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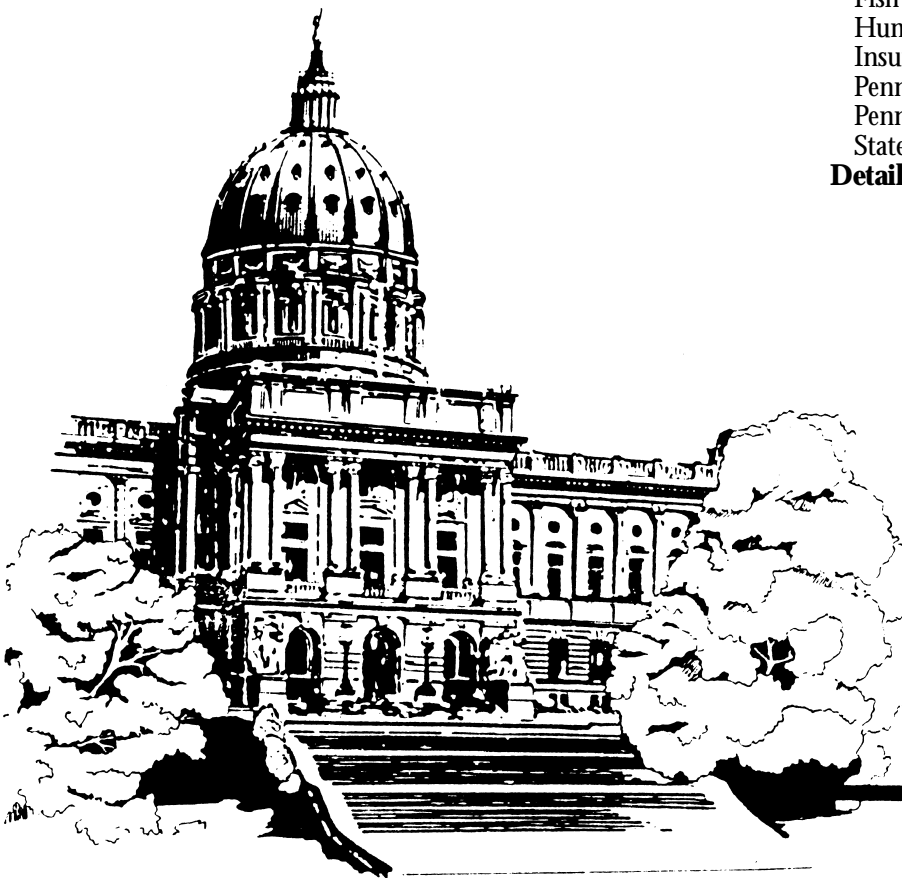
# PENNSYLVANIA BULLETIN

Volume 35  
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Number 4  
Pages 489—638

**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 Transportation  
Environmental Quality Board  
Fish and Boat Commission  
Human Relations Commission  
Insurance Department  
Pennsylvania Council On Aging  
Pennsylvania Public Utility Commission  
State Board of Cosmetology

**Detailed list of contents appears inside.**



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**No. 362, January 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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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 V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

#### Amendments to the Pennsylvania Rules of Professional Conduct; No. 37 Disciplinary Rules; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 6th day of January, 2005, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

The Pennsylvania Rules of Professional Conduct are amended by adding new Rule 1.18 and making an amendment to Rule 1.6 set forth in Annex A hereto.

This Order shall be processed in accordance with Pa.R.J.A. 103(b). New Rule 1.18 shall take effect immediately and shall govern matters thereafter commenced and, insofar as just and practicable, matters then pending.

All comparisons to the Code of Professional Responsibility accompanying the Pennsylvania Rules of Professional Conduct are hereby rescinded.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

#### Rule 1.6. Confidentiality of Information.

\* \* \* \* \*

#### Comment:

\* \* \* \* \*

#### Lobbyists

(26) A lawyer who acts as a lobbyist on behalf of a client may disclose information relating to the representation in order to comply with any legal obligation imposed on the lawyer-lobbyist by the legislature, the executive branch or an agency of the Commonwealth which are consistent with the Rules of Professional Conduct. Such disclosure is explicitly authorized to carry out the representation. The Disciplinary Board of the Supreme Court shall retain jurisdiction over any violation of this Rule.

#### Rule 1.18. Duties to Prospective Clients.

(a) A person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information which may be significantly harmful to that person learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When a lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, or;

(2) all of the following apply:

(i) the disqualified lawyer took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client;

(ii) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(iii) written notice is promptly given to the prospective client.

