7 (relating to specific water quality criteria). In the 2005 Triennial Review of Water Quality Standards a transcription error was made to the DO<sub>3</sub> criterion. The criterion states "For the period February 1 to July 31 . . ." It should state ". . . February 15 to July 31 . . ." The "5" was inadvertently omitted. This error occurred in the preparation of the 2005 final-form rulemaking for the triennial review of water quality standards.

#### E. *Benefits, Costs and Compliance*

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

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by these recommendations. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost as follows in the discussion of impacts on the private sector.

Persons conducting or proposing regulated activities shall comply with the regulatory requirements relating to designated and existing uses. For example, persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated to a more protective use.

3. *Compliance Assistance Plan*—This proposed rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. This proposed rulemaking is consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

This proposed rulemaking will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanding dischargers with water quality based effluent limitations are required to provide

effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—This proposed rulemaking should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. This proposed rulemaking is based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanding discharges to certain HQ Waters, and consideration of nondischarge alternatives is required for all new or expanding discharges to EV and HQ Waters.

#### F. *Pollution Prevention*

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanding wastewater discharges, nondischarge alternatives are encouraged and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### G. *Sunset Review*

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

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 5, 2005, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

#### I. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301).

Comments submitted by facsimile will not be accepted. Comments must be received by the Board by October 4, 2005. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by October 4, 2005. The one page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed rulemaking will be considered. If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposed rulemaking and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by October 4, 2005.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-397. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE II. WATER RESOURCES**  
**CHAPTER 93. WATER QUALITY STANDARDS**  
**WATER QUALITY CRITERIA**

**§ 93.7. Specific water quality criteria.**

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. Other specific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

**TABLE 3**

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
		* * * * *	
Dissolved Oxygen		The following specific dissolved oxygen criteria recognize the natural process of stratification in lakes, ponds and impoundments. These criteria apply to flowing waters and to the epilimnion of a naturally stratified lake, pond or impoundment. The hypolimnion in a naturally stratified lake, pond or impoundment is protected by the narrative water quality criteria in § 93.6 (relating to general water quality criteria). For nonstratified lakes, ponds or impoundments, the dissolved oxygen criteria apply throughout the lake, pond or impoundment to protect the critical uses.	See the following table.
		* * * * *	
	DO <sub>3</sub>	For the period February [ 1 ] 15 to July 31 of any year, minimum daily average 6.0 mg/l; minimum 5.0 mg/l. For the remainder of the year, minimum daily average 5.0 mg/l; minimum 4.0 mg/l.	TSF
		* * * * *	

**DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

**§ 93.9d. Drainage List D.**

**Delaware River Basin in Pennsylvania**  
***Lehigh River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
		* * * * *		
3—Fireline Creek	Basin	Carbon	CWF	None
3—Lizard Creek	Basin, Source to T-922 Bridge	Schuylkill	CWF	None
3—Lizard Creek	Basin, T-922 Bridge to [ Mouth ] <b>confluence of UNT 03876</b>	Carbon	TSF	None
4—UNT 03876	<b>Basin</b>	<b>Carbon</b>	<b>EV</b>	<b>None</b>
3—Lizard Creek	<b>Basin, UNT 03876 to Mouth</b>	<b>Carbon</b>	<b>TSF</b>	<b>None</b>
		* * * * *		

## § 93.9e. Drainage List E.

Delaware River Basin in Pennsylvania  
*Delaware River*

Stream	Zone	County					Water Uses Protected	Exceptions To Specific Criteria
		*	*	*	*	*		
2—Neshaminy Creek	Non-Tidal Portion of Main Stem, RM 26.84 to Mouth			Bucks			WWF, MF	Add Tur <sub>1</sub>
3—Mill Creek	Basin, Watson Creek to Mouth			Bucks			WWF, MF	Add [ Tur <sub>3</sub> ] Tur <sub>1</sub>
<b>3—Newtown Creek</b>	<b>Basin</b>			<b>Bucks</b>			<b>WWF, MF</b>	<b>Add Tur<sub>1</sub></b>
3—Core Creek	Basin, Source PA Rte 620 Dam			Bucks			CWF, MF	Add Tur <sub>2</sub>
		*	*	*	*	*		

## § 93.9g. Drainage List G.

Delaware River Basin in Pennsylvania  
*Delaware River*

Stream	Zone	County					Water Uses Protected	Exceptions To Specific Criteria
		*	*	*	*	*		
4—East Branch Brandywine Creek	Main Stem, Shamona Creek to Confluence with West Branch			Chester			WWF, MF	None
5—Beaver Creek	Basin, East Brandywine-[ <b>Cain</b> ] <b>Caln</b> Township Border to Mouth			Chester			TSF, MF	None
5—Valley Creek	Basin, Source to Broad Run			Chester			CWF, MF	None
		*	*	*	*	*		

## § 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania  
*West Branch Susquehanna River*

Stream	Zone	County					Water Uses Protected	Exceptions To Specific Criteria
		*	*	*	*	*		
4—Rogues Harbor Run	Basin			Clearfield			EV	None
3—Chest Creek	Basin, Rogues Harbor Run to [ Mouth ] Pine Run			Clearfield			CWF	None
<b>4—Pine Run</b>	<b>Basin</b>			<b>Clearfield</b>			<b>EV</b>	<b>None</b>
<b>3—Chest Creek</b>	<b>Basin, Pine Run to Mouth</b>			<b>Clearfield</b>			<b>CWF</b>	<b>None</b>
3—Miller Run	[ Basins ] Basin			Clearfield			CWF	None
		*	*	*	*	*		
5—Cedar Run	Basin			Centre			CWF	None
5—UNT 23057 (locally Markles Gap Run)	Basin			Centre			HQ-CWF	None
[ 5—McBrides Run	<b>Basin</b>			<b>Centre</b>			<b>HQ-CWF</b>	<b>None ]</b>
5—Slab Cabin Run	Basin, Source to PA 26 at RM 9.0			Centre			HQ-CWF	None
		*	*	*	*	*		
4—Spring Creek	Main Stem, PA 550 Bridge to Mouth			Centre			HQ-CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
5—Unnamed Tributaries to Spring Creek	[ Basins ] Basin, PA 550 Bridge to Mouth	Centre	CWF	None
5—Logan Branch	Basin, Source to [ T-371 Bridge ] UNT 23007	Centre	CWF	None
6—UNT 23007 (locally McBrides Run)	Basin	Centre	HQ-CWF	None
5—Logan Branch	Basin, UNT 23007 to T 371 Bridge	Centre	CWF	None
5—Logan Branch	Main Stem, T-371 Bridge to Mouth	Centre	HQ-CWF	None
		* * * * *		

§ 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
2—Pequea Creek	Main Stem, PA 897 to Mouth	Lancaster	WWF	None
		* * * * *		
3—Indian Spring Run	Basin, Source to SR 10 Bridge	[ Lancaster ] Chester	[ CWF ]EV	None
3—Indian Spring Run	Basin, SR10 to Confluence of UNT 07540	Lancaster	CWF	None
4—UNT 07540 to Indian Spring Run	Basin, Source to SR10 Bridge	Chester	HQ-CWF	None
4—UNT 07540 to Indian Spring Run	Basin, SR10 Bridge to Mouth	Lancaster	CWF	None
3—Indian Spring Run	Basin, UNT 07540 to Mouth	Lancaster	CWF	None
3—White Horse Run	Basin	Lancaster	WWF	None
		* * * * *		

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania  
*Allegheny River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
4—Pell Run	Basin	Warren	CWF	None
4—Messenger Run	Basin	Warren	EV	None
4—Mead Run	Basin	Warren	CWF	None
		* * * * *		



§ 93.9v. Drainage List V.

**Ohio River Basin in Pennsylvania**  
***Monongahela River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
		* * * * *		
4—Indian Creek	Basin, Camp Run to Champion Creek	Fayette	HQ-CWF	None
5—Champion Creek	Basin	Fayette	CWF	None
<b>4—Indian Creek</b>	<b>Main Stem, Champion Creek to Mouth</b>	<b>Fayette</b>	<b>CWF</b>	<b>None</b>
5—Unnamed Tributaries to Indian Creek	Basins, Champion Creek to Mouth	Fayette	CWF	None
		* * * * *		

[Pa.B. Doc. No. 05-1562. Filed for public inspection August 19, 2005, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Application Period for the Agricultural and Rural Youth Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Agricultural and Rural Youth Grant Program for 2005-2006. Grant applications will be accepted from August 30, 2005, to October 31, 2005, in Room 311, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Applications must be post-marked by October 31, 2005, to be considered for funding. Fax and e-mail submissions are not acceptable.

The objective of the grant program is to encourage projects that will increase knowledge and awareness of

agricultural issues and other issues specific to rural areas in this Commonwealth. This educational effort is directed toward the youth of this Commonwealth.

For this application year, the grant program will award direct grants of up to \$2,500 and matching grants up to \$10,000.

Applications and program guidelines are available on the Department's website: [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us) or by contacting Eric Cowden, Department of Agriculture, Room 311, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-5342, [ecowden@state.pa.us](mailto:ecowden@state.pa.us).

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 05-1563. Filed for public inspection August 19, 2005, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

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

#### BANKING INSTITUTIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-3-05	NOVA Savings Bank Philadelphia Philadelphia County  Purchase of assets/assumption of liabilities of one branch of Susquehanna-Patriot Bank, Marlton, NJ, located at: 200 East Uwchlan Avenue Exton Chester County	Philadelphia	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-3-05	People's State Bank of Wyalusing Wyalusing Bradford County	College Avenue Factoryville Wyoming County	Approved
8-3-05	The Legacy Bank Harrisburg Dauphin County	Atkins Mansion at Atkins Plaza 394 South Centre Street Pottsville Schuylkill County	Approved
8-4-05	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	4314 Penn Avenue Pittsburgh Allegheny County	Approved
8-4-05	Allegiance Bank of North America Bala Cynwyd Montgomery County	190-192 East DeKalb Pike King of Prussia Montgomery County	Approved

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-4-05	Lafayette Ambassador Bank Easton Northampton County	<i>To:</i> 1945 Sullivan Trail Easton Forks Township Northampton County  <i>From:</i> 1700 Sullivan Trail Easton Forks Township Northampton County	Approved
8-4-05	Keystone Nazareth Bank & Trust Co. Bethlehem Northampton County	<i>Into:</i> 90 Highland Avenue Bethlehem Northampton County (Main Office)  <i>From:</i> 4510 Bath Pike (Route 512) Bethlehem Hanover Township Northampton County	Approved
8-4-05	S & T Bank Indiana Indiana County	<i>Into:</i> 628 Broad Street New Bethlehem Clarion County  <i>From:</i> 363 Broad Street New Bethlehem Clarion County	Approved

**SAVINGS INSTITUTIONS****Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
8-4-05	Slovenian Savings and Loan Association of Franklin-Conemaugh Conemaugh Cambria County	585 Goucher Street Upper Yoder Township Cambria County	Filed

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-1-05	Fairless Credit Union Morrisville Bucks County	521 Oxford Valley Road Fairless Hills Bristol Township Bucks County	Opened

**Trade, Industry or Professional Charter Notice**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-5-05	Lee Hospital Credit Union Johnstown Cambria County	Johnstown	Effective

Application represents a conversion from an occupational-based credit union to a trade, industry or professional charter with a proposed field of membership consisting of health care workers in Blair, Cambria and Somerset Counties to include employees, independent contractors or self-employed persons that work at or provide the following services: assisted living facilities that provide healthcare; birthing centers; blood organ and tissue banks; emergency medical care; health clinics; health maintenance organizations (HMO) facilities; home health care; hospices; hospitals; medical and diagnostic labs; nursing homes; nursing services; offices of chiropractors, dentists, licensed therapists, optometrists, physicians, podiatrists and psychologists; pain centers; paramedic services; pharmacy services; and rehabilitation centers providing medical treatment or licensed psychological or physical therapy.

Subject conversion is completed by filing Articles of Amendment with the Department of State (see Articles of Amendment which appears later in this notice).

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-5-05	HVHS Credit Union Sewickley Allegheny County	Sewickley	Approved and Effective

Application represents a conversion from an occupational-based credit union to a trade, industry or professional charter which will extend the field of membership of the credit union to include, "... all employees, independent contractors, or self-employed persons and their family members who work regularly in the Health Care industry within the counties of the 2003 Pittsburgh Metropolitan Statistical Area (MSA) as defined by the U. S. Census Bureau. The Pittsburgh MSA is comprised of the following: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties in the Commonwealth of Pennsylvania. The Health Care industry that we will service includes all general health care employees including: employees of assisted living facilities, birthing centers, blood, organ, and tissue banks, emergency medical care, health clinics, HMO medical facilities, home health care, hospices, hospitals, medical and diagnostic labs, medical transportation services, nursing homes, nursing services, offices of chiropractors, offices of dentists, offices of licensed therapists, offices of optometrists, offices of physicians, offices of podiatrists, offices of psychologists, pain centers, paramedic services, pharmacy services, rehabilitation centers providing medical treatment, rehabilitation centers providing licensed psychological therapy, and rehabilitation centers providing physical therapy."

Subject conversion is completed by filing Articles of Amendment with the Department of State (see Articles of Amendment which appears later in this notice).

#### Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
8-5-05	Lee Hospital Credit Union Johnstown Cambria County	Amendment to Article 8 provides for a change in the field of membership of the credit union to include: health care workers in Blair, Cambria and Somerset Counties to include employees, independent contractors or self-employed persons that work at or provide the following services: assisted living facilities that provide healthcare; birth centers, blood, organ and tissue banks; emergency medical care; health clinics; health maintenance organizations (HMO) facilities; home health care; hospices; hospitals; medical and diagnostic labs; nursing homes; nursing services; offices of chiropractors, dentists, licensed therapists, optometrists, physicians, podiatrists and psychologists; pain centers; paramedic services; pharmacy services; and psychological or physical therapy.	Effective
8-5-05	HVHS Credit Union Sewickley Allegheny County	Amendment to Article 1 provides for a change in name to "PA HealthCare Credit Union;" amendment to Article 5 provides for an increase in the par value of one share to \$25; and the amendment to Article 8 provides for a change in the field of membership of the subject credit union to be: "The Credit Union will serve all employees, independent contractors, or self-employed persons and their family members who work regularly in the Health Care industry with the counties of the 2003 Pittsburgh Metropolitan Statistical Area (MSA) as defined by the U. S. Census Bureau. The Pittsburgh MSA is comprised of the following: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties in the Commonwealth of Pennsylvania. The Health Care	Approved and Effective

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
8-5-05	HVHS Credit Union Sewickley Allegheny County—continued	industry that we will service includes all general health care employees including: employees of assisted living facilities, birthing centers, blood, organ, and tissue banks, emergency medical care, health clinics, HMO medical facilities, home health care, hospices, hospitals, medical and diagnostic labs, medical transportation services, nursing homes, nursing services, offices of chiropractors, offices of dentists, offices of licensed therapists, offices of optometrists, offices of physicians, offices of podiatrists, offices of psychologists, pain centers, paramedic services, pharmacy services, rehabilitation centers providing medical treatment, rehabilitation centers providing licensed psychological therapy, and rehabilitation centers providing physical therapy.”	Approved and Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-1564. Filed for public inspection August 19, 2005, 9:00 a.m.]

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

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

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

the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.33 to which was added 2.50 percentage points for a total of 6.83 that by law is rounded off to the nearest quarter at 6 3/4%.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-1565. Filed for public inspection August 19, 2005, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

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

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

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

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

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

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

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

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

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

## **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0080080 (Sew)	Elmer R. Keach, Jr. Conewago Valley MHP 800 York Road Dover, PA 17315	York County Newberry Township	Conewago Creek/7F	Y
PA0081132 (Sew)	Solanco School District Swift Middle School 121 S. Hess Street Quarryville, PA 17566-1225	Lancaster County Fulton Township	Conowingo Creek/7K	Y
PA0081116 (Sew)	Solanco School District Solanco High School 121 S. Hess Street Quarryville, PA 17566-1225	Lancaster County East Drumore Township	UNT to Stewart Run/7K	Y
PAR10C4122 (Stormwater/ Construction)	Stephen MacLean Department of Transportation 1713 Lehigh Street Allentown, PA 18103	Berks County Hamburg Borough	Schuylkill River/WWF/MF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0221554	Gateway Commerce Center, LP 1605 Old Route 18 Wampum, PA 16157-9802	New Beaver Borough Lawrence County	UNT to Beaver River 20-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0091316	Buttercup Woodlands Campground 854 Evans City Road Renfrew, PA 16053	Connoquenessing Township Butler County	UNT to Little Connoquenessing 20-C	Y
PA0030686	Cross Creek Resort, Inc. R. D. 3, Box 188 Titusville, PA 16354	Cherrytree Township Venango County	UNT to Cherrytree Run 16-E	Y
PA0101974	Gaslight Campground 6297 Emlenton/Clintonville Road Emlenton, PA 16373	Scrubgrass Township Venango County	UNT to Allegheny River 16-G	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.*

**No. PA0011266, Amendment No. 1** Industrial Waste, **Cabot Supermetals**, County Line Road, Boyertown, PA 19512. This application is for an NPDES permit amendment to discharge treated process water, cooling water and stormwater from Cabot Supermetals' facility in Douglass Township, **Montgomery County**. This is an existing discharge to West Swamp Creek.

The receiving stream is classified for the following uses: migratory, TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Monitoring Point MP101, based on an average flow of 0.1403 mgd, effective from permit issuance through October 31, 2007, are as follows:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	117.95	236.60	Monitor and Report	Monitor and Report	252
Ammonia (as N)	130.59	297.38	Monitor and Report	Monitor and Report	280
Oil and Grease	34.53	57.83	Monitor and Report	Monitor and Report	75
Fluoride	49.92	88.95	Monitor and Report	Monitor and Report	107
Nickel, Total	0.047	0.066	Monitor and Report	Monitor and Report	0.100
Zinc, Total	0.934	2.272	Monitor and Report	Monitor and Report	2.00
Copper, Total	0.074	0.155	Monitor and Report	Monitor and Report	0.158
Lead, Total	0.290	0.623	Monitor and Report	Monitor and Report	0.625
Molebdenum, Total	0.269	0.610	Monitor and Report	Monitor and Report	0.574
pH	within limits of 6 to 9 std units at all times				

The proposed effluent limits for Outfall 001, based on an average flow of 0.1763 mgd, effective from permit issuance through October 31, 2007, are as follows:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	Monitor and Report	Monitor and Report	20	40	50
Total Dissolved Solids	Monitor and Report	Monitor and Report	15,000	20,000	25,000
Ammonia (as N)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Oil and Grease	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Nitrite and Nitrate (as N)	Monitor and Report	Monitor and Report	144	200	225

*Effluent Limitations*

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>			
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	
Fluoride	Monitor and Report	Monitor and Report	55	70	100	
Sulfate as SO <sub>4</sub>	Monitor and Report	Monitor and Report	5,600	8,600	8,600	
Chloride	Monitor and Report	Monitor and Report	6,700	6,800	6,800	
Nickel, T	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report		
Zinc, T	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report		
Copper, Total	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report		
Lead, Total	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report		
Molybdenum, T	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report		
pH		within limits of 6 to 9 std units at all times				
Dissolved Oxygen					Monitor and Report	
Total Residual Chlorine			0.5	1.0	1.2	
BOD <sub>5</sub>			Monitor and Report	Monitor and Report		
Arsenic			Monitor and Report			
Chromium, Hex			Monitor and Report			
Selenium, T			Monitor and Report			
Thallium			Monitor and Report			
Aluminum, Total			Monitor and Report			
Osmotic Pressure (MOS/kg)			Monitor and Report	Monitor and Report		

The proposed effluent limits for Outfall 001, based on an average flow of 0.1763 mgd, effective from November 1, 2007, through expiration, are as follows:

*Effluent Limitations*

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>			
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	
Total Suspended Solids	29.5	59.0	20	40	50	
Total Dissolved Solids	15,012	23,420	10,210	15,928	25,525	
Ammonia (as N)	8.8	17.6	6.0	12.0	15.0	
Oil and Grease	22.0	44.0	15.0	30.0	30.0	
Nitrite and Nitrate (as N)	160	224	137	193	218	
Fluoride	49.92	88.95	34.0	60.5	85.0	
Sulfate as SO <sub>4</sub>	10,586	16,515	7,200	11,232	18,000	
Chloride	11,518	17,969	7,834	12,221	19,585	
Nickel, T	0.047	0.066	0.032	0.045	0.080	
Zinc, T	0.93	2.28	0.638	0.996	1.58	
Copper, Total	0.074	0.154	0.050	0.105	0.125	
Lead, Total	0.04	0.062	0.027	0.042	0.068	
Molybdenum, Total	0.27	0.61	0.183	0.415	0.458	
pH		within limits of 6 to 9 std units at all times				
Dissolved Oxygen		minimum of 5.0 mg/l at all times				
Total Residual Chlorine			0.5	1.0	1.2	
BOD <sub>5</sub>	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report		
Arsenic			Monitor and Report			
Chromium, Hex			Monitor and Report			



*Effluent Limitations*

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Selenium, T			Monitor and Report		
Thallium			Monitor and Report		
Aluminum, Total			Monitor and Report		
Osmotic Pressure (MOS/kg)			330	515	825

The proposed effluent limits for Outfall 002, based on an average flow of 0.0404 mgd, are as follows:

*Effluent Limitations*

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	Monitor and Report	Monitor and Report	20	40	50
Total Dissolved Solids	Monitor and Report	Monitor and Report	650	1,014	1,625
Ammonia (as N)	Monitor and Report	Monitor and Report	6.0	12.0	15.0
Phosphorus (as P)	Monitor and Report	Monitor and Report	2.0	3.1	5.0
Fluoride	Monitor and Report	Monitor and Report	40	62	100
Chloride	Monitor and Report	Monitor and Report	300	468	750
Sulfate as SO <sub>4</sub>	Monitor and Report	Monitor and Report	100	156	250
Total Residual Chlorine			0.5	1.0	1.2
Temperature (°F)					110°F
Osmotic Pressure (MO <sub>s</sub> /kg)			Monitor and Report	Monitor and Report	
NO <sub>2</sub> -N and NO <sub>3</sub> -N	Monitor and Report	Monitor and Report	2.0	3.1	5.0
Phenols, Total			Monitor and Report	Monitor and Report	
Selenium, Total			Monitor and Report	Monitor and Report	
Trichloroethylene			Monitor and Report	Monitor and Report	
1-1, Dichloroethylene			Monitor and Report	Monitor and Report	
pH			within limits of 6 to 9 std units at all times		
Dissolved Oxygen			minimum of 5.0 mg/l at all times		
CBOD <sub>5</sub> *			Monitor and Report		
Oil and Grease*			Monitor and Report		
Chemical Oxygen Demand*			Monitor and Report		
Total Kjeldahl Nitrogen*			Monitor and Report		
Iron, Dissolved*			Monitor and Report		
Lead, Total*			Monitor and Report		
Chromium, Total*			Monitor and Report		
Copper, Total*			Monitor and Report		
Nickel, Total*			Monitor and Report		

\*These parameters are applicable to stormwater only.

*Effluent Limitations*

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Molybdenum, Total*			Monitor and Report		
Cadmium, Total*			Monitor and Report		
Arsenic, Total*			Monitor and Report		
Zinc, Total*			Monitor and Report		
Nitrate Nitrogen*			Monitor and Report		
Manganese, Total*			Monitor and Report		

\*These parameters are applicable to stormwater only.

The proposed effluent limits for Outfall 003, based on an average flow of 0.0603 mgd, are as follows:

*Effluent Limitations*

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	15.8	30.2	30	60	75
Total Dissolved Solids	277	431	550	858	1,375
Iron, Total	1.0	2.0	2.0	4.0	5.0
Manganese, Total	0.5	1.0	1.0	2.0	2.5
Aluminum, Total	2.0	4.0	4.0	8.0	10.0
Fluoride	1.5	2.36	3.0	4.7	7.5
Sulfate as SO <sub>4</sub>	60.4	94.0	120	187	300
Chloride	25.1	39.2	50	78	125
NO <sub>2</sub> -N and NO <sub>3</sub> -N	2.0	3.1	4.0	6.2	10.0
Osmotic Pressure (MOS/kg)			Monitor and Report	Monitor and Report	
Total Residual Chlorine			0.5	1.0	1.2
pH			within limits of 6 to 9 std units at all times		

The EPA waiver is in effect.

**PA0011088, IW, SIC 5141, Kaneb Terminals/ST Services South Terminal**, 6850 Essington Avenue, Philadelphia, PA 19153. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge stormwater runoff from a Petroleum Marketing Terminal.

The receiving stream, UNT to Mingo Creek and Schuylkill River, is in the State Water Plan watershed 3J and is classified for WWF.

The proposed effluent limits for Outfalls 001 and 002 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
Oil and Grease	15		30
pH	within limits of 6.0 to 9.0 at all times		

The proposed effluent limits for stormwater Outfalls 003—005 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
CBOD <sub>5</sub>			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
Total Phosphorus		Monitor and Report	
Iron (Dissolved)		Monitor and Report	

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

1. Product Contaminated Stormwater Runoff.
2. PPC Plan Requirements.

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

**Application No. PA 0052833**, SIC Code 3369, Industrial Waste, **Excelsior Brass Works**, June Avenue, Blandon, PA 19510-0140. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Willow Creek, in Maiden creek Township, **Berks County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.0061 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	XXX
Total Suspended Solids	30	45	60
pH		6 to 9 at all times	

The proposed effluent limits for Outfall 002 for stormwater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Aluminum		Monitor and Report	
Zinc		Monitor and Report	
CBOD		Monitor and Report	
COD		Monitor and Report	
Oil and Grease		Monitor and Report	
pH		Monitor and Report	
Total Suspended Solids		Monitor and Report	
Lead		Monitor and Report	
Chromium		Monitor and Report	
Copper		Monitor and Report	
Cadmium		Monitor and Report	
Arsenic		Monitor and Report	
Iron		Monitor and Report	

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

The EPA waiver is in effect.

**Application No. PA 0084026**, Sewage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545. This facility is located in Penn Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage. This notice replaces the incorrect notice published at 35 Pa.B. 4207 (July 30, 2005).

The receiving stream, Chickies Creek, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.65 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.5		9.0
(11-1 to 4-30)	13.5		27
Total Phosphorus	2		4

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus*		1826.5 lbs/year	
Total Nitrogen		14,612 lbs/year	
TKN		Monitor	
NO <sub>3</sub> -N		Monitor	
NO <sub>2</sub> -N		Monitor	
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,200/100 ml as a geometric average	

\*The phosphorus limit includes a reallocation of 390.6 lbs/year of phosphorus from Manheim Borough to Northwestern Lancaster that was developed in the March 2, 2001, TMDL study for the Chickies Creek Watershed.

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

The EPA waiver is not in effect.

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

**PA0000825**, Industrial Waste, SIC, 3315 and 3316, **Col-Fin Specialty Steel Corporation**, Front Street, Fallston, PA 15066. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Fallston Plant in Fallston Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Arco Chemical Company, located at Potter Township, 6 miles below the discharge point.

*Outfall 101: Existing discharge, design flow of 0.094 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids	8.5	20	30	70	87.5
Chromium	0.11	0.29	0.4	1.0	1.3
Nickel	0.09	0.26	0.3	0.9	1.1
pH	not less than 6.0 nor greater than 9.0				

*Outfall 201: New discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001: Existing discharge, design flow of 0.166 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Suspended Solids			Monitor and Report		
Iron			Monitor and Report		
Iron, Dissolved			Monitor and Report		
Lead			Monitor and Report		
Zinc			Monitor and Report		
Nickel			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 002, 005—008:* Stormwater discharges.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Iron	Monitor and Report				
Iron, Dissolved	Monitor and Report				
Lead	Monitor and Report				
Zinc	Monitor and Report				
Nickel	Monitor and Report				
pH	Monitor and Report				

The EPA waiver is in effect.

**PA0031933**, Industrial Waste, SIC, 4911, **Orion Power MidWest, LP**, 121 Champion Way, Canonsburg, PA 15317-5817. This application is for renewal of an NPDES permit to discharge treated process water, sewage and stormwater from Brunot Island Power Station in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Water Authority, located at West View, 2 miles below the discharge point.

*Outfall 001:* Existing discharge, design flow of 0.53 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>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Free Available Chlorine					
Total Residual Chlorine					
Zinc					
Chromium					
Temperature (°F)					
pH	not less than 6.0 nor greater than 9.0				

*Outfall 201:* Existing discharge, design flow of 0.0144 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>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids					
Oil and Grease					
pH	not less than 6.0 nor greater than 9.0				

*Outfall 301:* Existing discharge, design flow of 0.018 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>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids					
Oil and Grease					
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* existing discharge, design flow of 0.015 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>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.015				
Total Suspended Solids					
CBOD <sub>5</sub>					
Fecal Coliform					
(5-1 to 10-31)					
(11-1 to 4-30)					

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
TRC			1.4	3.3	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.026 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: Existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Debris collected on the intake racks shall not be returned to the stream.					

The EPA waiver is in effect.

**PA0205222**, Industrial Waste, SIC, 3312, **Koppel Steel Corporation**, P. O. Box 750, Beaver Falls, PA 15010.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from the Koppel Plant in Koppel Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River and UNT to Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Beaver Falls Municipal Authority, located at P. O. Box 400, Beaver Falls, PA 15010, 7.11 miles below the discharge point.

Outfall 001: Existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Fecal coliform organisms			Monitor and Report		
Iron			Monitor and Report		

The EPA waiver is in effect.

Outfall 102: Existing discharge, design flow of 0.114 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids	73	218	25	70	88
Oil and Grease	22	65	10	30	
Lead	0.09	0.26	0.3	0.9	1.13
Zinc	0.13	0.39	0.45	1.35	1.69
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: Existing discharge, design flow of 0.115 mgd. (Interim limits)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease					30
Temperature (°F)					110
Fluoride			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002: Existing discharge, design flow of 0.115 mgd. (Final limits)*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Oil and Grease					30
Temperature (°F)					110
Fluoride			1.4		3.5
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003: Existing discharge, design flow of 0.073 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>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)					110
pH	not less than 6.0 nor greater than 9.0				

*Outfall 004: New stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility.				

*Outfall 005 and 006: New stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease					Monitor and Report
CBOD <sub>5</sub>					Monitor and Report
COD					Monitor and Report
Suspended Solids					Monitor and Report
Total Kjeldahl Nitrogen					Monitor and Report
Phosphorus					Monitor and Report
Lead					Monitor and Report
Zinc					Monitor and Report
pH					Monitor and Report

*Outfall 007: New stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
COD					Monitor and Report
Suspended Solids					Monitor and Report
Nitrate + Nitrite Nitrogen					Monitor and Report
Iron					Monitor and Report
pH					Monitor and Report

*Outfall 009: New stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids					Monitor and Report
Nitrate + Nitrite Nitrogen					Monitor and Report
Iron					Monitor and Report
pH					Monitor and Report

**PA0027481**, Industrial Waste, SIC, 4911, **Pennsylvania Power Company**, P. O. Box 128, Shippingport, PA 15077. This application is for renewal of an NPDES permit to discharge treated process water, sewage and stormwater from the Bruce Mansfield Plant in Shippingport Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River and Little Blue Run, classified as a warm water and TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located at Midland, 6.3 miles below the discharge point.

*Outfall 001: Existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>			Monitor and Report		
Nitrate + Nitrite (as N)			Monitor and Report		
Iron			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

*Outfall 002: Existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Nitrate + Nitrite (as N)			Monitor and Report		
pH			Monitor and Report		

*Outfall 003: Existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended solids			Monitor and Report		
COD			Monitor and Report		
Nitrate + Nitrite (as N)			Monitor and Report		
Iron			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

*Outfall 004: Existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended solids			Monitor and Report		
COD			Monitor and Report		
Nitrate + Nitrite (as N)			Monitor and Report		
Iron			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

*Outfall 005: Existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

*Outfall 006: existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Nitrate + Nitrite (as N)			Monitor and Report		
Zinc			Monitor and Report		
Sulfate			Monitor and Report		
pH			Monitor and Report		



*Outfall 007:* Existing discharge, design flow of N/A 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>	<i>Instantaneous Maximum</i>

No monitoring required at this outfall. Discharge controlled/monitored at each of the sub-outfalls.

*Outfall 008:* Existing stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Nitrate + Nitrite (as N)			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

*Outfall 009:* existing discharge, design flow of 0.05 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>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.047				
CBOD <sub>5</sub>			25		50
Total Suspended Solids			30		60
Fecal Coliform (5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			2,000/100 ml as a geometric average		
Total Residual Chlorine*			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

*Outfall 010:* Existing stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended solids			Monitor and Report		
COD			Monitor and Report		
Nitrate + Nitrite (as N)			Monitor and Report		
Iron			Monitor and Report		
Zinc			Monitor and Report		
Sulfate			Monitor and Report		
pH			Monitor and Report		

*Outfalls: 011—014:* Existing stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

This discharge shall consist solely of uncontaminated stormwater runoff only.

*Outfall 021:* Existing discharge, design flow of 0.09 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Sulfate			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 022:* Existing discharge, design flow of 3.8 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Sulfate			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 023:* Existing discharge, design flow of 0.016 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Sulfate			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 024:* Existing discharge, design flow of 0.013 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Sulfate			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 025:* Existing discharge, design flow of 0.058 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Sulfate			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 026:* Existing discharge, design flow of 0.014 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>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Sulfate			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 107 and 207:* Existing discharge, design flow of 0.64 mgd. and 0.28 respectively.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfalls 307, 407 and 507: Existing discharge, design flows of 2.5 mgd, 3.3 mgd and 2.9 mgd respectively.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5	1.0	
Temperature				110°F	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 607: Existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Zinc			Monitor and Report		
pH			Monitor and Report		

The EPA waiver is not in effect.

**PA0090301**, Industrial Waste, SIC, 4953, **Solid Waste Disposal, Inc.**, 221 Brunner Road, Zelienople, PA 16063. This application is for renewal of an NPDES permit to discharge treated leachate from Solid Waste Disposal, Inc. in Brighton Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT Sixmile Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough, located at Midland, 6 miles below the discharge point.

Outfall 001: Existing discharge, average flow of 0.0029 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow			Monitor		
Suspended Solids			27		60
CBOD <sub>5</sub>			25		50
Ammonia Nitrogen					
(5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			4.9		10.0
Cadmium			0.005		0.01
Iron			4.0		7.0
Nickel			0.35		0.7
Zinc			0.11		0.20
Manganese			1.0		2.0
Phenols (4AAP)			0.75		1.5
a-Terpineol			0.016		0.033
Benzoic Acid			0.071		0.12

Outfall 001: Existing discharge, design flow of 0.0029 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
p-Cresol			0.014		0.025
Phenol			0.015		0.026
Fecal Coliforms	Refer to Part C.2 for effective disinfection.				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Effective disinfection quantified in Part C.

The EPA waiver is in effect.

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

**PA0239623**, Sewage. **Starr Subdivision**, 400 Isle Road, Butler, PA 16001. This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Activity: a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is New Kensington Municipal Authority and the Allegheny River located at approximately 14 miles below point of discharge.

The receiving stream, UNT to Bull Creek, is in watershed 18-A and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0063 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
NH <sub>3</sub> -N	3		6
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a geometric average 2,000/100ml as a geometric average	
Total Residual Chlorine	1.4		3.2
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

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)

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

**WQM Permit No. WQG01290501**, Sewerage, **Linda Goetz**, 3664 Laurel Ridge Road, Big Cove Tannery, PA 17212. This proposed facility is located in Ayr Township, **Fulton County**.

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

**WQM Permit No. WQG01210502**, Sewerage, **Triple Crown Corporation, Lot No. 7**, 5351 Jaycee Avenue, Harrisburg, PA 17112. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve the single family residence located at 1402 Longs Gap Road, Carlisle, PA 17013.

**WQM Permit No. WQG02360501**, Sewerage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Relocation of the Rotary Park Sewer Extension.

**WQM Permit No. 0663517, Amendment 05-1**, Sewerage, **Municipal Authority of the Borough of Sinking Spring**, 3940 Penn Avenue, Sinking Spring, PA 19608-1112. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of a facultative bioaugmentation digesters at the Sinking Spring wastewater treatment facility, also allow for one oxidation ditch to be operated during periods of low organic loadings.

**WQM Permit No. 3605406**, Sewerage, **Leola Sewer Authority**, 36 Hillcrest Avenue, P. O. Box 325, Leola, PA 17540. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Angelsea Pumping Station.

**WQM Permit No. 2105403**, Sewerage, **Department General Services, Bureau of Engineering and Architecture**, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. This proposed facility is located in Cooke Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of three satellite wastewater collection, treatment and disposal facilities to service Pine Grove Furnace State Park.