#### Comment:

(1) Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the lawyer's custody, or rely on the lawyer's advice. A lawyer's discussions with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.

(2) Not all persons who communicate information to a lawyer are entitled to protection under this Rule. A person who communicates information, such as an unsolicited e-mail or other communication, to a lawyer, without any reasonable expectation that a client-lawyer relationship will be established is not a "prospective client" within the meaning of paragraph (a). A person who participates in an initial consultation, or communicates information, with the intent to disqualify a lawyer from representing a client with materially adverse interests is not entitled to the protections of paragraphs (b) or (c) of this Rule. A person's intent to disqualify may be inferred from the circumstances.

(3) It is often necessary for a prospective client to reveal information to the lawyer during an initial consultation prior to the decision about formation of a client-lawyer relationship. The lawyer often must learn such

information to determine whether there is a conflict of interest with an existing client and whether the matter is one that the lawyer is willing to undertake. Paragraph (b) prohibits the lawyer from using or revealing significantly harmful information, except as permitted by Rule 1.9, even if the client or lawyer decides not to proceed with the representation. The duty exists regardless of how brief the initial conference may be.

(4) In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial interview to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for non-representation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under Rule 1.7, then consent from all affected present or former clients must be obtained before accepting the representation.

(5) A lawyer may condition conversations with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. See Rule 1.0(e) for the definition of informed consent. If the agreement expressly so provides, the prospective client may also consent to the lawyer's subsequent use of information received from the prospective client.

(6) Even in the absence of an agreement, under paragraph (c) the lawyer is not prohibited from representing a client with interests adverse to those of the prospective client in the same or a substantially related matter unless the lawyer has received from the prospective client information that could be significantly harmful if used in the matter.

(7) Under paragraph (c), the prohibition in this Rule is imputed to other lawyers as provided in Rule 1.10, but, under paragraph (d)(1), imputation may be avoided if the lawyer obtains the informed consent of both the prospective and affected clients. In the alternative, imputation may be avoided if the conditions of paragraph (d)(2) are met and all disqualified lawyers are timely screened and written notice is promptly given to the prospective client. See Rule 1.0(k) (requirements for screening procedures). Paragraph (d)(2)(ii) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

(8) Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

(9) For the duty of competence of a lawyer who gives assistance on the merits of a matter to a prospective client, see Rule 1.1. For a lawyer's duties when a prospective client entrusts valuables or papers to the lawyer's care, see Rule 1.15.

[Pa.B. Doc. No. 05-139. Filed for public inspection January 21, 2005, 9:00 a.m.]

## PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

### Establishment of the Minor Judiciary Interest on Trust Accounts Program; No. 209; Magisterial Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 6th day of January, 2005, it is hereby ordered that:

1. The Order entered in the previously captioned matter dated August 3, 2004, and stayed on August 19, 2004, establishing a Minor Judiciary Interest on Trust Account ("MJ-IOTA") Program, is hereby reinstated.

2. Magisterial district judges and other judicial officials required to establish MJ-IOTA accounts shall establish said accounts in accordance with regulations approved by this Court and promulgated by the IOLTA Board of the Supreme Court of Pennsylvania, as follows in Annex "A."

3. Whereas prior distribution and publication of these regulations would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

4. This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective February 1, 2005.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter C. MINOR JUDICIARY INTEREST ON TRUST ACCOUNTS

#### Preamble: Statement of Purpose

The Minor Judiciary Interest on Trust Accounts Program (the "MJ-IOTA Program") was established by Order of the Supreme Court of Pennsylvania dated August 3, 2004. The judges and justices of all courts created pursuant to Article V, Sections 6 and 7 of the Pennsylvania Constitution are subject to MJ-IOTA. These include Magisterial District Judges, judges of the Philadelphia Municipal Court, judges of the Traffic Court of Philadelphia and judges of the Pittsburgh Magistrates.

The MJ-IOTA Program generates income where formerly there was none. This income aids the citizens of the Commonwealth of Pennsylvania. Interest earned on MJ-IOTA accounts may be used only for educational legal clinical programs and internships administered by law schools located in Pennsylvania, delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and for the administration and development of the MJ-IOTA program.

#### § 81.302. Definitions.

The following words and phrases when used in these regulations shall have the meanings given to them in this section unless the context clearly indicates otherwise:

*AOPC.* The Administrative Office of Pennsylvania Courts.