**WQM Permit No. 0601402, Amendment 05-1**, Sewerage, **Leesport Borough Authority**, 10 East Wall Street, P. O. Box 201, Leesport, PA 19533. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Modifications to Biosolids Processing; the plant will utilize bioaugmentation for the processing of biosolids in the aerobic digester and the blowers used previously for aerobic digestion will be exercised and used as a back-up.

**WQM Permit No. 3605407**, Sewerage, **Clay Manor Homeowner's Association (CMHOA)**, 11 East Manor Drive, Lititz, PA 17543. This proposed facility is located in Elizabeth Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Replacement of existing malfunctioning onlot system with new extended aeration 10,800 gpd wastewater treatment plant.

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

**WQM Permit No.1005402**, Sewerage, **Tracey, Inc.**, P. O. Box 55, Valencia, PA 16059. This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment system to serve the Cromwell Estates Mobile Home Park.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505055	First Germantown Corporation Charlestown Woods Subdivision 138 Montrose Avenue, Suite 59 Bryn Mawr, PA 19010	Chester	Charlestown Township	UNT Pickering Creek
PAI011505056	Pohlig Builders Durham Residence 274 Lancaster Avenue Malvern, PA 19335	Chester	Easttown Township	Crum Creek (HQ)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905026	Blue Sky Properties Timothy Meyers 2299 Warner School Rd. East Greenville, PA 18044	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023905027	VP Schantz LP 8420 W. Brynmawr Ave. Suite 950 Chicago, IL 60631	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023905028	Roger Hirschhorn Lower Macungie Associates 810 Seventh Ave., 28th Floor New York, NY 10019	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305009	Thomas Carney, Inc. P. O. Box 28 2490 Village Rd. Langhorne, PA 19047	Carbon	Kidder Township	Tunkhannock Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505017	Mahlon Zimmerman 490 Milway Rd. Ephrata, PA 17522	Monroe	Jackson Township	Trout Lake HQ-CWF

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025205007	Black Walnut Inn 179 Fire Tower Rd. Milford, PA 18337	Pike	Milford Township	Vantine Brook HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033104010	John and Karen Gilliland 1 War Path Warriors Mark, PA 16877	Huntingdon	Franklin Township	Spruce Creek/HQ-CWF
PAI033605007	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster	Salisbury Township	Unnamed Branch of Pequea Creek/HQ-CWF

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

*Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, North Lexington Street, Pittsburgh, PA 15208-2566, (412) 241-7645.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050205007	East Allegheny School District 1150 Jacks Run Road North Versailles, PA 15136	Allegheny	North Versailles Township	Jacks Run (HQ-TSF)

*Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052605004	Tom Shetterly 709 Center Avenue Charleroi, PA 15022	Fayette	Dunbar Township	Morgan Run (HQ-CWF)

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

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

<b>Permit No. 0605518</b> , Public Water Supply.	
Applicant	<b>Maidencreek Township Authority</b>
Municipality	Maidencreek Township
County	<b>Berks</b>

Responsible Official Elaine M. Berish  
1 Quarry Road  
Blandon, PA 19510

Type of Facility Public Water Supply

Consulting Engineer Gregory T. Unger, P. E.  
Systems Design Engineering,  
Inc.  
1032 James Drive  
Leesport, PA 19533

Application Received Date 7/20/2005

Description of Action Addition of Well No. 5 and  
treatment building.

**Application No. 0605512 MA**, Minor Amendment,  
Public Water Supply.

Applicant **Muhlenberg Township  
Authority**

Municipality Muhlenberg Township

County **Berks**

Responsible Official Robert Walborn, Manager  
2840 Kutztown Road  
Hyde Park  
Reading, PA 19605

Type of Facility Public Water Supply

Consulting Engineer James C. Elliot, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Application Received Date 6/10/2005

Description of Action Project modifies the disinfection  
at well Nos. 1, 2 and 6. Well Nos.  
1 and 2 will switch from gas  
chlorine to sodium hypochlorite  
for disinfection. Well No. 6 will  
retain the gas chlorine  
disinfection and install a leak  
detection system for operator  
safety.

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

**Permit No. 1405501**, Public Water Supply.

Applicant **Grove Park Associates, Inc.**

Township or Borough Benner Township

County **Centre**

Responsible Official Tomasz Kulakowski, P. G.  
Managing Partner  
Grove Park Associates, Inc.  
P. O. Box 726  
Lemont, PA 16851

Type of Facility Public Water  
Supply—Construction

Consulting Engineer Brooks D. Harris, P. E.  
ELA Group, Inc.  
2013 Sandy Drive, Suite 103  
State College, PA 16803

Application Received Date July 25, 2005

Description of Action Well Grove No. 1 to be permitted  
as a PWS to serve a 75 lot  
single-family subdivision known  
as Grove Park.

## 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.*

**Crebilly Farm**, West Chester Borough, **Chester County**. Paul Hayden, Geo-Tech. Assoc., Inc., 14280 Park Ctr. Dr., Laurel, MD 20707 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by leaded gasoline. No new development is proposed for the site at the time.

**654 Street Rd. Site**, Bensalem Township, **Bucks County**. Mark Eschbacher, RT Env. Assoc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Abraham and Esther Orlick, 1637 Oakwood Dr., S-202, Narberth, PA 19072 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by PAH. The intended future use of the property remains nonresidential.

**PECO Phoenixville MGP**, Phoenixville Borough, **Chester County**. Douglas Kier, URS Corp., 335 Commerce Dr., Suite 300, Ft. Washington, PA 19034 on behalf of Andrew Levine, Stradley, Ronan, Stevens and Young, LLP, 2600 One Commerce Sq., Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by PAHs and lead. The future use of the site is anticipated to remain unchanged from its current use.

**Oliveras Prop.**, Lower Oxford Township, **Chester County**. Robert F. Kleinschmidt, CPG, Miller Env., 514 Hartman Run Rd., Morgantown, WV 26505 on behalf of Marcos Oliveras, 105 First Ave., Lincoln Univ., PA 19352 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by No. 2 fuel oil.

**Eastern Portion of the Former Frankford Arsenal**, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of Mark Hankin, Arsenal Assoc., LLP, 5301 Tacony St., Bldg. 1, Philadelphia, PA 19137 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted by PCBs. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on July 25, 2005.

**Kilgannon Res.**, East Coventry Township, **Chester County**. Joseph Diamadi, Jr., P. G., Marshall Geoscience, Inc., 170 E. First Ave., Collegeville, PA 19426 on behalf of David Kilgannon, P. O. Box 34, Parker Ford, PA 19457 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by No. 2 fuel oil. The intended future use of the property is to remain a single-family residence. A summary of the Notice of Intent to Remediate was reported to have been published in the Phoenixville newspapers on July 25, 2005.

**TJ Cope**, City of Philadelphia, **Philadelphia County**. Joseph Gorzoch, Earth Tech, 4 Neshaminy Interplex, Suite 300, Trevoise, PA 19053 on behalf of David Pliner, Allied Tube and Conduit, 11350 Norcom Rd., Philadelphia, PA 19154 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by diesel fuel oil. Property will continue to operate as an industrial facility.

**508 Stidman Dr. Site**, Springfield Township, **Delaware County**. Mark Eschbacher, RT Env. Assoc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Christine Madison, Madison Prop. Mgmt., 20 Ardmore Ln, Chadds Ford, PA 19317 has submitted a Notice of

Intent to Remediate. Soil and groundwater at the site were impacted by No. 2 fuel oil. The continued use of the property will be residential A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily* on July 12, 2005.

**5129 Market St. Site**, City of Philadelphia, **Philadelphia County**. Donald A. Coleman, P. G., Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted leaded gasoline and MTBE. The site had been redeveloped as a restaurant. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on July 11, 2005.

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

**Applications received, under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit ID No. 300558. FirstEnergy Generation Corp.**, 76 South Main Street, Akron, OH 44308. Little Blue Run Disposal Facility, Little Blue Run Hollow Road, Georgetown, PA 15043. Application for the re-issuance of a residual waste disposal impoundment Class II, in Greene Township, **Beaver County**, was received in the Regional Office on August 3, 2005.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101508. Pennsylvania American Water Company**, West Leisure Avenue Ext., 2736 Ellwood Road, New Castle, PA 16101, Neshannock Township, **Lawrence County**. Permit renewal application and major modification for final closure plan revisions. The application was received by Northwest Regional Office on July 25, 2005.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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



time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

#### PLAN APPROVALS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 26-2531.*

**45-310-037: Haines and Kibblehouse, Inc.—Locust Ridge Quarry** (P. O. Box 196, Skippack, PA 19474) for modification of a portable stone crushing plant and associated air cleaning device to make it a permanent installation at their facility in Tobyhanna Township, **Monroe County**.

**54-305-021: Northeastern Power Co.** (P. O. Box 7, McAdoo, PA 18237) for modification of the fuel handling system (additional screen) at their facility in Kline Township, **Schuylkill County**.

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

**36-05001C: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for replacement of the PIF finish paint booth dry filter with a wet filter in their East Donegal Township, **Lancaster County** facility. The replacement will not change particulate matter emissions.

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

**04-00724A: Duke Energy NGL Services, LP** (370 17th Street, Suite 2500, Denver, CO 80134) for installation of new propane terminal in Industry Borough, **Beaver County**.

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

**42-211A: M and M Royalty, Ltd.** (Route 146, Smethport, PA 16749) for construction/modification of a natural gas stripping operation in the Township of Sergeant, **McKean County**.

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

**37-304C: Heraeus Electro-Nite** (3 Fountain Avenue, Ellwood City, PA 16117) for modification of plan approval 37-304B conditions in Ellwood City Borough, **Lawrence County**. This is a State-only V facility.

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

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

**46-0069: Highway Materials, Inc.** (5000 Joshua Road, Plymouth Meeting, PA) for correction of a previous application submitted on December 30, 1997, for the installation of a crushing plant. This application corrects the particulate matter (PM) emission calculations for two crusher engines, located at Highway Materials facility located in Whitmarsh Township, **Montgomery County**. This facility is a non-Title V facility. Allowable emissions or PM from the Caterpillar engine shall increase to 0.41 lb. per hour and 0.55 ton per year. Allowable emissions of PM from the Cummins engine shall increase to 1.17 lbs per hour and 1.58 tons per year. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**23-0003G: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061) for replacement of 24 Low-NOx Burners with Ultra-Low NOx Burners for an existing source No. 738 (Platformer Heater) at their oil refinery in Trainer Borough, **Delaware County**. The plan approval is for a Title V facility. There will be no new air contaminants emitted and due to the installation of the burners, NOx emissions are projected to decrease by more than 32 tons per year, while CO emissions will increase by 51 tons. The plan approval will include monitoring,

recordkeeping and reporting requirements 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.*

**36-05140A: Valley Proteins, Inc.** (693 Wide Hollow Road, East Earl, PA 17519) to add additional rendering operations to their existing facility in East Earl Township, **Lancaster County**. This new rendering operation will be controlled through the use of boiler incineration and scrubbers. The increase to the facility's emissions will not exceed 250 tpy of SO<sub>2</sub>, 88 tpy of NO<sub>x</sub>, 52 tpy of Particulate Matter, 8 tpy of CO and less than 2 tpy of VOC. This plan approval will include monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**65-00222: Port Augustus Glass Company, LLC d/b/a L. E. Smith Glass Company** (1900 Liberty Street, Mt. Pleasant, PA 15666) for pressed and blown glass manufacturing at L. E. Smith Glass Co. in Mt. Pleasant Township, **Westmoreland County**. This is a transfer of ownership from American Glass Inc. to Port Augustus Glass Company LLC d/b/a L. E. Smith Glass Company.

**PA-30-00099D: Allegheny Energy Supply Co.** (800 Cabin Hill Drive, Greensburg, PA 15601) for installation of a SO<sub>3</sub> Generation and Injection system on Unit Nos. 1—3 at Hatfield's Ferry Power Station (Hatfield) in Monongahela Township, **Greene County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to the Allegheny Energy Supply Company (800 Cabin Hill Drive, Greensburg, PA 15601) for the installation of a SO<sub>3</sub> Injection System at the Hatfield's Ferry Power Station as described in its application to the Department received on April 25, 2005. The SO<sub>3</sub> Injection System is being installed to improve the performance of the particulate control equipment (Electrostatic Precipitators). It is expected to reduce particulate matter emissions by approximately 39 tons per year.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

*Special Conditions for Plan Approval PA-30-00099D*

1. This Plan Approval is for the installation of a SO<sub>3</sub> Generation and Injection system on Unit Nos. 1—3 at Hatfield's Ferry Power Station (Hatfield), located in Monongahela Township, Greene County. (25 Pa. Code § 127.12b)

2. This Plan Approval does not authorize the burning of Powder River Basin (PRB) coal at this facility. (25 Pa. Code § 127.12b)

3. During those periods when no PRB (or other low sulfur) coal is burned, the maximum molten sulfur usage rate shall be limited to 474,902 lbs/yr, based on a rolling 365-day period. Only days when no PRB (or other low

sulfur) coal is burned shall be accumulated in sulfur usage totals for each 365-day rolling period. Compliance with this limit shall be established by maintaining records of daily sulfur usage and PRB coal usage and daily calculation of rolling 365-day sulfur usage, for days when PRB (or low sulfur) coal is not used. (25 Pa. Code § 127.12b)

4. The sulfur injection limits and record keeping requirements established in condition No. 5 shall be removed/terminated in the event that Flue Gas Desulfurization equipment is permanently installed. (25 Pa. Code § 127.12b)

5. Stack testing shall be conducted to determine the mass emission rate of particulate matter, PM10 (filterable and condensable), H<sub>2</sub>SO<sub>4</sub>, and SO<sub>3</sub>. These tests shall be conducted when the facility is operating under the following scenarios: Case 1, non-PRB and SO<sub>3</sub> injection and Case 2, PRB with SO<sub>3</sub> injection. Testing shall be conducted within 120 days of completing construction on the SO<sub>3</sub> injection system. (25 Pa. Code §§ 123.45 and 139.11)

i) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

ii) At least 60 days prior to the test, the owner/operator shall submit to the Department two copies of the procedures for the stack test and drawings with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

iii) At least 15 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

iv) All relevant operating parameters (such as, boiler steam flow, air flow, gross megawatts, O<sub>2</sub>, CEMS heat input and stack flue gas volumetric flow rate) shall be recorded at appropriate intervals throughout the duration of the stack tests. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices, including the SBS, are operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

v) Within 60 days after the stack test, two copies of the complete test report, including all recorded operating parameters, shall be submitted to the Regional Air Quality Manager for approval

6. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met 25 Pa. Code § 127.12b:

(i) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(ii) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(iii) Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior

to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(iv) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(v) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the Owner/Operator shall apply for an Administrative Amendment to the Title V Operating Permit (TVOP) at least 60 days prior to the expiration date of the Plan Approval. The Administrative Amendment shall incorporate the conditions of this Plan Approval into the TVOP.

(vi) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120 days, by submitting an extension request as described above.

Persons who wish to provide the Department of Environmental Protection (Department) with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information persons should contact Thomas J. Joseph, P. E., Air Pollution Control Engineer III, Air Quality at the previously listed address.

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

**61-0011C: Merisol Antioxidants, LLC** (292 SR 8, Oil City, PA 16301) for modification of existing 314/340 distillation columns, construction of a new smaller distillation column, modification to the Eclipse Heater to include a low NOx burner (LNB), installation of a new flare, and other ancillary modifications to increase production of meta cresol in Cornplanter Township, **Venango County**.

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

Plan approval No. 61-011C is for modification of the existing 314/340 distillation columns, construction of a new smaller distillation column, modification to the Eclipse Heater to include a LNB, installation of a new flare, and other ancillary modifications to increase production of meta cresol. The new flare and the existing flare will control VOC emissions. The potential facility-wide VOC emissions will increase by approximately 3 tpy from the current allowable emissions. NOx emissions will decrease from the eclipse heater while other criteria pollutants remain relatively unchanged. The Plan Approval will require a flare performance test, continuous monitoring of the flare for the presence of a flame and other "Trouble Indicators" as well as weekly observations for visible emissions from the flares. The Plan Approval contains a Compliance Assurance Monitoring plan for the new distillation column. The Plan Approval will also include emission limits for the eclipse heater and initial as well as annual testing with a portable analyzer for CO and NOx emissions. The Plan Approval and Operating Permit will include conditions that require record keeping, reporting, work practice standards, and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit (No. 61-0011C).

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

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should

be directed to Matthew Williams, New Source Review, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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

If a plan approval has not undergone the public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for state-only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

**24-131J: SGL Carbon LLC** (900 Theresia Street, St. Marys, PA 15857) for construction of two additional reactors as part of the chemical vapor deposition process. A new scrubber will control emissions from the new reactors, at SGL in Saint 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 is subject to 25 Pa. Code § 123.13.
- The HCl emissions shall not exceed 0.002 #/hr averaged over the reaction period.
- The permittee shall monitor the pressure drop across the scrubber, the scrubber liquid flow rate, and the low flow alarm and establish the normal operating range.
- The permittee shall conduct weekly operational checks of the scrubber.

#### OPERATING PERMITS

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

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

**46-00141: TSG, Inc.** (1400 Welsh Road, North Wales, PA 19454) in Montgomery Township, **Montgomery County**. The permit is for a Title V facility. The facility's sources include two boilers, spray line, can line and processes. The permittee does have the potential to emit 24.9 tons/year for VOC and NOx and is therefore characterized as a Title V, Major Facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00009: Webcraft LLC** (4371 County Line Road, Chalfont Borough, Bucks County, PA 18914) for an administrative amendment to the Title V Operating Permit at their facility in New Britain Township, **Bucks County**. The facility is a direct mail printer that operates six heatset offset lithographic printing presses and one flexographic printing press. The permit is being amended to incorporate changes approved under plan approval

number PA-09-0009D for a new web offset press (Press No. 52) and a new regenerative thermal oxidizer. The revised Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The major conditions that have been addressed in the amended Title V Permit, are outlined as follows:

1) Section C, Site Level Requirements, Hazardous air pollutants emissions shall not exceed 10 tons per pollutant emission or 25 tons combined pollutant emissions and the VOCs emissions shall not exceed 49.7 tons per year in a 12-month rolling sum.

2) Section D, Source Level Requirements, Source IDs: 104—106 and 52 (Press Nos. 21, 44, 30 and 52). Work practice, monitoring and recordkeeping parameters have been established.

3) Section D, Source Level Requirements, Source ID: C07 (Regenerative Thermal Oxidizer), Condition No. 004. Work practice, monitoring and recordkeeping parameters have been established.

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

**67-05029: NYW Realty, LLC** (152 North Main Street, Mount Wolf, PA 17347) for operation of a woven wire cloth manufacturing facility in Hanover Borough, **York County**. This action reflects a change of ownership for the former Hanover Wire Cloth plant. VOC emissions from surface coating operations are responsible for the plant's Title V status. The provisions of the previous permit remain in effect to ensure the facility complies with the applicable air quality requirements.

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

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

**09-00158: Allied Cremation, Inc.** (864 Bristol Pike, Bensalem, PA 19020) for operation of an incinerator at a crematory in Bensalem Township, **Bucks County**. The permit is for a non-Title V State-only facility. The facility has the potential to emit less than 25 tons of Volatile VOC and less than 25 tons per year of NOx the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00026: Glasgow, Inc.—Freeborn Asphalt Plant** (531 Eagle Road, Springfield, PA) for operation of their batch asphalt plant in Springfield Township, **Delaware County**. The permit is for a non-Title V State-only facility. The Freeborn Asphalt Plant is a 6,000-lb. batch plant consisting of a dryer, knock-out box, baghouse, exhaust fan and stack. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00133: Webcraft, LLC** (181 Rittenhouse Cir., Bristol, PA 19007) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Bristol Township, **Bucks County**. The permit is for the operation of a four heatset web offset lithographic presses and two coldset web offset lithographic presses that have the aggregate

potential to emit major levels of VOC before taking limitations. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

This State-only, Synthetic Minor Operating Permit will incorporate conditions from the previously issued Plan Approval, PA-09-0133 (four lithographic presses).

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

**41-00065: Fisher Mining Co.** (40 Choate Circle, Montoursville, PA 17754) for operation of a coal preparation facility in Pine Township, **Lycoming County**.

The facility incorporates a coal preparation plant consisting of various pieces of crushing, sizing, conveying, and the like equipment as well as a 250 kilowatt diesel generator, two solvent parts washers and a number of small No. 2 fuel oil, kerosene, anthracite coal and waste oil heaters. The air contaminant emissions from the facility are not expected to exceed 49.41 tons of NO<sub>x</sub>, 10.72 tons of carbon monoxide, 6.62 tons of VOCs .77 ton of SO<sub>x</sub> and 5.43 tons of particulate matter, including PM<sub>10</sub>.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously existing in Operating Permit 41-305-011, issued on June 28, 2000. These previously-existing conditions include a requirement that all crushers, breakers and screens be enclosed, a requirement that all conveyors and radial stacking conveyors be covered or completely enclosed, a requirement that one specific radial stacking conveyor be equipped with a hydraulic raiser which shall be used to minimize the "free-fall" distance from the conveyor discharge, a requirement that all trucks loaded with coal entering or exiting the facility via a public roadway be tarped and a requirement that an operable water truck be kept onsite and used, as needed, to control dust from facility roadways, stockpiles, and the like.

The Department additionally proposes to incorporate into the operating permit to be issued a condition limiting the total combined VOC emissions from the two solvent parts washers to less than 2.7 tons in any 12-consecutive month period, a condition prohibiting the use of solvents containing hazardous air pollutants in the parts washers and a condition requiring the maintenance of records of the amount of solvent used per month in the parts washers.

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

**03-00239: T.J.S. Mining, Inc.** (2340 Smith Road, Shelocta, PA 15774) for operation of coal processing at T.J.S. No. 5 Coal Preparation Plant in South Bend Township, **Armstrong County**.

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

**43-00326: Buckeye Leasing, Inc.—City Slag Quarry Plant** (300 Ohio Street Extension, Hermitage, PA 16148)

for a Natural Minor Permit to operate a nonmetallic mineral processing plant. The significant sources are slag processing operations and diesel generator. The facility is in Hermitage, **Mercer County**.

**42-00182: Allegheny Store Fixtures, Inc.** (57 Holly Avenue, Bradford, PA 16701) Natural Minor operating permit for the manufacturing of wooden advertising display fixtures and furniture for outlet stores. This facility is in the City of Bradford, **Mckean County**.

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

**S04-020: Philadelphia Gas Works, Passyunk Station**, (3100 Passyunk Avenue, Philadelphia, PA 19145) for operation of a include liquefied natural gas storage and distribution facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two heaters each less than 10 mmBtu/hr., two emergency generators at 1,250 Hp each, three 58.8 mBtu/hr. boilers with low NO<sub>x</sub> burners, and a firewater pump.

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

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

## 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 com-

ment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E58-266. Choconut Creek Watershed Association,** R. R. 1, Box 1702, Friendsville, PA 18818, in Choconut Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a stream restoration project within approximately a 1.55-mile reach of Choconut Creek and a 0.3-mile reach of a tributary to Choconut Creek for the purpose of improving channel stability, reducing bank erosion and enhancing aquatic habitat.

The project will utilize natural stream channel design techniques, including channel realignment, grade control structures and bank protection structures. The project is located north of Carmalt Road (T-695), on the west side of SR 0267. (Laurel Lake, PA-NY Quadrangle N: 11.9 inches; W: 16.8 inches).

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

**E31-205: Borough of Huntingdon,** 530 Washington Street, Huntingdon, PA 16652 in Huntingdon Borough, **Huntingdon County**, ACOE Baltimore District

To construct a 50-foot by 100-foot basketball court, a 40-foot by 60-foot ice skating rink and a 13-foot by 22-foot toilet facility in Portstown Municipal Park located (Huntingdon, PA Quadrangle Latitude: 40° 29' 08"; Longitude: 78° 01' 01") within the floodplain of the Juniata River in the Borough of Huntingdon, Huntingdon County.

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

**E08-424. Department of Transportation Engineering District 3-0,** P. O. Box 218, Montoursville, PA 17754-0218. Bridge Replacement, SR 06 Sec 100 in Standing Stone Township, **Bradford County**, ACOE Baltimore District (Rome, PA Quadrangle N: 1.81 inches; W: 2.13 inches).

1) To remove an enclosed 8 foot 6 inch wide by 7 foot 8 inch high arch culvert with a waterway opening of 60 square feet; and 2) to replace and maintain the following minor drainage area culvert pipes.

Drainage Feature	Location (Station Number)		Drainage Area (Acre)	Size and Type		Length (Ft)	
	Existing	Proposed		Existing	Proposed	Existing	Proposed
P4	216 + 69.38	216 + 75.00	46.7	24" φRCP	30" φRCP	43.0	80.3
P9	243 + 13.27	243 + 10.00	24.9	18" φRCP	21" φRCP	21.0	68.2
P10	244 + 63.16	244 + 63.00	9.7	15" φRCP	18" φRCP	52.6	64.2
P11	247 + 28.26	247 + 28.00	12.8	18" φRCP	18" φRCP	52.0	62.1
P12	249 + 59.16	249 + 50.00	14.7	18" φRCP	18" φRCP	54.4	56.2
P16	6 + 80.31	6 + 78.00	51.3	CMP	30" φRCP	36.8	60.3
Culvert	236 + 02.79	235 + 79.40	1,702.4	7.5' ARCH	10' × 9' BOX	95.7	154.9
Drainage Feature	Length of Proposed Impact to Waters of the U. S. (Ft)		Remarks	Latitude	Longitude		
	Permanent	Temporary					
P4	37.3	167.6	Replace Pipe: Temporary impact due to ditch relocation (from pond outlet to pipe inlet)	41° 45' 36.7" N	76° 21' 57.4" W		
P9	47.2	4.3	Replace Pipe	41° 45' 32.8" N	76° 21' 27.3" W		
P10	11.6	5.9	Replace Pipe	41° 45' 31.7" N	76° 21' 26.3" W		
P11	10.1	12.8	Replace Pipe	41° 45' 29.2" N	76° 21' 22.0" W		
P12	38.1	43.1	Replace Pipe, permanent impact includes fill in drainage swale (36.3 ft. at pipe inlet)	41° 45' 28.1" N	76° 21' 20.3" W		
P16	23.5	53.1	Replace Pipe (on Goff Road)	41° 45' 35.7" N	76° 21' 33.0" W		
Culvert	59.2	199.4	Replace Culvert (over Vought Creek)	41° 45' 35.4" N	76° 21' 56.5" W		

The project will temporarily impact about 3,000 square feet of wetlands while impacting about 227 feet of waterway and about 0.4 acre of earth disturbance. The impacted streams are WWF streams.

**E08-427. Rodney VanDuzer**, R. R. 1, Box 94, Monroeton, PA 18832. Flood Control Dike, in Monroe Township, **Bradford County**, ACOE Baltimore District (Powell, PA Quadrangle N: 14.60 inches; W: 0.72 inch).

To construct and maintain a dike 200 feet long, approximately 2 feet high constructed of 2 foot by 2 foot by 6 feet long "sea wall" blocks and to place R-5 riprap 2 feet deep along the stream face of the "sea wall" extending from 1 foot minimum below the streambed to the base of the "sea wall" with filter fabric underlayment. The project is located on SR 4165 at the Powell Bridge. The project will not impact wetlands while impacting about 200 feet of waterway and less than 1/2 acre of earth disturbance. Schrader Creek is a HQ-CWF stream.

**E18-398. John R. Dotterer**, 6795 Nittany Valley Drive, Mill Hall, PA 17751. Bechdel Farm Culvert, in Lamar Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 8.25 inches; W: 12.00 inches).

To construct and maintain a 10-foot diameter 36-foot long culvert and the associated R-5 riprap at the inlets and outlet in a UNT Fishing Creek to create an agricultural equipment crossing. This project propose to impact 40 linear feet of the HQ UNT to Fishing Creek and no wetland impacts.

**E19-248. Fishing Creek Township**, 3188 SR 487, Orangeville, PA 17859, Culvert, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Stillwater, PA Quadrangle N: 2.64 inches; W: 10.11 inches).

To construct and maintain adjacent 5 foot diameter and 6 foot diameter by 30 feet long RCP culvert pipes in Yost Run on Paperdale Road (T-631) about 1 mile from the intersection of T-631 and T-878. The project will not impact wetlands while impacting about 40 feet of waterway and less than 0.5 acre of earth disturbance. Yost Run is a CWF stream.

**E59-470. William Dobron and Mary Frances**, P. O. Box 187, Point Pleasant, PA 18950. Bridge in Clymer Township, **Tioga County**, ACOE Baltimore District (ASAPH, PA Quadrangle N: 18.9 inches; W: 15.7 inches).

To construct a steel I-Beam 13 foot by 20 foot wood plank deck bridge with concrete abutments over Jemison Creek in a private driveway about 900 feet west of the intersection of SR 4012 with SR 4010. The project will not impact wetlands while impacting about 30 feet of waterway and less than .03 acre of earth disturbance. Jemison Creek is a WWF stream.

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

**E02-1510. WPXI Television**, 11 Television Hill, Pittsburgh, PA 15214-1400. To place fill in wetlands in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 21.8 inches; W: 1.4 inches and Latitude: 40° 29' 42"—Longitude: 80° 00' 36"). The applicant proposes to place fill in approximately 0.55 acre of PEM wetlands for the purpose of constructing a new WPXI Office Complex. The project is located just west from the intersection of Evergreen Road and Ivory Avenue and will impact 0.55 acre of PEM wetlands. The applicant proposes to mitigate 0.74 acre of wetlands to compensate for the wetland impacts.

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

**E10-407 and D10-010, Zelienople Borough**, 111 West New Castle Street, Zelienople, PA 16063. Raw Water Reservoir Rehabilitation Project, in Zelienople Borough, **Butler County**, ACOE Pittsburgh District (Zelienople, PA Quadrangle N: 40° 48' 06"; W: 080° 08' 07").

To install and maintain rock riprap and soldier pile wall stream bank protection along approximately 1,550 feet of the right bank of Scholars Run and along approximately 550 feet of the right bank of Connoquenessing Creek adjacent to the Borough of Zelienople Raw Water Supply Reservoirs located northeast of the confluence of Scholars Run and Connoquenessing Creek. This application is also a request for authorization to conduct modification and repair to the embankment of D10-010, Reservoir No. 3, a jurisdictional dam located approximately 750 feet upstream of the mouth of Scholars Run, north of Reservoir No. 2.

#### ENVIRONMENTAL ASSESSMENTS

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

**E05-005: Broad Top Township**, 187 Municipal Road, Defiance, PA 16633 in Broad Top Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a passive AMD treatment system consisting of five limestone settling ponds and three conventional settling ponds with associated conveyances impacting 1,270 feet of UNTs to Shreves Run (WWF) and 0.04 acre of PEM wetlands for the purpose of increasing alkalinity and reducing acidity and metals in Shreves Run and Sixmile Run at a site (Latitude: 40° 09' 17"; Longitude: 78° 11' 09") approximately 600 feet northeast of the intersection of SR 1025 and Union Church Street in Broad Top Township, Bedford County. The acreage of wetland impacts is considered de minimus and wetland replacement is not required.

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

**D06-508EA. Robert Ciccone and Sons**, P. O. Box 86, Bath, PA 18014. Maxatawney Township **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Arrowhead Business and Industrial Park Dam across a tributary to Mill Creek (TSF) and to construct an off-stream stormwater detention basin within the former reservoir. The purpose of the project is to restore the stream to a free flowing condition and to provide stormwater detention for the Arrowhead Business and Industrial Park. The project will restore approximately 325 linear feet of stream channel. The dam is located immediately east of Long Lane approximately 1,000 feet north of the intersection of Long Lane (SR 1024) and US Route 222 (Topton, PA Quadrangle N: 7.0 inches; W: 15.5 inches).

**D22-020EA. George Frey Trust**, 320 W. Chocolate Ave., Hershey, PA 17033-0437. Londonderry Township and Borough of Middletown, **Dauphin County**, ACOE Baltimore District.

Project proposes to breach and remove Iron Mine Run Dam across Swatara Creek (WWF) for the purpose of restoring the stream to a free flowing condition, providing unobstructed fish passage, and eliminating a threat to public safety. The project will restore approximately 3,300 feet of stream channel. The dam is located approximately

500 feet west of the intersection of Ironmine Road (T321) and Swatara Creek Road (T496) (Middletown, PA Quadrangle N: 14.7 inches; W: 12.5 inches).

**D36-104EA. James R. Ford, Jr.**, 410 Ash Road, Morgantown, PA 19543. Paradise and Leacock Townships, Lancaster County, ACOE Baltimore District.

Project proposes to breach and remove Ford Dam located across Pequea Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 1,700 feet north of the intersection of US Route 30 and Old Leacock Road (T496) (Leola, PA Quadrangle N: 2.6 inches; W: 0.8 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0042951 Sewage	Tremont Municipal Authority 423 West Main Street Tremont, PA 17981	Schuylkill County Tremont Township	Swatara Creek (7D)	Y

Monitoring requirements for total nitrogen and total phosphorus has been added to the permit to comply with the requirements of the Chesapeake Bay Nutrient Program.



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0047325	PPL Susquehanna, LLC Susquehanna Steam Electric Station 769 Salem Boulevard Berwick, PA 18603-0467	Luzerne County Salem Township	Susquehanna River SC	N

In accordance with the Chesapeake Bay Strategy, nutrient monitoring requirements were added to Outfall 079 of this permit as published on April 30, 2005.

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032433 Sewage	Department of Conservation and Natural Resources Frances Slocum State Park 2808 Three Mile Run Road Perkasie, PA 18944-2065	Luzerne County Kingston Township	Abraham's Creek (5B)	Y

Total nitrogen and total phosphorus monitoring requirements were added to the final permit to comply with the Chesapeake Bay Nutrient Program.

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063321 Sewage	Ararat Township Supervisors R. R. 1, Box 23E Thompson, PA 18465	Susquehanna Herrick Township	Fiddle Lake Creek (5A)	Y

Total nitrogen and total phosphorus monitoring requirements were added to the final permit in compliance with the Chesapeake Bay Nutrient program.

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064033 Sewage	Pusti Margiya Vashnav Samaj of North America 15 Manor Road Schuylkill Haven, PA 17972	Wayne Township Schuylkill County	UNT to Lower Little Swatara Creek (7D)	Yes

Total nitrogen and total phosphorus monitoring requirements were added to the permit to comply with the Chesapeake Bay Nutrient program.

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060003	Wyoming County Housing Authority P. O. Box 350 Nicholson, PA 18446	Nicholson Borough Wyoming County	Martin's Creek CWF 4F	Yes

In accordance with the Chesapeake Bay Strategy, nutrient monitoring requirements were added to Outfall 001 of this permit as published at 35 Pa.B. 3062 (May 21, 2005).

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081345 (Sewage)	Douglas A. Grier Grier Foundation P. O. Box 308 Tyrone, PA 16686-0308	Huntingdon County Warriors Mark Township	Little Juniata River/11-A	Y
PA0085812 (Industrial Waste)	Altoona City Authority Mill Run Water Treatment Plant 20 Greenwood Road Altoona, PA 16602-7114	Blair County Logan Township	Mill Run/11-A	Y
PA0085812 (Industrial Waste)	Altoona City Authority Kettle Creek Water Treatment Plant 20 Greenwood Road Altoona, PA 16602	Blair County Tyrone Township	Kettle Creek/11-A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085821 (Industrial Waste)	Altoona City Authority Homer Gap Water Treatment Plant 20 Greenwood Road Altoona, PA 16602	Blair County Logan Township	Homer Gap Run/11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0027146 Sewage	Borough of Ambridge Municipal Authority 600 Eleventh Street Ambridge, PA 15003	Beaver County Ambridge Borough	Ohio River	N
PA0029840 Sewage	Armstrong County Commissioners 450 Market Street Kittanning, PA 16201	Armstrong County Rayburn Township	Cowanshannock Creek	Y
PA0090051 Sewage	Municipal Authority of Washington Township	Westmoreland County Washington Township	UNT of Beaver Run	Y
PA0218316 Sewage	Dunbar Township Municipal Authority P. O. Box 815 Connellsville, PA 15425	Fayette County Dunbar Township	Youghiogheny River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0025739	Port Allegany Borough Glass Place Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	Allegheny River 16-C	Y

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

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

**NPDES Permit No. PA0055212**, Sewage, **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal and amendment to increase flow and discharge into the West Branch of Chester Creek (001) and a UNT to West Branch of Chester Creek (002) in Watershed 3G.

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

**NPDES Permit No. PA-0007919**, Industrial Waste, **Cascade Tissue Group—PA, Inc.**, 901 Sathers Drive, Vogelbacher Industrial Park, Pittston Township, PA 18640. This proposed facility is located in Ransom Township, **Lackawanna County**.

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

**NPDES Permit No. PA-0035637**, Sewage, **Department of Transportation, Bureau of Design**, P. O. Box 3060, Harrisburg, PA 17105-3060. This proposed facility is located in Greenfield Township, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit. In accordance with the Chesapeake Bay Strategy, nutrient monitoring requirements were added to Outfall 001 of this permit as published at 35 Pa.B. 1785 (March 19, 2005).