*AOPC Magisterial District Judge Case Reporting System.* The computerized docket activity tracking and accounting system developed by the AOPC for use by the Magisterial District Judges throughout the state.

*Beneficial Owner.* The third party whose funds are in the custody of a judicial official.

*Board.* The Pennsylvania Interest on Lawyer Trust Account Board.

*Custodial Account.* Any account maintained in a depository institution in which or with respect to which a judicial official holds the funds of a beneficial owner.

*Custodial Capacity.* The capacity in which the judicial official holds funds of a beneficial owner received by a judicial official in his or her capacity as a judicial official.

*Custodial Funds.* Funds, whether cash, check, money order, or other negotiable instrument, received by a judicial official in his or her capacity as a judicial official.

*Depository Institution.* A financial institution in which a member of the minor judiciary holds funds of beneficial owners in a custodial account.

*Good Faith.* Honesty in fact in the conduct or transaction concerned.

*Judicial Official.* Each judge and justice of all courts created pursuant to Article V, Sections 6 and 7 of the Pennsylvania Constitution are judicial officials. These include Magisterial District Judges, judges of the Philadelphia Municipal Court, judges of the Traffic Court of Philadelphia and judges of the Pittsburgh Magistrates Court.

*MJ-IOTA Account.* An un-segregated interest-bearing account with a depository institution for the deposit of qualified funds by a judicial official, the interest from which is beneficially owned by the Board.

*MJ-IOTA Order.* The Order of the Supreme Court of Pennsylvania dated August 3, 2004 which established the Minor Judiciary Interest on Trust Account Program.

*Qualified Funds.* Funds, whether cash, check, money order, or other negotiable instrument received by a judicial official in his or her capacity as a judicial official which, in the good faith judgment of the judicial official, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of earning interest to benefit the beneficial owner of the funds.

*Regulations.* These regulations adopted by the Board, and approved by the Supreme Court of Pennsylvania, as they may be amended from time to time.

### § 81.303. Scope.

The MJ-IOTA program applies to each custodial account maintained by, or on behalf of, a judicial official in the performance of his or her official duties.

### § 81.304. Custodial Funds.

(a) Custodial funds must be deposited in a custodial account.

(b) Qualified funds are custodial funds that, in the good faith judgment of the judicial official, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of earning interest to benefit the beneficial owner of the funds. With few exceptions, custodial funds handled by judicial officials will be qualified funds.

(c) The judicial official, in the exercise of good faith judgment, should apply an economic benefits test to determine whether particular custodial funds are not qualified funds and hence the beneficial owner of the funds should receive interest on those funds.

(1) If the anticipated cost of administering a segregated account for the benefit of the beneficial owner of the funds is more than the interest expected to be generated on the funds, then the funds are qualified funds.

(2) Custodial funds that when considered alone are not large enough to earn interest for the beneficial owner thereof are qualified funds.

(3) Funds which are not expected to be held for a sufficient time to provide interest for the beneficial owner are qualified funds.

(d) Factors which should be used to determine whether custodial funds are qualified funds include:

(1) the cost of establishing and maintaining separate account(s) benefiting beneficial owners;

(2) the account and bank service charges of the depository institution in which the account is maintained;

(3) the minimum deposit requirements of the depository institution in which the account is maintained;

(4) accounting fees incurred in connection with the funds;

(5) tax reporting requirement costs incurred in connection with the funds; and

(6) the length of time the funds are expected to be on deposit and the rate of interest that will be earned on the funds.

(e) Examples of qualified funds include:

(1) funds collected which represent fines and costs that are awaiting payment to the appropriate governmental entity;

(2) funds collected which represent posting of collateral by individuals who plead not guilty to a charged offense, unless those funds are of such a magnitude that the costs of administering a separate account for those funds, including service charges and other charges, will be less than the interest anticipated to be earned;

(3) funds collected which represent posting of bail by or on behalf of an individual awaiting a hearing, unless those funds are of such a magnitude that the costs of administering a separate account for those funds, including service charges and other charges, will be less than the interest anticipated to be earned;

(4) funds collected which represent restitution to victims pending the payment of the funds to the victims; and

(5) funds collected which represent payment of filing fees and other costs pending payment to the appropriate persons or entities.

### § 81.305. Special Provisions Applicable to Custodial Accounts of Magisterial District Judges.

(a) Each magisterial district judge must use the statewide computerized reporting system of the AOPC for reporting all transactions which occur through his or her custodial account. As of the date of these regulations, the AOPC Magisterial District Judge case reporting system is incapable of handling more than one custodial account

per magisterial district judge, meaning that each magisterial district judge may maintain only one custodial account.