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

**NPDES Permit No. PA0086312**, Sewage, **James Dorwart**, Dorwart Apartments, 1375 Old Quaker Road, Etters, PA 17319. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Bennett Run in Watershed 7-F.

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

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

**WQM Permit No. 4805402**, Sewerage, **Portland Borough**, P. O. Box 476, 1 Division Street, Portland, PA 18351. This proposed facility is located in Portland Borough; Upper Mount Bethel Township, **Northampton County**.

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

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

**WQM Permit No. 0605410**, Sewerage, **Muhlenberg Township Authority**, 2840 Kutztown Road, Reading, PA 19605. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the modification to an existing pump station including new pumps and associated waters, emergency generator and controls.

**WQM Permit No. 6704406**, Sewerage, **New Salem Borough**, 80 North Water Street, P. O. Box 243, York New Salem, PA 17371. This proposed facility is located in New Salem Borough, **York County**.

Description of Proposed Action/Activity: Approval for the installation of approximately 25,100 LF of 8-inch PVC sewers and 131 manholes to serve the sewage collection needs of New Salem Borough. All sewers are tributary to the proposed North Codorus Township WWTP.

**WQM Permit No. 6791403 Amendment 05-1**, Sewerage, **East Prospect Borough Authority**, P. O. Box 334, East Prospect, PA 17317. This proposed facility is located in East Prospect Borough, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of UV Disinfection System.

**WQM Permit No. 0605407**, Sewerage, **Bern Township Municipal Authority**, 1069 Old Bernville Road, Reading, PA 19605. This proposed facility is located in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewers and appurtenances and pump stations.

**WQM Permit No. 6705405**, Sewerage, **Fypon, Ltd.**, 960 West Barre Road, Archbold, OH 43502. This proposed facility is located in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Application returned.

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

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905016	County of Bucks Bucks County Morgue 55 East Court Street Doylestown, PA 18901	Bucks	Warminster Township	Neshaminy Creek (WWF-MF)
PAI011505036	Tom Swift Swift Development, Lot 3 2238 Robert Fulton Highway Peach Bottom, PA 17563	Chester	East Nottingham Township	Little Elk Creek (HQ-TSF-MF)
PAI011505041	Archdiocese of Philadelphia All Souls Cemetery 111 South 38th Street Philadelphia, PA 19104	Chester	West Brandywine Township	Beaver Creek (TSF-MF) Brandywine Creek (HQ)
PAI011505042	Immaculata University Immaculata University Athletic Fields 1145 King Road Immaculata, PA 19345	Chester	West Whiteland Township	Ridley Creek (HQ-TSF) Valley Creek (EV)
PAI012305003	Rosetree Media School District Penncrest High School Bus Facilities 308 North Olive Street Media, PA 19063	Delaware	Middletown Township	Spring Run (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905003	Lehigh Valley Free Presbyterian Church 6105 Oakwood Lane Slatington, PA 18080	Lehigh	Lowhill Township	Lyon Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033604012	Rose Rohrer 2651 Oregon Pike Lititz, PA 17543	Lancaster	Sadsbury Township	Knott Run/HQ-CWF, MF
PAI033605002	Barry L. Troup Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Lancaster	Rapho Township	UNT Chickies Creek/WWF UNT Shearers Creek/HQ/CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101708R-1	Tomas Stojek Clearfield Foundation 126 East Market St. Clearfield, PA 16830	Clearfield	Lawrence Township	Wolf Run and Susquehanna River CWF

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

*Armstrong County Conservation District: Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050305002	Department of Transportation District 10-0 P. O. Box 429 2550 Oakland Avenue Indiana, PA 15701	Armstrong	Valley and Rayburn Townships	South Fork Pine Creek (HQ-CWF)

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

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

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

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

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington Township Lehigh County	PAG200390520	David Jaindl Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Trout Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Washington Township Lehigh County	PAG2003905019	David Jaindl Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Trout Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
East Brunswick Township Schuylkill County	PAG2005405012	Miller Real Estate Development Co., Ltd. P. O. Box 336 Orwigsburg, PA 17961	UNT to Little Schuylkill River CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Orwigsburg Borough Schuylkill County	PAG2005405015	Ryon Contracting Co. 96 Ryon Lane Pottsville, PA 17901	Mahannon Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
St. Clair Borough and East Norwegian Township Schuylkill County	PAG2005405018	Schuylkill Headwaters Association P. O. Box 1385 Pottsville, PA 17901	UNT to Mill Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Tunkhannock Township Wyoming County	PAG2006605001	Martin Mariano Mariano Rentals 1123 Old Berwick Rd. Bloomsburg, PA 17815	Swale Brook CWF	Wyoming Co. Cons. Dist. (570) 836-2589
Lower Allen Township Cumberland County	PAG2002105025	Thomas Somerville Co. Somerville Office Warehouse 16155 Trade Zone Ave. Upper Marlboro, MD 20774	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle PA 17013 (717) 240-7812
Mechanicsburg Borough Cumberland County	PAG2002105010	American Legion Post 109 World War I Memorial Post 109 224 W. Main Street Mechanicsburg, PA 17055	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle PA 17013 (717) 240-7812
Greene Township Franklin County	PAG002805053	Greene Township 1145 Garver Lane Scotland PA 17254	UNT Falling Spring TSF Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Anteim Township Franklin County	PAG002805027	Stephen Oder Pembrokeshire 8095 Hill Mark Court Frederick, MD 21704	Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Lower Swatara Township Dauphin County	PAG2002205024	Lakeside Land Development, LLC 282 Alpat Dr. Dillsburg, PA 17109	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Hanover Township Dauphin County	PAG2002205032	East Hanover Township 8848 Jonestown Rd. Grantville, PA 17028	Bow Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002205047	Spring Creek Golf Course 450 E. Chocolate Ave. Hershey, PA 17033	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Bern Township Berks County	PAG20006030381	John Morahan, President St. Joseph's Medical Center 12th and Walnut Streets Reading, PA 19601	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000605051	David Robbins Daniel Boone School District P. O. Box 490 Birdsboro, PA 19508	Monocacy Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Jackson Township Lebanon County	PAG2003805021	Leon Zimmerman Cedar Crest Equipment 339 King Street Myerstown, PA 17067	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, (717) 272-3908, Ext. 4
Union Township Lebanon County	PAG20038030282	Anthony J. Fitzgibbons J. R. C. S., Ltd. 279 N. Zinns Mill Road Lebanon, PA 17042	Swatara Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, (717) 272-3908, Ext. 4
Bethel Township Lebanon County	PAG2003805015	Isaac B. Martin 1131 Hunters Chase Lane Lebanon, PA 17046	Deep Run Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042, (717) 272-3908, Ext. 4
South Lebanon Township Lebanon County	PAG2003805014	C. R. Meyer and Sons 895 W. 20th Avenue P. O. Box 2157 Oshkosh, WI 54903	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Milford and Turbett Townships Juniata County	PAG2003405008	Department of Transportation Engineering District 2-0 Attn: Dean D. Ball 1924 Daisy Street P. O. Box 342 Clearfield, PA 16830	Tuscarora Creek	Juniata County Conservation District R. R. 5, Box 35 Mifflintown, PA 17059 (717) 436-8953, Ext. 5

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bradford County Litchfield Township	PAG2000805007	Columbia Natural Resources P. O. Box 6070 Charlestown, WV 25362	UNT Susquehanna River WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Snyder County Penn Township	PAG200550504	Wendts Park Palace R. R. 3, Box 245B Selinsgrove, PA 17071	Penns Creek WWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Snyder County Middle Creek Township	PAG200550505	Warren Kerstetter Zechman Etal Subdivision East Ridge Rd. Middleburg, PA 17842	Middle Creek WWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Beaver County Chippewa Township	PAG2000405013	Royce Development, LLC Donald Olayer 161 Meadow Drive Beaver Falls, PA 15010	North Branch Brady's Run (WWF)	Beaver County CD (724) 378-1701
Fayette County Luzerne Township	PAG2002605018	Frank J. Kempf Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Monongahela River (WWF)	Fayette County CD (724) 438-4497
Fayette County North Union Township	PAG2002605019	Steve Solomon 1758 Milesground Morgantown, WV 26505	Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Fayette County South Union Township	PAG2002605020	David Scott 658 Pittsburgh Road Uniontown, PA 15401	Coal Lick Run (WWF)	Fayette County CD (724) 438-4497
Fayette County German Township	PAG2002605021	Anthony Julian Wellington Development, WVDT, LLC 1620 Locust Avenue Fairmont, WV 26554	Monongahela River (WWF)	Fayette County CD (724) 438-4497
Indiana County White Township	PAG2003205014	Michael T. Clark Wolf Run Crossing, LP 832 Philadelphia St. Indiana, PA 15701	UNT to McCarthy Run (CWF)	Indiana County CD (724) 463-8547
Venango County Franklin City	PAG2006105005(1)	Steven Spotts Bacou-Dalloz Fall Protection Brian Chreighton Horizon Construction Group	UNT Allegheny River (WWF)	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethlehem City Northampton County	PAR212222	Crushcrete, Inc. 1035 Mauch Chunk Road Bethlehem, PA 18018	Saucon Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Nazareth Borough Northampton County	PAR212236	Frank Casilio & Sons, Inc. 1035 Mauch Chunk Road Bethlehem, PA 18018-6622	UNT to Shoeneck Creek WWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
York County Springettsbury Township	PAR603590	Overnite Transportation Company 1000 Semmes Avenue Richmond, VA 23224	Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Silver Spring Township	PAR603576	Safety-Kleen Systems, Inc. 10 Eleanor Drive P. O. Box 279 New Kingstown, PA 17072	Hogestown Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Earl Township	PAR213515	Terre Hill Concrete Products 485 Weaverland Valley Road P. O. Box 10 Terre Hill, PA 17581-0010	Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Earl Township	PAR213514	Terre Hill Concrete Products 485 Weaverland Valley Road P. O. Box 10 Terre Hill, PA 17581-0010	Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Shippensburg Borough	PAR113510	Ingersoll Rand Company 312 Ingersoll Drive Shippensburg, PA 17257	Rowe Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Hempfield Township Westmoreland County	PAR606160	Toll Gate Auto Parts R. D. 1, Box 245A Greensburg, PA 15601	Jacks Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Neville Township Allegheny County	PAR606198	Neville Recycling, LLC 3400 Grand Avenue P. O. Box 9307 Pittsburgh, PA 15225	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin County Hamilton Township	PAG043642	Carl Gochenauer 3363 Keefer Road Chambersburg, PA 17201	Rocky Spring Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fulton County Ayr Township	PAG043732	Linda Goetz 3664 Laurel Ridge Road Big Cove Tannery, PA 17212	UNT Big Cove Creek	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Perry County Watts Township	PAG043511	Kenneth Shull R. D. 4, Box 4039 Duncannon, PA 17020	Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County North Middleton Township	PAG043733	Triple Crown Corporation, Lot 7 5351 Jaycee Avenue Harrisburg, PA 17112	Meetinghouse Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland County Monroe Township	PAG053539	Atlantic Richfield Company A BP affiliated company (BP) 9 Research Drive Suite 3 Amherst, MA 01002	Trindle Spring Run/CWF/7B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Montrose Borough Susquehanna County	PAG082218	Montrose Municipal Authority Lower South Main St. Montrose, PA 18801	The Morgan Farm R. D. 7, Box 7470 Montrose, PA 18801	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 836-2511

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

##### **Permit No. 1505507**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	Schuylkill
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	August 2, 2005

##### **Permit No. 1505503**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	Schuylkill
County	<b>Chester</b>
Type of Facility	PWS

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

Permit to Construct August 2, 2005  
Issued

**Permit No. 0905504**, Public Water Supply.

Applicant **Bucks County Water and Sewer Authority**

Borough New Hope

County **Bucks**

Type of Facility PWS

Consulting Engineer Carroll Engineering Corporation  
949 Easton Road  
Warrington, PA 18976

Permit to Construct August 2, 2005  
Issued

**Permit No. 2305502**, Public Water Supply.

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

Township Springfield

County **Delaware**

Type of Facility PWS

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

Permit to Construct August 6, 2005  
Issued

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

**Operations Permit** issued to: **The York Water Company**, 7670100, Spring Grove Borough, **York County** on 7/25/2005 for the operation of facilities approved under Construction Permit No. 6704514.

**Permit No. 2105503 MA, Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Municipality Hampden Township

County **Cumberland**

Type of Facility Water transition mains for the Hampden finished water storage tank.

Consulting Engineer James C Elliot, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct 7/25/2005  
Issued:

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

**Permit No. M.A.—Operation**, Public Water Supply.

Applicant **Hidden Valley Mobile Home Park**

Township or Borough Woodward Township

County **Lycoming**

Responsible Official Vernon S. Pettengill  
Hidden Valley Mobile Home Park  
Box 133  
Linden, PA 17744

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date 8/4/05

Description of Action Operation of Well No. 1.

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

**Permit No. 2505502, Public Water Supply**

Applicant **Holly Acres Mobile Home Park**

Borough or Township Summit Township

County **Erie**

Type of Facility PWS

Permit to Construct 08/03/2005  
Issued

**Operations Permit** issued to: **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, PWSID #5100012, **Butler, Butler County**, on August 8, 2005, for the operation of the North Chestnut Street Tank, as approved under Construction Permit No. 1069502-MA2.

#### WATER ALLOCATIONS

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

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

**WA-67**, Water Allocations. **Aqua Pennsylvania Inc.**, Lower Providence Township, **Montgomery County**, has been granted renewal of the right to withdraw 16.5 million gallons per day of water from the Perkiomen Creek at its Wetherill Dam and Pumping Station.

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

**WA 06-1021**, Water Allocations. **Ontelaunee Township Municipal Authority, Berks County**. Subsidiary water allocation to allow Ontelaunee Township to purchase water from the Reading Area Water Authority. Consulting Engineer: Carl Frankdicker, Jr., P. E., Spotts Stevens McCoy Inc. Permit Issued: 8/5/2005.

#### STORMWATER MANAGEMENT

**Action on plans submitted under the Storm Water Management Act (32 P. S. §§ 680.1—680.17)**

*Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.*

**Plan No. 343:22, Wicocisco Creek Stormwater Management Plan**, as submitted by **Dauphin County**, was approved on July 11, 2005.

**Plan No. 159:39, Little Lehigh Creek Stormwater Management Plan Update**, as submitted by **Berks County**, was approved on July 27, 2005

## SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Liberty Borough Liberty Township	P. O. Box 65 Liberty, PA 16930 8082 Rt. 414 Liberty, PA 16930	Tioga

*Plan Description:* The approved plan amends the existing approved plan by changing the site of the Sewage Treatment Plant, realigning some of the collection system and provides new collection sewers for the Milk Plant Road area. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franklin Township	897 SR 288 Frombell, PA 16123	Beaver

*Plan Description:* The approved plan provides for construction of a 400 gallon per day single residence sewage treatment plant to serve the Dean Wright single family home. The property is located along American School Road. The proposed discharge point is a UNT of Doe Run, classified as a WWF. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bloomfield Township	22978 Shreve Ridge Road Union City, PA 16438	Crawford

*Plan Description:* The approved plan provides for the abandonment of Pump Station No. 1, upgrades to Grinder Pump Station No. 1A and reconfiguring and installing new sewers and force main in the Church Camp and Ghost Town service areas near the North Inlet of Canadohta Lake. The purpose of the project is to eliminate Pump No. 1 which receives significant infiltration and inflow and has a history of operational problems. Any required WQM Permit must be obtained in the name of the municipality or authority as appropriate.

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

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

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

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

The Department has received the following plans and reports:

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

**TJ Cope**, City of Philadelphia, **Philadelphia County**. Joseph Gorzoch, Earth Tech, 4 Neshaminy Interplex, Suite 300, Trevose, PA 19053 on behalf of David Pliner, Allied Tube and Conduit, 11350 Norcom Rd., Philadelphia, PA 19154 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**508 Stidman Dr. Site**, Springfield Township, **Delaware County**. Mark Eschbacher, RT Env. Assoc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Christine Madison, Madison Prop. Mgmt., 20 Ardmore Lane, Chadds Ford, PA 19317 has submitted a Final Report concerning remediation of site soil and groundwa-

ter contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**5129 Market St. Site**, City of Philadelphia, **Philadelphia County**. Donald A. Coleman, P. G., Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline and MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Georgia Pacific/Philadelphia Container Fac.**, Lower Merion Township, **Montgomery County**. Jeffrey Goudsward, Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Richard Heany, Righters Ferry Assoc., LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with unleaded gasoline, other organics and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Symphony House**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni, Assoc., Inc., One Drexel Plaza, 3001 Market St., Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lawrence & Pattison Ave. Site**, City of Philadelphia, **Philadelphia County**. Raymond A. Scheinfeld, P. G., Weston Solutions, Inc., One Penn Ctr., Suite 1690, 1617 John F. Kennedy Blvd., Philadelphia, PA 19103 on behalf of Ed Duffy, PIDC, Philadelphia, PA has submitted a Workplan Report concerning remediation of site soil and groundwater were contaminated. The report is intended to document remediation of the site to meet the Special Industrial Area.

**Waterfront Sq. Projects**, City of Philadelphia, **Philadelphia County**. Bruce W. Pringle, ST Hudson Eng., Inc., 840 Cooper St., P. O. Box 9106, Camden, NJ 08101 on behalf of Isle of Capri Assoc., LP, 242 S. 17th St., Philadelphia, PA has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Wharf at Rivertown**, City of Chester, **Chester County**. Mark Eschbacher, P. G., RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Larry Wygant, Preferred Real Estate Investments, 1001 E. Hector St., Suite 101, Conshohocken, PA 19428 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with PCB, inorganics and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Philadelphia Eagles Stadium & Parking Areas**, City of Philadelphia, **Philadelphia County**. Keith Kowalski, P. G., URS Corp., 335 Commerce Dr., Suite 300, Ft. Washington, PA 19034 on behalf of City of Philadelphia, PCID, Patrick O'Neil, City of Philadelphia Law Dept., 1515 Arch St., 16th Floor, Philadelphia, PA 19102 has submitted a Final Report concerning the remediation of site groundwater contaminated with lead, heavy metals, PAH and solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 5, 2005.

**719-725 North 24th St. Site**, City of Philadelphia, **Philadelphia County**. Greg Hill, Hill Env. Group, Inc., 19 Brookside Ave., Pennington, NJ 08534 has submitted a

Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 2, 2005.

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

**Kaiser Aluminum**, City of Erie, **Erie County**. Pat Pontoriero, MACTEC, Carnegie Office Park, Building 4, Suite 200, 700 North Bell Avenue, Pittsburgh PA 15106 on behalf of Monica T. Brower, Owner, Greater Erie Ind. Dev. Corp., 5240 Knowledge Parkway, Erie PA 16510-4658 has submitted a Special Industrial Area—Work Plan concerning the remediation of site contaminated with volatile organics, semi-volatile organics, metals and other compounds. The Work Plan was approved by the Department on August 5, 2005.

**American Refining Group, Crude Tank Farm, Transfer Pump Area**, City of Bradford, **McKean County**. Dayne Crowley, MACTEC Engineering & Consulting, 700 N Bell Avenue, Suite 200, Carnegie PA 15106 on behalf of Steve Sherk, American Refining Group, 77 N. Kendall Avenue, Bradford PA 16701 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with crude oil. The report is intended to document remediation of the site to meet the Site Specific Standards.

#### RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGR093. ConocoPhillips Company, Trainer Refinery**, 4101 Post Road, Trainer, PA 19061.

General Permit No. WMGR093 is for the beneficial use of dewatered dredge material from the Trainer Refinery docks to fill two impoundments along the Delaware River to create new land for placement of additional petroleum storage tanks at the facility. Central Office determined the application to be administratively complete on August 3, 2005.

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

#### AIR QUALITY

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

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

**AQ-SE-0019: Reading Materials Inc.** (2052 Lucon Road, P. O. Box 1467, Skippack, PA 19474) on August 9, 2005, to operate a portable processing plant in Upper Merion, **Montgomery County**.

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

**54-323-002GP2: First Quality Nonwovens, Inc.** (101 Green Mountain Road, Hazleton, PA 18202) on August 4, 2005, to construction and operate a burn-off oven and associated air cleaning device at their facility in Hazle Township, **Luzerne County**, and East Union Township, **Schuylkill County**.

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

**GP3-21-03066: Haines and Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on August 4, 2005, to operate a portable nonmetallic mineral processing plant under GP3 in South Middleton Township, **Cumberland County**.

**GP7-67-03033C: The Sheridan Press** (450 Fame Avenue, Hanover, PA 17331-9581) on August 4, 2005, for a sheetfed offset lithographic printing press under GP7 in Penn Township, **York County**.

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

**GP-16-145: EOG Resources, Inc.—Shumaker Compressor Station** (Route 861, New Bethlehem, PA 16242) on August 2, 2005, to operate a natural gas fired compressor engine in Porter Township, **Clarion County**.

**GP-24-150: Horizon Wood Products** (624 Shelvey Summit, Ridgway, PA 15853) on March 31, 2005, to operate a boiler in Kersey, **Elk County**.

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

**GP2-AMS 05126: Sunoco, Inc. (R and M)—Frankford Plant** (Margaret and Bermuda Streets, Philadelphia, PA 19137) on August 5, 2005, to install and operate of an 800 gallon cumene surge tank at the facility in the City of Philadelphia, **Philadelphia County**.

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

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

**09-0157A: Barrett Asphalt, Inc.** (14 Steel Rd North, Fairless Hills, PA 19030) on August 4, 2005, to operate a No. 2 fuel oil fireburner in Falls Township, **Bucks County**.

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

**40-301-081: Harman Funeral Home and Crematory, Inc.** (P. O. Box 429, Drums, PA 18222) on July 14, 2005, to construct a crematory and associated air cleaning device at their facility in Butler Township, **Luzerne County**.

**13-301-013: Mountain Crest Crematory, Inc.** (11 North Cleveland Street, McAdoo, PA 18237) on July 14, 2005, to construct a crematory and associated air cleaning device at their facility in Banks Township, **Carbon County**.

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

**05-03003A: Chestnut Ridge School District** (P. O. Box 80, Fishertown, PA 15539-0080) on August 8, 2005, to install two bituminous coal fired boilers at their Chestnut Ridge Middle School in East Saint Clair Township, **Bedford County**.

**67-05046D: BAE System Land and Armaments, LP** (P. O. Box 15512, York, PA 17405-1512) on August 8, 2005, to install two new paint booths and curing ovens at their Ground Systems Division in West Manchester Township, **York County**.

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

**41-00018A: Springs Window Fashions LP** (8601 Route 405, Montgomery, PA 17752) on July 27, 2005, to modify two coil coating lines (Lines 7 and 8) by increasing the line speed from 60 feet per minute to 65 feet per minute in Clinton Township, **Lycoming County**.

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

**32-00285A: CQ Hardwood Finishers, LLC.** (160 Quality Center Road, Homer City, PA 15748) on August 2, 2005, to install hardwood flooring finishing at Indiana Corporate Campus Business Park in Burrell Township, **Indiana County**.

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

**37-027C: IA Construction** (River Road, West Pittsburgh, PA 16160) on July 21, 2005, to modify a plan approval to burn alternative fuels including Nos. 2 and 4–6 fuel oil or any combination of Nos. 2 and 4–6 fuel oil and reprocessed/recycled at the West Pittsburgh plant in Taylor Township, **Lawrence County**.

**62-174A: Warren County Humane Society** (212 Elm Street, Warren, PA 16356) on July 11, 2005, to construct a small animal crematory in the City of Warren, **Warren County**.

**10-027F: Penreco** (138 Petrolia Street, Karns City, PA 16041) on July 21, 2005, to install a replacement 13,500 gallon spent acid storage tank that is vented to an existing scrubber in Fairview Township, **Butler County**. This is a Title V facility.

**43-339A: Supreme Manufacturing, Inc.** (327 Billy Boyd Road, Stoneboro, PA 16153) on July 8, 2005, for post construction/modification of a blasting operation and post construction of a coating operation in the Municipality of Stoneboro, **Mercer County**.

**62-017K: United Refining** (15 Bradley Street Warren, PA 16365) on July 14, 2005, to modify a catalyst for

DHT2 and increased firing rate for East and West Reformer Heaters as well as increase of sulfur recovery at SRU2 for the Ultra-Low Sulfur Diesel Project at their Refinery in the City of Warren, **Warren County**. The Facility is a Title V Facility.

**62-035C: IA Construction** (240 River Road, Warren, PA 16365) on July 11, 2005, to modify of a plan approval to burn alternative fuels including Nos. 2 and 4–6 fuel oil or any combination of Nos. 2 and 4–6 fuel oil and reprocessed/recycled at their Warren plant in Conewango Township, **Warren County**.

**24-158B: Rosebud Mining Co.** (State Route 219, Helen Mills, PA 15857) on July 1, 2005, for plan approval modification for post construction of an additional screen and conveyor for a coal processing facility at their Little Toby Mine, Horton Township, **Elk County**.

**16-132D: Aconcagua Timber Corp.—Clarion MDF Facility** (143 Fiberboard Road, Shippenville, PA 16245) on July 5, 2005, to install two value added lines in Paint Township, **Clarion County**. This will allow the facility to better utilize the production capabilities of the plant. This is a Title V facility.

**16-132E: Aconcagua Timber Corp.—Clarion MDF Facility** (143 Fiberboard Road, Shippenville, PA 16245) on July 5, 2005, to install an additional finishing line that will replace part of their existing finishing operations in Paint Township, **Clarion County**. Two fabric filters will control this new finishing line. This is a Title V facility.

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

**AMS 04264: University of Pennsylvania** (3451 Walnut Street, Philadelphia, PA 19104) on August 8, 2005, to install 25 emergency generators ranging in size from 15 kW to 1275 kW in Philadelphia, **Philadelphia County**.

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

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

**46-313-146: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on August 4, 2005, to operate a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

**09-0027F: Fres-Co Systems—USA, Inc.** (3005 State Road, Telford, PA 18969) On August 5, 2005, to operate three printing stations and laminator in West Rockhill Township, **Bucks County**.

**09-0117A: Heucotech Ltd.** (99 Newbold Road, Fairless Hills, PA 19030) on August 3, 2005, to operate a plant expansion in Falls Township, **Bucks County**.

**15-0078C: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on August 4, 2005, to operate two emergency generators in East Whiteland Township, **Chester County**.

**46-0027A: Johnson and Johnson Pharmaceutical Research & Development, LLC** (Welsh and McKean Roads, Spring House, PA 19477) on August 5, 2005, to operate a selective catalytic reduction in Lower Gwynedd Township, **Montgomery County**.

**09-0110C: Riverside Construction Materials, Inc.** (355 Newbold Road, Fairless Hills, PA 19030) on August 5, 2005, to operate a pneumatic ship unloader in Bristol Township, **Bucks County**.

**09-0124E: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 8, 2005, to operate a 31.9 mmBtu/hr gas fired preheater in Falls Township, **Bucks County**.

**23-0014C: Kimberly-Clark Corp.** (Front Street and Avenue of the States, Chester, PA 19103) on August 8, 2005, to operate a wet scrubber dust controls in City of Chester, **Delaware County**.

**23-0014E: Kimberly-Clark Corp.** (Front Street and Avenue of the States, Chester, PA 19103) on August 3, 2005, to operate a paper machine No. 16 hood dryer in City of Chester, **Delaware County**.

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

**48-306-008D: Northampton Generating Co., LP** (1 Horwith Drive, Northampton, PA 8067) on August 1, 2005, to modify a fluidized bed boiler and associated air cleaning device at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

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

**55-399-006: Apex Homes, Inc.** (247 US Highway 522 North, Middleburg, PA 17842) on July 29, 2005, to operate a modular home manufacturing operation on a temporary basis until November 26, 2005, in Middlecreek Township, **Snyder County**. The plan approval has been extended.

**60-303-003: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on July 29, 2005, to operate a drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis to November 26, 2005, in Buffalo Township, **Union County**. The plan approval has been extended.

**60-310-006A: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on July 29, 2005, to operate a stone crushing operation and associated air cleaning devices (2 water spray dust suppression systems) on a temporary basis until November 26, 2005, in Buffalo Township, **Union County**. The plan approval has been extended.

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

**11-00506A: Ebensburg Power Company** (P. O. Box 845, 2840 New Germany Road, Ebensburg, PA 15931) on August 5, 2005, to complete construction at the Nanty Glo West Refuse Site located in Nanty Glo Borough, **Cambria County**. This plan approval was extended.

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

**25-1000A: Advanced Mold Technologies, Inc.** (2011 East 30th Street, Erie, PA 16510) on July 13, 2005, to install a decorative Chrome, Nickel, and Copper plating operation in the City of Erie, **Erie County**.

**42-177A: Bradford Forest Inc.** (444 High Street, P. O. Box 369, Bradford, PA 16701) on August 1, 2005, to

install a wood fired boiler with multi-cyclone control at their Bradford facility in the Township of Bradford, **McKean County**.

**16-132C: Aconcagua Timber Corp.** (143 Fiberboard Road, Box 340, Shippensburg, PA 16245) on July 31, 2005, to replace an existing prefilter with a Turbo-Venturi Scrubber in Paint Township, **Clarion County**. The facility is a Title V Facility.

**42-178A: Glenn O. Hawbaker, Inc.—Turtlepoint Plant** (SR 1002, Champlin Hill Road, Turtlepoint, PA 16750) on July 31, 2005, to use alternative fuels in Annin Township, **McKean County**.

**37-013E: Cemex, Inc.** (2001 Portland Park, Wampum, PA 16157) on June 30, 2005, to change the slag feeding equipment in Wampum, **Lawrence County**.

**43-290B: Winner Steel, Inc.** (277 Sharpsville Avenue, Sharon, PA 16146) on June 30, 2005, to installation a new No. 3 Continuous Steel Strip Galvanizing Line Furnace in the City of Sharon, **Mercer County**. This is a State-only facility.

**24-083D: Carbone of America—Graphite Materials Division** (1032 Trout Run Road, St. Marys, PA 15857) on June 30, 2005, to install a scrubber in Benzinger Township, **Elk County**.

**24-083E: Carbone of America—Graphite Materials Division** (1032 Trout Run Road, St. Marys, PA 15857) on May 31, 2005, to install a scrubber in Benzinger Township, **Elk County**.

**33-055A: Glen Gery Corp.** (Route 28, Summerville, PA 15864) on June 30, 2005, to construct a tunnel kiln in Summerville Borough, **Jefferson County**.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05081: Delaware County Solid Waste Authority—Rolling Hills Landfill** (583 Longview Road, Boyertown, PA 19512-7955) on August 4, 2005, for their Rolling Hills Landfill facility in Earl Township, **Berks County**. This is a renewal of the Title V Operating Permit.

**36-05027: R. R. Donnelley and Sons Co.** (216 Greenfield Road, Lancaster, PA 17601-5885) on August 4, 2005, to operate printing presses controlled by regenerative thermal oxidizers and a solvent recovery system at their Lancaster East facility in the City of Lancaster, **Lancaster County**. This is a renewal of the Title V Operating Permit.

**36-05138: Quality Custom Kitchens, Inc.** (125 Peters Road, New Holland, PA 17557-9205) on August 4, 2005, to operate a wooden cabinet manufacturing facility in Earl Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**49-00009: Mohawk Flush Doors, Inc.** (Box 112, Northumberland, PA 17857) on July 27, 2005, for the operation of a wood door manufacturing facility in Point Township, **Northumberland County**.

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

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

**53-00012: Patterson Lumber Co., Inc.** (92 West Street, Galeton, PA 16922) on July 19, 2005, to operate a sawmill facility in West Branch Township, **Potter County**.

**41-00066: Sunoco, Inc.—R and M** (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on July 20, 2005, to operate a soil vapor extraction system and associated biofilter at their former Atlantic Terminal in Armstrong Township, **Lycoming County**.

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

**S04-007: Albert Einstein Medical Center** (5501 Old York Road, Philadelphia, PA 19141) on August 5, 2005, to operate a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 300 hp boilers, a 900 hp boiler, a 10.5 mmBtu/hr co-gen unit, a 1225 kW peak shaving generator and nine emergency generators.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**46-00037: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on August 1, 2005, to amend to incorporate the PA-46-0037N into the facility Title V Operating Permit in Douglass Township, **Montgomery County**.

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

**10-00001: AK Steel Corp.** (Route 8 South, Butler, PA 16003) on August 1, 2005, Title V Operating Permit Number was administratively amended to incorporate changes brought about through Plan Approval Number 10-001I. AK Steel is in Butler Township, **Butler County**. The Environmental Protection Agency and public comment periods were addressed during the plan approval process.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

**55-00021: Shreck's Painting** (P. O. Box 6, Mount Pleasant Mills, PA 17853) on July 20, 2005, the application for an operating permit to operate a mobile/modular home parts surface coating facility was returned for

failure to correct an administrative deficiency in a timely fashion in Perry Township, **Snyder County**.

**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.

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**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).**

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E45-479. Precision Homes, Inc.**, P. O. Box 191, Mt. Pocono, PA 18344. Coolbaugh Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimus area of other PFO wetlands equal to 0.04 acre for the purpose of constructing a single-family dwelling and driveway on Lot 2336 of Section H-II of Stillwater Lake Estates. The project also



includes the installation of a 2-inch diameter PVC sanitary sewer line under the driveway and a private recreational floating boat dock having a surface area of approximately 134 square feet in Sunset Lake. This project was previously authorized under Permit No. E45-399. The site is located along Nadine Boulevard on the north side of Sunset Lake, approximately 0.3 mile east of SR 0380 (Tobyhanna, PA Quadrangle N: 1.9 inches; W: 2.9 inches). (Subbasin: 2A)

**E52-196. Columbia Gas Transmission Corporation**, 1700 MacCorkle Avenue, SE, Charleston, WV 25314. Army Corps of Engineers, Philadelphia District.

To remove the existing 14-inch diameter natural gas transmission line and to construct and maintain 53 utility line wetland crossings, including the construction of temporary equipment crossings for access through wetlands, temporarily impacting approximately 13.25 acres of EV and other PEM wetlands and 29 utility line stream crossings (HQ-CWF, EV, wild and stocked trout streams), including cathodic protection measures, associated with the installation of a 20-inch diameter natural gas transmission line along a 16.3 mile segment of existing Pipeline 1,278 right-of-way as identified on the attached lists. The purpose of the project is to replace the aged and deteriorated existing 14-inch diameter transmission line with a 20-inch diameter transmission line and work will occur in the existing 50-foot right-of-way with the possibility of an additional 25-foot right-of-way for construction purposes. The project begins at the Monroe County/Pike County boundary (Bushkill, PA-NJ Quadrangle N: 15.1 inches; W: 4.3 inches) and ends at Weber Road (Edgemere, PA Quadrangle N: 6.2 inches; W: 0.5 inch) in Dingman Township, Pike County. (Subbasin: 1D, E)

**E40-640. Luzerne County Flood Protection Authority**, 200 North River Street, Wilkes-Barre, PA 18711-1001. Edwardsville Borough, Exeter Borough, Forty Fort Borough, Hanover Township, Kingston Borough, Luzerne Borough, Plymouth Borough, Pringle Borough, Wilkes-Barre City and Wyoming Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To operate and maintain the Wyoming Valley Levee System, within the floodplain along the Susquehanna River (WWF) and its tributaries (CWF). The flood control protection system includes approximately 16 miles of levee/floodwall, 14 stormwater pump stations, and several gravity storm sewer gates. Maintenance will include channel cleaning/sediment removal to maintain design capacity along tributaries upstream and downstream of pump stations and at gravity outfall structures. The project is located along the Susquehanna River (Wilkes-Barre West, PA Quadrangle N: 22.5 inches; W: 1.3 inches). (Subbasin: 5B)

**E13-144. Jim Thorpe Area School District**, 140 West Tenth Street, Jim Thorpe, PA 18229. Jim Thorpe Borough, **Carbon County**, Army Corps of Engineers Philadelphia District.

To excavate 0.26 acre of PEM wetlands within the Robertson Run Watershed for the purpose of expanding the building and parking facilities of the L. B. Morris Elementary School and to construct and maintain a channel change consisting of reconstruction and minor realignment of 510 feet of a tributary to Robertson Run (HQ-CWF). The reconstructed channel will be grass-lined and trapezoidal in shape with 2:1 side slopes and a 10-foot bottom width. The permittee is required to provide for 0.26 acre of replacement wetlands by participating in

the Pennsylvania Wetland Replacement Project. The project is located on the north side of West Tenth Street, approximately 0.1 mile west of SR 0903 (Christmans, PA Quadrangle N: 1.3 inches; W: 14.5 inches). (Subbasin: 2B)

**E54-312. Cornerstone Real Estate Development, LLC**, 1120 Spruce Street, Ashland, PA 17921. Butler Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To authorize the following water obstructions and encroachments associated with the Cedar Creek Residential Development. The project is located on the west side of SR 0061 approximately 2.9 miles west of SR 0054 (Ashland, PA Quadrangle N: 4.5 inches; W: 7.0 inches). (Subbasin: 6B)

1. To relocate approximately 900 feet of a tributary to Little Mahanoy Creek (CWF) with the construction and maintenance of 1,130 feet of trapezoidal channel with a riprap apron.