(b) Custodial funds received by a magisterial district judge will generally be qualified funds. Magisterial District Judges, however, may determine that particular custodial funds received are not, in fact, qualified funds, applying the criteria set forth in § 81.304.

(c) Each magisterial district judge is permitted to exercise his or her judgment as to whether custodial funds received by that magisterial district judge are qualified funds. If, in the good faith judgment of the magisterial district judge, custodial funds are not qualified funds, the magisterial district judge may request a refund of interest with respect to those custodial funds. See § 81.308—Refunds.

(d) If, in the future, the AOPC magisterial district judge case reporting system permits handling of multiple custodial accounts for each magisterial district judge, the provisions of this section shall no longer apply, although magisterial district judges shall remain subject to the remaining provisions of these regulations.

**§ 81.306. Requirements Applicable to MJ-IOTA Accounts.**

(a) Unless an exemption has been granted to the judicial official, each judicial official shall establish a MJ-IOTA account at the depository institution of his or her choice. If local county policies and procedures concerning accounts established by the judicial official exist, nothing herein shall be construed as relieving the judicial official of complying with such policies and procedures, except to the extent inconsistent herewith.

(b) In order to qualify as a MJ-IOTA Account, the depository institution must:

(1) Remit monthly any interest earned on the account to the Board, or if that is not possible, remit the interest earned at least quarterly; and

(2) Transmit to the Board with each remittance a statement showing not less than the following information: the name of the account, the account number, the service charges and/or fees deducted, if any, from the account, the amount of interest remitted from the account, and if available, the average daily collected balance in the account for the period reported.

(c) The following additional requirements apply to MJ-IOTA accounts:

(1) The rate of interest paid on MJ-IOTA Accounts shall be not less than the highest rate of interest generally available from the depository institution to depositors generally for accounts with the same minimum balance and other account eligibility requirements.

(2) Under no circumstances may the rate of interest payable on a MJ-IOTA account be less than the rate paid by the depository institution on negotiable order of withdrawal accounts or super negotiable order of withdrawal accounts.

(3) The accounts must continue to be collateralized by the assets of the depository institution in accordance with current practice and Act 72 of 1971.

(d) Depository institutions may impose reasonable service charges for the administration of MJ-IOTA accounts.

(1) A depository institution may deduct service charges such as maintenance fees and transaction charges against

the amount of interest to be paid on the MJ-IOTA account to which service charges apply.

(2) All costs associated with check printing, overdraft charges, charges for a temporary extension of credit and similar bank charges shall not be assessed against funds in or interest earned on a MJ-IOTA account.

(3) All costs for services such as overdrafts on deposited items, stopped payments, certified checks, and wire transfers shall not be assessed against funds in or interest earned on a MJ-IOTA account.

**§ 81.307. Exemptions from MJ-IOTA Participation.**

(a) The Board may grant exemptions from participation in the MJ-IOTA Program. Exemptions are not automatic. The Board may declare a judicial official exempt from the requirements of maintaining a MJ-IOTA account. Alternatively, a judicial official may submit a written request for exemption. All requests by a judicial official must be made on the judicial official's official letterhead, and all requests must set forth in reasonable detail the basis for the requested exemption.

(b) Exemptions may be granted only with respect to the maintenance of a MJ-IOTA account for qualified funds. The Board is not empowered to handle other types of exemptions. Judicial officials exempt from maintenance of a MJ-IOTA account are reminded that the judicial official remains subject to other requirements pertaining to custodial funds.

(c) Exemptions will be routinely granted in the following situations:

(1) Low balance account: Any custodial account which historically, generally based upon 12 consecutive months of activity, has an average daily balance of three thousand five hundred (\$3,500) Dollars or less will be exempt from being a MJ-IOTA account. The Board may exempt from MJ-IOTA, without application, a low balance account. A judicial official requesting an exemption based on a low balance account must, as a part of the written request for exemption, include an account analysis or written statement that demonstrates the amount of the average daily balance.

(2) Account service charges routinely exceed interest: Some custodial accounts may have an average daily balance of more than \$3,500, but account service charges routinely exceed interest earned on the account. A judicial official requesting an exemption under this subsection, as part of the written request for exemption, must include an account analysis or written statement that clearly shows the interest earned, or the interest that would have been earned, on the account each month for the past 12 months, plus the account service charges imposed on the account for each of the last 12 months. Only account-related service charges will be considered for the purpose of whether an exemption will be granted.