2. To construct and maintain a road crossing (Cedar Creek Drive) consisting of 40-foot long twin 6.5-foot diameter corrugated metal pipes with a riprap apron across a tributary to Little Mahanoy Creek.

3. To construct and maintain a road crossing (Pine Street) consisting of a 40-foot long 7-foot diameter corrugated metal pipe with a riprap apron across a tributary to Little Mahanoy Creek.

4. To construct and maintain a road crossing (Cedar Creek Drive) through 0.002 acre of wetlands within the Little Mahanoy Creek watershed.

5. To construct and maintain a road crossing (Pine Street) consisting of a 68-foot long 24-inch diameter concrete pipe with a riprap apron across a tributary to Little Mahanoy Creek.

6. To construct and maintain a driveway crossing consisting of a 20-foot long 24-inch diameter polyethylene pipe with a riprap apron through 0.007 acre of other PFO wetlands for the purpose of providing access to Lot 17.

7. To construct and maintain a driveway crossing consisting of a 15-foot long 24-inch diameter corrugated polyethylene pipe with a riprap apron across a tributary to Little Mahanoy Creek for the purpose of providing access to Lot 18.

8. To construct and maintain a driveway crossing consisting of a 15-foot long 24-inch diameter corrugated polyethylene pipe with a riprap apron across a tributary to Little Mahanoy Creek for the purpose of providing access to Lot 19.

9. To construct and maintain a driveway crossing consisting of a 15-foot long 24-inch diameter corrugated polyethylene pipe with a riprap apron across a tributary to Little Mahanoy Creek for the purpose of providing access to Lot 20.

10. To construct and maintain a driveway crossing consisting of a 60-foot long 24-inch diameter corrugated polyethylene pipe with a riprap apron across a tributary to Little Mahanoy Creek for the purpose of providing access to Lots 32 and 33.

11. To construct and maintain a driveway crossing consisting of a 15-foot long 24-inch diameter corrugated polyethylene pipe with a riprap apron across a tributary to Little Mahanoy Creek for the purpose of providing access to Lot 34.

12. To construct and maintain a driveway crossing consisting of a 15-foot long 24-inch diameter corrugated polyethylene pipe with a riprap apron across a tributary to Little Mahanoy Creek for the purpose of providing access to Lot 35.

13. To construct and maintain two sanitary line crossings, two waterline crossings and two underground electric crossings of a tributary to Little Mahanoy Creek.

**E48-359. Strausser Enterprises, Inc.**, 1104 Van Buren Road, Easton, PA 18045. Forks Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 2,100 L. F. channel change in a tributary to the Delaware River (CWF) for the purpose of stabilizing the eroded streambed and banks. Work also includes approximately 800 L. F. of streambank stabilization and a 42-inch diameter stormwater outfall structure and associated energy dissipator. The project is located on the north side of SR 2038 (Frost Hollow Road), approximately 0.5 mile west of SR 0611 (Easton, PA-NJ Quadrangle N: 18.0 inches; W: 10.0 inches). (Subbasin: 1F)

**E40-629. Mark Development Company**, 580 Third Avenue, Kingston, PA 18704. Dallas Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a stream enclosure of Toby Creek (CWF), consisting of approximately 195 linear feet of 32-foot by 8-foot open-bottomed concrete arch culvert, for the purpose of facilitating commercial development. The project includes channel realignment extending approximately 80 feet upstream of the enclosure, incorporating 52 linear feet of gabion retaining wall along the right bank and approximately 30 linear feet of riprap channel protection in the vicinity of existing stormwater outfalls. The project is located on the west side of SR 0415, at the intersection of SR 0415 and SR 0309 (Kingston, PA Quadrangle N: 14.7 inches; W: 11.0 inches). (Subbasin: 5B)

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

**E05-329. Keith D. and Jennifer L. Magill**, 131 Ja-Ve Drive, Bedford, PA 15522 in Bedford Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a bridge with wing walls on Pleasant Valley Run (CWF) having a single span of 12 feet, a width of 12 feet, and an underclearance of approximately 5.06 feet, to place and maintain 24 linear feet of riprap protection along both the left and right abutments and wing walls, and to place fill in 0.01 acre of PEM wetlands for the purpose of constructing a single family home at a site (Latitude: 40° 04' 55"; Longitude: 78° 25' 55") approximately 3,400 feet upstream of the T-482 (Deibert Road) bridge in Bedford Township, Bedford County. The project proposes to directly affect 24 linear feet of stream channel and 0.01 acre of PEM wetlands. The acreage of wetland impact is considered de minimus and wetland replacement is not required.

**E36-779: Soco Enterprises**, 1330 Charlestown Road, Phoenixville, PA 19460

To remove an existing 54-inch steel pipe and to construct and maintain a new road crossing consisting of one 5.5' by 10' open-bottom box culvert for normal stream flow and one raised 5' by 10' concrete box culvert for flood flow, located at a point immediately west of Ranck Road (New Holland, PA Quadrangle N: 17.5 inches; W: 8.5 inches) in Earl and East Earl Townships, Lancaster County.

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

**E14-470. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830, SR 6220, Sections B12 and A12 Temporary Stream Crossing, in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 11.5 inches; W: 7.5 inches).

To: 1) maintain a temporary construction vehicle stream crossing with one 60-inch and six 48-inch corrugated metal pipes with an associated clean limestone fill and a 150-foot long by 4-foot wide by 3-foot deep temporarily relocated low-flow stream channel located 100 feet upstream of the SR 322 bridge over Waddle Creek to facilitate the construction of the SR 6220, Section B12 highway and the acid rock drainage remediation; and 2) construct and maintain a 60-inch diameter 55-foot long culvert with the associated clean fill above the culvert to create an elevated bikeway across an unnamed drainage channel that discharges to a UNT (known as Waddle Creek) to Buffalo Run located between the SR 322 bridge over Waddle Creek and Penn Dot's Stormwater Management Pond No. 7. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E49-287. Ray S. Hendricks**, 9 East Sunbury Road, Danville, PA 17821. Hendricks Bank Stabilization, in Rush Township, **Northumberland County**, ACOE Baltimore District (Riverside, PA Quadrangle N: 6.7 inches; W: 6.7 inches).

To remove 1.3 feet of gravel deposits from the streambed of Gravel Run to a width of 8 feet and a length of 75 feet. The newly constructed low flow channel banks will be stabilized with riprap. The riprap stabilization will also continue an additional 50 feet upstream. This project authorizes operation and maintenance of the bank stabilization portion of this project. The entire project will affect 125 linear feet from the road culvert on East Sunbury Road. Gravel Run is designated as a CWF and the project does not impact any wetlands.

**E59-467. Phoenix Resources, Inc.**, 782 Antrim Road, Wellsboro, PA 16901. Sedimentation Pond 3, in Duncan Township, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 2.5 inches; W: 2.7 inches).

To place and maintain fill in 0.55-acre wetland complex for the purpose of constructing a permitted sedimentation basin required for adjacent landfill. The wetland is located within the Wilson Creek drainage and is classified as a CWF stream. The site is located approximately 1 mile northeast of the small town of Antrim, PA and can be accessed off of SR 3009. Permanent wetland impacts have been mitigated on site with an already established and successful wetland restoration project.

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

**E02-1499. Township of Collier**, 2418 Hilltop Road, Presto, PA 15142. To construct a pedestrian walking bridge in Collier Township, **Allegheny County**, Pittsburgh ACOE District (Oakdale, PA Quadrangle N: 3.4 inches; W: 2.4 inches and Latitude: 40° 23' 28"—Longitude: 80° 08' 33"). To construct and maintain a pedestrian walking bridge having a span of 64.0 feet with a minimum under clearance of 5.0 feet across the channel of Robinson Run (WWF) for the purpose of constructing the Panhandle Pedestrian Walking Trail. The project is located approximately 800 feet south from the intersection of Sunnyside Avenue and Home Avenue, and will

impact 20.0 linear feet of stream channel. Stream bank protection (approximately 20 linear feet on both banks) and a temporary stream crossing will also be constructed.

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

**E24-239, Borough of Ridgway**, 108 Main Street, Ridgway, PA 15853. Gallagher Run (CWF) Utility Line Relocation Project, in Borough of Ridgway, **Elk County**, ACOE Pittsburgh District (Ridgway PA, PA Quadrangle N: 41° 25' 22"; W: 78° 43' 37").

To abandon the existing 8" diameter VCP (sewer line) and 4" diameter DIP water line and to construct and maintain approximately 150' of new/relocated 15" and 16" PVC and DIP sewer lines and 8" diameter DIP water lines with appurtenances across Gallagher Run (CWF) at a point along SR 0219.

**E27-078, Seneca Resources**, 286 Old 36 Road, Sigel, PA 15860. Warrant 5158 Bridge across Ellsworth Run, in Green Township, **Forest County**, ACOE Pittsburgh District (Marienville West, PA Quadrangle N: 14.7 inches; W: 15.2 inches).

To maintain a bridge over Ellsworth Run (CWF) installed under General Permit No. GP082704601 in August 2004 having a clear span of 40 feet an instream length of approximately 15 feet and a underclearance of 2 feet located in Warrant 5158 on a private road 0.1 mile west of SR 2007 approximately 1.3 miles south of the intersection of SR 2007 and SR 3004.

*Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**E3314-058A, Borough of Brockway**, 501 Main Street, Brockway, PA 15824, Little Toby Creek, Brockway Borough and Snyder Township, **Jefferson County**, ACOE Pittsburgh District.

Project proposes to amend an existing permit to construct, operate, and maintain a stream restoration and enhancement project including constructing rock vanes, regrading stream banks, excavating and removing excess floodplain sediments and planting riparian vegetation in and along Little Toby Creek (CWF) within the existing flood protection levees. The project will temporarily impact approximately 0.09 acre of riverine habitat and approximately 0.23 acre of wetlands (PEM). The project will commence at a point immediately downstream of the Route 28 (Main Street) Bridge (Falls Creek, PA Quadrangle; latitude: 41° 14' 56", longitude: 78° 47' 48") and continue downstream approximately 6,850 feet (Carman, PA Quadrangle; latitude: 41° 15' 45", longitude: 78° 48' 27").

#### ENVIRONMENTAL ASSESSMENTS

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

**EA-36-014: United States Fish and Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801-4850 in Leacock and Upper Leacock Townships, **Lancaster County**, ACOE Baltimore District.

**EA-67-010: Gregory S. King**, 1948 Noss Road, York, PA 17404 in North Codorus Township, **York County**, ACOE Baltimore District.

To replace and existing culvert and construct and maintain a 15-foot long, 3-foot diameter culvert, with a 6-inch uniform depression below the streambed and to restore 280 linear feet of a UNT to Codorus Creek (WWF)

by reshaping the channel, which is not to exceed more than 2 feet in depth below the existing stream bottom elevation. The project is located in North Codorus Township, York County (West York, PA Quadrangle N: 1.9 inches; W: 6.7 inches).

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

**D28-005EA, Wilson College**, 1015 Philadelphia Avenue, Chambersburg, PA 17201. Chambersburg Borough, **Franklin County**, ACOE Baltimore District.

Project proposes to breach and remove Wolf Lake Dam across Conococheague Creek (WWF) for the purpose of eliminating a threat to public safety and restoring 1,100 linear feet of stream channel to a free flowing condition. The dam is located approximately 3,700 feet north of the intersection of US 11 and US 30 (Chambersburg, PA Quadrangle N: 12.90 inches; W: 4.95 inches).

**D21-070EA, William S. Carey**, 1781 Main Street, Lisburn, PA 17055. Lower Allen and Fairview Townships, **Cumberland and York Counties**, ACOE Baltimore District.

Project proposes to breach and remove Hoffman Dam located across Yellow Breeches Creek (CWF) for the purpose of restoring 900 linear feet of stream channel to a free flowing condition and eliminating a threat to public safety. The dam is located approximately 1,100 feet southwest of the intersection of SR 114 and Mountain Road (SR 4031) (Lemoyne, PA Quadrangle N: 7.4 inches; W: 4.7 inches).

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## SPECIAL NOTICES

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### Drinking Water State Revolving Fund

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#### Special Notice under the Federal Safe Drinking Water Act

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

#### Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>Municipality and County</i>
Robinwood Village Recreation and Maintenance Fund, Inc.	56 Robinwood Village Saylorburg, PA 18353	Chestnuthill Township Monroe County

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Robinwood Village Recreation and Maintenance Fund, Inc. proposes reconfiguring the PWS system from seven wells to two; adding disinfection and pH treatment facilities; booster station construction; transmission and distribution piping installation; and the construction of finished water storage tanks. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 05-1566. Filed for public inspection August 19, 2005, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—Minor Revision*

DEP ID: 294-2309-001. Title: Radon Certification Policy. Description: This document details the methods by which Radon Division staff administers applicable statutes and regulations. This document has been renumbered and several sections have been revised to clarify existing practices. Effective Date: August 20, 2005. Contact: Questions regarding this guidance document should be directed to Randolph Easton, Bureau of Radiation Protection, (717) 783-3594, [reaston@state.pa.us](mailto:reaston@state.pa.us).

#### *Draft Technical Guidance—New Guidance*

DEP ID: 392-2130-014. Title: Guidelines for Identification of Critical Water Planning Areas. Description: The Water Resources Planning Act (Act 220 of 2002) provides for the identification of Critical Water Planning Areas. The purpose of this document is to provide guidance to Department staff, Regional Water Resources Committees and Statewide Water Resources Committees in the identification of those areas. Written Comments: Interested persons may submit written comments on this draft technical guidance document by September 19, 2005. Comments should be submitted to Stuart Gansell, Director, Bureau of Watershed Management, Department of Environmental Protection, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17105, [sgansell@state.pa.us](mailto:sgansell@state.pa.us). Contact: Stuart Gansell, (717) 787-5267, [sgansell@state.pa.us](mailto:sgansell@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1567. Filed for public inspection August 19, 2005, 9:00 a.m.]

### Coastal Zone Grant Application Period Opens for Federal Fiscal Year 2006 Grants

The Water Planning Office of the Department of Environmental Protection (Department) will be accepting applications beginning August 29, 2005, for Federal Fiscal Year (FFY) 2006 Coastal Zone grants. Applicants must meet certain eligibility requirements (for example, be a political subdivision, an authority, a 505(c)3 nonprofit organization or an educational institution) and must be located within the defined Coastal Zone geographic areas of this Commonwealth. Proposals must also support the Coastal Zone Program's mission to protect and enhance this Commonwealth's coastal resources. Applications must be postmarked by October 24, 2005. Pending Congressional funding approval, grants will be available for projects that begin on or after October 1, 2006. These Federal grants must be matched on a 50/50 basis by applicants.

To request an application or to obtain more information concerning Coastal Zone grants, visit the Department's website at [www.dep.state.pa.us](http://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 or fax (717) 783-4690.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1568. Filed for public inspection August 19, 2005, 9:00 a.m.]

### Concentrated Animal Feeding Operations Stakeholders Workgroup Meeting

The Concentrated Animal Feeding Operations Stakeholders (CAFO) Workgroup will hold a meeting on August 23, 2005, at 9 a.m. in the Department of Environmental Protection Southcentral Region Office, Susquehanna Room, 909 Elmerton Avenue, Harrisburg. The purpose of this meeting is to review and discuss a draft CAFO Program Strategy and the status of the CAFO program.

Questions concerning this meeting should be directed to Tom Juengst at (717) 783-7577 or [tjuengst@state.pa.us](mailto:tjuengst@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Persons with disabilities who require accommodations to attend the meeting should contact the Department at (717) 783-7577 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1569. Filed for public inspection August 19, 2005, 9:00 a.m.]

### Laboratory Accreditation Advisory Committee Meeting Changes

The Laboratory Accreditation Advisory Committee meeting scheduled for Tuesday, August 23, 2005, has been cancelled. The next scheduled meeting on November 1, 2005, was originally scheduled to be held in Room 105, Rachel Carson State Office Building, but the location has changed to the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17110. This meeting will also be held in conjunction with the Pennsylvania Association of Accredited Environmental Laboratories and will begin at 10 a.m. and conclude at 3 p.m.

Questions concerning this meeting should be directed to Richard Sheibley at (717) 346-8215 or [rsheibley@state.pa.us](mailto:rsheibley@state.pa.us). Persons with a disability who require accommodations to attend this meeting should contact the Department of Environmental Protection (Department) at (717) 705-2431 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-1570. Filed for public inspection August 19, 2005, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Mercy Jeannette Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Jeannette Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

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

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

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 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

[Pa.B. Doc. No. 05-1571. Filed for public inspection August 19, 2005, 9:00 a.m.]

### Application of South Hills Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that South Hills Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 567.11(7) (relating to operating suite equipment).

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

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

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 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

[Pa.B. Doc. No. 05-1572. Filed for public inspection August 19, 2005, 9:00 a.m.]

### Application of Surgery Center at Limerick for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center at Limerick has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

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

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

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 or for speech and/or

hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

[Pa.B. Doc. No. 05-1573. Filed for public inspection August 19, 2005, 9:00 a.m.]

### **Integrated Human Immunodeficiency Virus (HIV) Planning Council; Public Meeting**

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, September 6, 2005, from 10:30 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 South Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at the previously referenced number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1574. Filed for public inspection August 19, 2005, 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 § 201.3 (relating to definitions):

Masonic Homes  
One Masonic Drive  
Elizabethtown, PA 17022-2119  
FAC ID 131502

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Harmarville Transitional Rehabilitation Unit  
P. O. Box 11460, Guys Run Road  
Pittsburgh, PA 15238

UPMC Horizon Transitional Care Center Greenville  
110 North Main Street  
Greenville, PA 16125

UPMC Horizon Transitional Care Center Shenango  
2200 Memorial Drive  
Farrell, PA 16121

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

Lock Haven Hospital Extended Care Unit  
24 Cree Drive  
Lock Haven, PA 17745

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

Landis Homes  
1001 East Oregon Road  
Lititz, PA 17543-9206  
FAC ID 120602

Laurel Ridge Center  
75 Hickle Street  
Uniontown, PA 15401

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

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

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

Persons with a disability who 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 address or phone number listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-1575. Filed for public inspection August 19, 2005, 9:00 a.m.]

## **DEPARTMENT OF PUBLIC WELFARE**

### **Fee Increases for Dental Anesthesia Services**

The Department of Public Welfare (Department) announces that it will increase the fees on the Medical Assistance (MA) Dental Fee Schedule for dental anesthesia services and behavior management and add a new dental anesthesia code to the MA Dental Fee Schedule. These changes are being made as part of the Department's continuing commitment to support the increased utilization of dental services by persons with disabilities. They are effective with dates of service on and after July 1, 2005.

Currently, providers who must use deep sedation to treat patients use procedure code D9220, Deep Sedation/General Anesthesia, to bill for the service regardless of the length of the procedure. Although procedure code D9220 is included among the fee increases specified in this notice, the Department is adding procedure code D9221, Deep Sedation/General Anesthesia, each additional 15 minutes, to the MA Dental Fee Schedule to

account for procedures that exceed 30 minutes in duration. The addition of this procedure code will enable providers to bill for an additional unit of service for longer procedures. The fee for the procedure code is \$105 per unit, limited to one unit per patient per day.

In addition to adding procedure code D9221, the Department is increasing the MA fees for the following procedure codes currently on the MA Dental Fee Schedule:

<i>Procedure Code</i>	<i>Description of Service</i>	<i>Current Fee</i>	<i>Fee Effective July 1, 2005</i>
D9220	Deep Sedation/General Anesthesia	\$210	\$244
D9230	Analgesia, Anxiolysis, Inhalation of Nitrous Oxide	\$30	\$44
D9241	Intravenous Conscious Sedation/Analgesia	\$150	\$257
D9248	Non-intravenous Conscious Sedation	\$95	\$184
D9920	Behavior Management	\$30	\$78

#### *Fiscal Impact*

The estimated cost of these Dental Fee Schedule changes is \$0.655 million (\$0.297 million in State funds) in Fiscal Year (FY) 2005-2006. The projected fiscal impact for FY 2006-2007 is estimated at \$0.786 million (\$0.358 million in State funds).

#### *Public Comment*

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

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-437. (1) General Fund; (2) Implementing Year 2005-06 is \$297,000; (3) 1st Succeeding Year 2006-07 is \$358,000; 2nd Succeeding Year 2007-08 is \$358,000; 3rd Succeeding Year 2008-09 is \$358,000; 4th Succeeding Year 2009-10 is \$358,000; 5th Succeeding Year 2010-11 is \$358,000; (4) 2003-04 Program—\$727,979,000; 2002-03 Program—\$666,832,000; 2001-02 Program—\$705,750,000; (7) Medical Assistance Outpatient; (8) recommends adoption. Funds are included in the Department's current budget to cover this cost.

[Pa.B. Doc. No. 05-1576. Filed for public inspection August 19, 2005, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Change to List of Class A Wild Trout Waters; Addition of Unnamed Tributary to Ontelaunee Creek, Lehigh County

The Fish and Boat Commission (Commission) is considering a change to its 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.

At its meeting on September 26 and 27, 2005, the Commission intends to consider adding the following water to the current list of Class A Wild Trout Streams: Unnamed Tributary (UNT) to Ontelaunee Creek (first tributary west of SR 309), Lehigh County, which extends for a distance of 0.85 mile from the headwaters to the mouth, which is located at latitude of 40°42'12" and a longitude of 75°45'58". The stream is located north of Mosserville, flows in a southerly direction along SR 309, and is the first tributary to Ontelaunee Creek to cross under Lentz Road west of SR 309. This stream was

determined to be a Class A wild brook trout water by Commission staff based on trout population surveys conducted in both 2004 and 2005.

According to the Commission's statement of policy at 58 Pa. Code § 57.8a, a stream must meet the following criteria to be classified as a Class A wild brook trout water: (1) total brook trout biomass must be at least 30 kg/ha (26.7 lbs/acre); (2) total biomass of brook trout less than 15 cm (5.9 inches) in total length must be at least 0.1 kg/ha (0.089 lb/acre); and (3) brook trout biomass must comprise at least 75% of the total trout biomass.

Commission staff conducted electrofishing surveys of the trout population of this stream on August 16, 2004, and again on July 28, 2005, at a location beginning 0.15 mile upstream from the mouth. In both surveys, brook trout was the only trout species collected. A Jolly population estimate was conducted in 2004. This method provided a brook trout biomass estimate of 71.63 kg/ha at the 200 m site that was sampled. The biomass of trout less than 150 mm was 47.29 kg/ha. In 2005, a Petersen estimate was conducted. The 2005 sample began at approximately the same location as the site sampled in 2004 but extended for another 100 m upstream for a total site length of 300 m. The estimated biomass of brook trout in that sample was 63.34 kg/ha with a biomass of trout less than 150 mm of 53.15 kg/ha. Accordingly, the Commission proposes that the UNT to Ontelaunee Creek (first tributary west of SR 309), Lehigh County, be added to the list of Class A Wild Trout Streams.

Persons with comments, objections or suggestions concerning the addition 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 may be submitted electronically by completing the form at [www.state.pa.us/fish/regcomments](http://www.state.pa.us/fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

[Pa.B. Doc. No. 05-1577. Filed for public inspection August 19, 2005, 9:00 a.m.]

### Proposed Special Regulation Redesignations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on September 26 and 27, 2005, the Commission will consider redesignating the following stream sections as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2006:

#### 58 Pa. Code § 65.6. Delayed harvest artificial lures only areas

The Commission will consider removing the following stream sections from the list of delayed harvest artificial lures only areas regulated and managed under 58 Pa. Code § 65.6:

County	Water on which located	Description
Adams	Bermudian Creek	From the SR 1009 (Wierman Mill) Bridge downstream to T-619 (Greenbrier Lane), a distance of 1.0 mile
Bradford	Schrader Creek	From the State Game Lands No. 36 boundary downstream to 100 yards downstream of the confluence of Bull Run, a distance of 1.2 mile

The Commission is soliciting public input concerning the redesignations. Persons with comments, objections or suggestions concerning the redesignations 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 electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

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

[Pa.B. Doc. No. 05-1578. Filed for public inspection August 19, 2005, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on September 13, 2005, at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

#### Great Valley and Piedmont Region

1. *Germantown Grammar School Number 2 (boundary increase)*, 45 West Haines Street, Philadelphia.
2. *Jacob Arndt House and Barn*, 910 Raubsville Road, Williams Township, Northampton County.
3. *Chickies Historic District*, roughly bounded by the Susquehanna River on the south, Chickies Creek on the east, Bank Street on the west, the extension of Front Street on the north, East Donegal Township, Marietta Borough and West Hempfield Township, Lancaster County.
4. *Allentown National Bank Building*, 13-17 North Seventh Street, Allentown, Lehigh County.
5. *South Bethlehem Historic District*, roughly bounded by Hayes, Wyandotte, Columbia and Morton Streets, Bethlehem, Lehigh County.
6. *Seville Theater*, 822-826 West Lancaster Avenue, Bryn Mawr, Lower Merion Township, Montgomery County.

#### Allegheny Plateau, Anthracite Region and Poconos, Ridge and Valley, Southwestern Pennsylvania

No nominations

BARBARA FRANCO,  
*Executive Director*

[Pa.B. Doc. No. 05-1579. Filed for public inspection August 19, 2005, 9:00 a.m.]



# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemaking

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

### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
8-9	Department of General Services and Department of Agriculture General Provisions; Device Type Approval and State Metrology Laboratory	8/5/05

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-1580. Filed for public inspection August 19, 2005, 9:00 a.m.]

# LEGISLATIVE REFERENCE BUREAU

## Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

### Executive Board

Resolution #CB-05-146, Dated July 1, 2005. Authorizes a side letter to Resolution No. CB-05-042, a Collective Bargaining Agreement between the Commonwealth and the United Security Officers of America, to allow seasonal employees with the Department of Conservation and Natural Resources to carry over up to 5 days of annual leave into the new year.

### Governor's Office

Administrative Circular No. 05-09—Contingency Plans—Fiscal Year (FY) 2005-06, Dated June 30, 2005.

Administrative Circular No. 05-10—Availability—Commonwealth Telephone Directory, Dated July 8, 2005.

Administrative Circular No. 05-11—Revised Revenue Estimates, FY 2005-06, Dated July 11, 2005.

Administrative Circular No. 05-12—Revenue Estimates, FY 2006-07, Dated July 11, 2005.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 05-1581. Filed for public inspection August 19, 2005, 9:00 a.m.]

# LIQUOR CONTROL BOARD

## Expiration of Leases

The following Liquor Control Board leases will expire:

Elk County, Wine & Spirits Shoppe #2401, 305 North Broad Street, Ridgway, PA 15853.

*Lease Expiration Date:* June 30, 2010

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 to 2,000 net useable square feet of new or existing retail commercial space in Ridgway serving the Ridgway area. The site must have access for tractor-trailer deliveries and free off-street parking is preferred.

*Proposals due:* September 9, 2005, 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

Philadelphia County, Wine & Spirits Shoppe #9108, Pennypack Circle Shopping Circle, 8200 East Roosevelt Boulevard, Philadelphia, PA 19152.

*Lease Expiration Date:* 90-day status since April 1, 2002

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 on Roosevelt Boulevard within a 1/2-mile radius of the intersection of Solly Avenue and Roosevelt Boulevard, Philadelphia.

*Proposals due:* September 9, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 05-1582. Filed for public inspection August 19, 2005, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility

Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant by September 12, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.**

**A-00121978. James Michael Nugent t/d/b/a J & D Transportation** (P. O. Box 751, Bushkill, Pike County, PA 18324)—persons, in airport transfer service, from points in the Counties of Pike and Monroe, to the following airports: Lehigh Valley International Airport; Wilkes-Barre/Scranton International Airport and the Philadelphia International Airport.

**Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *persons* by *transfer* of rights as described under the application.**

**A-00121977. Brian Homerosky** (217 Arlington Drive, Canonsburg, Washington County, PA 15317)—persons, in limousine service: (1) between points in Pennsylvania; and (2) between points in the County of Allegheny; which is to be a transfer of all the rights authorized under the certificate issued at A-00117167 to Brian Homerosky and Kevin Prescott, copartners, t/d/b/a Southpointe Limousine Service, subject to the same limitations and conditions.

**Application of the following for approval of the right to *begin* to operate motor vehicles as *common carriers* for the transportation of *household goods* by *transfer* as described under the application.**

**A-00121979. Central Van & Storage of Charleston, Inc. t/d/b/a Central Van & Storage Company, Inc.** (301 Jacobson Drive, Poca, WV 25159), a corporation of the State of West Virginia—household goods in use: (1) from points in the City of Washington and within 15 miles by the usually traveled highways of the limits of said city, to other points in Pennsylvania, and vice versa; (2) between points in the County of Allegheny, and from points in the said county, to points in Pennsylvania, and vice versa; with right No. 2 subject to the following condition: (a) that no right, power or privilege is granted to provide transportation from the Borough of Millersburg, Dauphin County, the City of Harrisburg, Dauphin County, and points in the Counties of Dauphin and Cumberland within 10 miles by the usually traveled highways of the limits of the City of Harrisburg; (3) between points in the Borough of Waynesburg, Greene County, and within 5 miles by the usually traveled

highways of the limits of the said borough; and (4) from points in the Borough of Waynesburg, Greene County, and within 5 miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00109593 to Anderson Transfer, Inc., subject to the same limitations and conditions. Application for temporary authority has been filed at A-00121979, seeking the rights cited previously. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**Application of the following for approval of the *additional right* and *privilege* of operating motor vehicles as *common carriers* for transportation of *household goods* in use as described under the application.**

**A-00114256. Folder 2. Shannon Transport, Inc. t/a Shannon Moving & Storage** (25 Roland Avenue, Mt. Laurel, NJ 08054), a New Jersey corporation—household goods in use, between points in the Counties of Philadelphia, Delaware, Chester, Montgomery, Bucks, Berks, Lehigh and Northampton. *Attorney:* Joel Kalman, 609 County Line Road, Huntingdon Valley, PA 19006.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-1583. Filed for public inspection August 19, 2005, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to the Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting on September 12, 2005, at 9 a.m. at the Logan Inn, 10 West Ferry Street, New Hope, PA 18938 for purposes of receiving said input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present a statement, information or other comments in relation to the act, the regulations of the Commission or Commission operations should contact Claire J. Hershberger, (717) 783-1610 or (800) 932-0936. Written copies of statements should be provided at the time of the meeting.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 05-1584. Filed for public inspection August 19, 2005, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

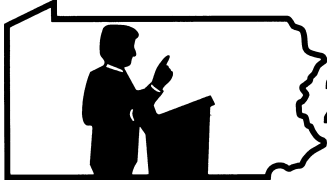
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

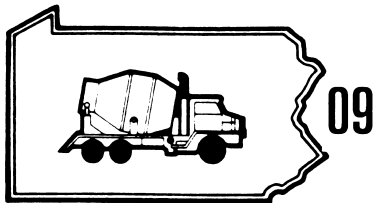
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://www.patreaury.org).

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

ROBERT P. CASEY, Jr.,  
*State Treasurer*

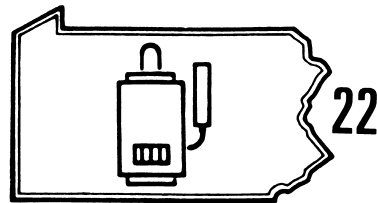
## SERVICES



### Construction & Construction Maintenance

**DGS 960-28 REBID PROJECT TITLE:** Construction of Dementia/Alzheimer's Unit. **BRIEF DESCRIPTION:** This Project consists of construction of an addition to an existing Soldiers' & Sailors' Home, including site clearing/demolition, site construction, site utilities, conc. footings/slabs/ret. walls, masonry veneer, light-gauge steel framing and trusses, structural steel, steel deck, membrane roofing, metal roofing, asphalt shingles, metal stud/gwb partitions, alum. windows/entrance work, wood doors, metal doors/frames, finish hardware, interior finishes, and equipment; also includes associated HVAC systems, plumbing/fire protection systems, electrical/communications/data/security systems. **ESTIMATED RANGE:** \$5,000,000 TO \$10,000,000. General, HVAC, Plumbing and Electrical Construction. **PLANS DEPOSIT:** \$340.00 per set payable to: WEBER MURPHY FOX. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange the delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check per set or provide your express mail account number to the office listed below. Mail requests to: Weber Murphy Fox, 3230 West Lake Road, Erie, Pennsylvania 16505, Tel: (814) 836-1616 Ext. 222. Bid Date: September 14, 2005 at 11:00 AM. A pre-bid conference has been scheduled for Thursday, August 25, 2005 at 2:00 PM at the Pennsylvania Soldiers' & Sailors' Home - main door of apartment building, dining room. **CONTACT:** William Helsley, TEL: (814) 836-1515. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference. All Bidders must be registered to secure plans and specifications. Register at: [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us).

**Department:** Military Affairs  
**Location:** Pennsylvania Soldiers' & Sailors' Home, Erie, Erie County, PA  
**Duration:** 438 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding, (717) 787-3923



### HVAC Services

**CN00015742** Responsible for the operation, administration, maintenance and repair of the boilers and heating systems at Eastern Pennsylvania Psychiatric Institute (EPPPI), 3200 Henry Avenue, Philadelphia, PA. This includes, but is not limited to, two (2) 750 hp, high pressure, no. 4 fuel oil fired boilers; one (1) 200 hp, high pressure, natural gas fired boiler; steam and condensate piping; domestic hot water; water treatment; heating and ventilation systems (HV); air compressors; and other heating related equipment.

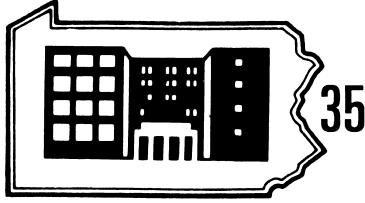
**Department:** Public Welfare  
**Location:** Eastern Pennsylvania Psychiatric Institute, 3200 Henry Avenue, Philadelphia, PA  
**Duration:** October 1, 2005 through April 30, 2006 (7 months)  
**Contact:** Debbie Jones, (610) 313-1025



### Janitorial Services

**FM 8922** Furnish materials, equipment, and labor to perform janitorial services three 3 visits per week at location listed below. The detailed work schedule and bid specifications must be obtained from the Facility Management Div at 717-705-5952.

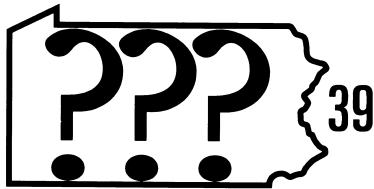
**Department:** State Police  
**Location:** PSP, Troop B, Uniontown, 1070 Eberly Way, Lemont Furnace, PA 15456  
**Duration:** Nov. 1, 2005 through June 30, 2008  
**Contact:** Helen Fuhrman, (717) 705-5952



### Real Estate Services

**93883** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Revenue with 6,349 useable square feet of office space in Lehigh County, PA. For more information on SFP #93883 which is due on October 3, 2005 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on Real Estate to download an SFP document or call (717) 787-4396.

**Department:** Revenue  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396



### Miscellaneous

**CN00015796** Services required of a contractor to provide a basal spray application of herbicide in specific old-field areas of Bald Eagle State Park to eliminate invasive vegetation, particularly, Autumn Olive (*Elaeagnus umbellata*). The services shall include, but not limited to, the furnishing of all materials, herbicides, laborer, superintendence, tools, and equipment required for the ground application of herbicides as per the following specifications. The contractor should bid on his or her own estimate of stem density. A site inspection is scheduled for August 10, 10am. BID OPENING: 8/23/05, 2pm.

**Department:** Conservation and Natural Resources  
**Location:** Bald Eagle State Park, 149 Main Park Road, Howard, Pa 16841  
**Duration:** Shall commence upon receipt of purchase order and terminate on June 30, 2006  
**Contact:** Naomi Rudisill, (717) 783-0749

**SU-05-01** Shippensburg University is seeking vendors who are interested in providing vehicle insurance for the Head Start Program for four (4) 20-24 passenger mini-school buses and two (2) mini-vans that are used to transport 135 children to classes at 5 locations in the service area. The Head Start Program is a federally funded grant program for which Shippensburg University is the grantee. Interested vendors may request a bid package either by fax to (717) 477-1350 or email to [kmsmit@ship.edu](mailto:kmsmit@ship.edu). Bids are due September 22, 2005 by 4:00 PM and will be opened on September 23, 2005 at 2:00 PM.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** November 19, 2005 to November 18, 2006  
**Contact:** Karen Smith, (717) 477-1386

[Pa.B. Doc. No. 05-1585. Filed for public inspection August 19, 2005, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON.  
*Secretary*