(3) Extreme impracticality: Under limited circumstances it may be unduly burdensome for a judicial official to maintain a MJ-IOTA account. When claiming undue hardship, the judicial official should provide appropriate detail demonstrating undue hardship. An example includes the lack of a depository institution that offers MJ-IOTA accounts in the judicial official's geographical location.

(4) Other compelling and necessitous reasons: A judicial official who demonstrates a compelling and necessitous reason for not complying with MJ-IOTA may request an exemption. A philosophical objection to MJ-IOTA does not constitute a compelling and necessitous reason for an exemption.

(d) If the Board denies a judicial official's request for an exemption from maintenance of a MJ-IOTA account, the judicial official may, within 30 days of written notice of denial from the Board, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail additional facts, if any, not brought before the Board in the request for exemption, as well as the reasons, if any, why an exemption should be granted.

(e) If the Board has determined that a judicial official's custodial account is exempt from MJ-IOTA status, the judicial official may, within 30 days of written notice from the Board that the judicial official is exempt, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail facts, if any, why the judicial official should maintain a MJ-IOTA account, and the manner, if any, in which the Board and the purposes of the MJ-IOTA program will be furthered by the judicial official's maintenance of a MJ-IOTA account.

(f) Notice shall be deemed to have been given to a judicial official under the provisions of this Section upon the deposit by the Board, postage prepaid, with the United States Postal Service of its written determination regarding the exemption, if any, of the judicial official from the MJ-IOTA Program.

(g) The Board may delegate to its staff or to a committee of the Board the authority to determine exemptions from MJ-IOTA or to reconsider exemption denials or determinations.

#### § 81.308. Refunds.

(a) Upon application of a judicial official, the Board may return interest paid to it. For example, if a judicial official mistakenly places custodial funds which are not qualified funds in an MJ-IOTA account, interest earned on those funds may be refunded.

(b) At the time of the issuance of these regulations, all custodial funds handled by Magisterial District Judges are anticipated to be qualified funds. Magisterial District Judges occasionally may determine that certain custodial funds maintained in their custodial account do not meet this presumption, and are not qualified funds. Upon application of the Magisterial District Judge, the Board may return interest paid to it applicable to the funds which were not qualified funds.

(c) The following guidelines apply to requests for refund of interest:

(1) All requests by a judicial official must be made on the judicial official's official letterhead, and all requests must set forth in reasonable detail the basis for the requested refund;

(2) The request must be accompanied by verification of the interest paid with respect to the funds mistakenly placed in the MJ-IOTA account. Verification must be made by the depository institution in which the MJ-IOTA account is maintained. As needed for auditing purposes, the Board may request additional documentation;

(3) The request must be made within six months after the beneficial owner's funds have been disbursed from the MJ-IOTA account;

(4) Refunds will be remitted to the beneficial owner and the Board will issue an IRS (Internal Revenue Service) form 1099 to the beneficial owner;

(5) If the depository institution has imposed a service charge with respect to the MJ-IOTA account, only the net amount of interest paid to the Board (i.e., the interest reduced by applicable service charges) will be refunded; and

(6) The Board may impose and deduct a processing charge from the refund.

[Pa.B. Doc. No. 05-140. Filed for public inspection January 21, 2005, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE Ch. 200]

#### Damages for Delay

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment

The prime rate set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238. The following list sets forth the prime rate published in the first edition of the *Wall Street Journal* for each of the years specified:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2
January 2, 1997	8 1/4
January 2, 1996	8 1/2

**Official Note:** The prime rate for the years 1980 through 1995 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at [www.aopc.org](http://www.aopc.org).

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 05-141. Filed for public inspection January 21, 2005, 9:00 a.m.]

**PART I. GENERAL**  
[231 PA. CODE CH. 2250]

**Amendment of Rule 2253 Governing Joinder of an  
Additional Defendant; No. 425 Civil Procedural  
Rules; Doc. No. 5**

**Order**

*Per Curiam:*

*And Now*, this 6th day of January, 2005, Pennsylvania Rule of Civil Procedure 2253 is amended to read as follows.

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

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 2250. JOINDER OF ADDITIONAL  
DEFENDANTS**

**Rule 2253. Time for Filing Praecept or Complaint.**

(a) Except as provided by Rule 1041.1(e), neither a praecipe for a writ to join an additional defendant nor a complaint if the joinder is commenced by complaint, shall be filed by the original defendant or an additional defendant later than sixty days after the service upon the original defendant of the initial pleading of the plaintiff or any amendment thereof unless such filing is allowed by **order of the court [ upon cause shown ] or by the written consent of all parties approved by and filed with the court. The praecipe for a writ to join an additional defendant or the complaint joining the additional defendant shall be filed within twenty days after notice of the court order or the court approval of the written consent or within such other time as the court shall fix.**

\* \* \* \* \*

(b) Any party may object to a motion to join an additional defendant after the sixty-day period prescribed by subdivision (a) on the ground that the party will be prejudiced by the late joinder. The plaintiff may also object to the late joinder on the ground that the joining party has not shown a reasonable justification for its delay in commencing joinder proceedings.

(c) A person not previously a party who is joined as an additional defendant may object to the joinder by filing preliminary objections asserting prejudice or any other ground set forth in Rule 1028.

**Official Note:** The person joined may object to the joinder whether the joinder was effected by order or consent.

**Explanatory Comment**

Rule of Civil Procedure 2253 governs the time for the joinder of an additional defendant.

The former rule is designated as subdivision (a) and revised in three respects. First, the words "upon cause shown" are deleted. However, the requirement reappears in limited form in subdivision (b). Second, there is new language allowing late joinder "by the written consent of all parties approved by and filed with the court." Finally, a new sentence concludes the subdivision by requiring the

filing within twenty days of the praecipe for writ of summons or of the complaint joining the additional defendant.

New subdivision (b) governs the procedure by which a party may object to a proposed late joinder of an additional defendant. Any party may object to the motion to join on the ground of prejudice. However, only the plaintiff may object on the ground of the absence of reasonable justification for the delay in commencing the joinder proceeding. The reasonable justification standard is the same as the cause shown standard of Rule 2253 prior to the present amendment.

New subdivision (c) governs the procedure by which a person not previously a party who has been joined as an additional defendant may object to his or her late joinder. The person joined as an additional defendant may file preliminary objections raising the ground of prejudice and any other ground applicable under Rule 1028 governing preliminary objections.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,

*Chair*

[Pa.B. Doc. No. 05-142. Filed for public inspection January 21, 2005, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Amendment of Local Rule of Civil Procedure 205.2(b) Filing Legal Papers with the Prothonotary; No. 04-1727

#### Administrative Order No. 5-2005

*And Now*, this 6th day of January, 2005, in order to reflect the correct description of the case specific for Medical Professional Liability Actions on the instruction sheet to the Civil Cover Sheet that is required to be attached to all new actions, it is hereby

*Ordered and Deceed* that, effective immediately, Carbon County *Amends* Local Civil Rule of Procedure CARB.R.C.P.205.2(b) accordingly.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Electronically submit to the Administrative Office of Pennsylvania Courts a copy of local rule numbered 205.2(b) for publication on the web site located at [www.aopc.org](http://www.aopc.org).

5. Forward one (1) copy for publication in the *Carbon County Law Journal*.

6. Forward one (1) copy to the Carbon County Law Library.

7. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

*By The Court*

ROGER N. NANOVIC,  
*President Judge*

**Rule 205.2(b)—Filing Legal Papers with the Prothonotary.**

Pursuant to this rule, a Civil Cover Sheet marked Form "A," shall be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition) in the Prothonotary's office.

A Motion Cover Sheet, marked Form "B," shall be attached to any motion or petition being filed.

Court of Common Pleas of Carbon County		For Prothonotary Use only (Docket Number)
Civil Cover Sheet		
A. PLAINTIFF'S NAME:		DEFENDANT'S NAME:
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:		DEFENDANT'S ADDRESS AND TELEPHONE NUMBER:
PLAINTIFF'S NAME:		DEFENDANT'S NAME:
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:		DEFENDANT'S ADDRESS & TELEPHONE NUMBER:
TOTAL NUMBER OF PLAINTIFFS		TOTAL NUMBER OF DEFENDANTS
B. AMOUNT IN CONTROVERSY ____ \$25,000 or less ____ More than \$25,000	C. COMMENCEMENT OF ACTION ____ 1. Complaint ____ 2. Writ of Summons ____ 3. Notice of Appeal ____ 4. Petition Action	D. CASE PROCESS ____ 5. Arbitration ____ 6. Jury ____ 7. Non Jury ____ 8. Class Action
E. TRACK ASSIGNMENT REQUESTED (CHECK ONE) COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS ____ FAST    ____ STANDARD    ____ COMPLEX    If complex, state reasons:		
F. CODE AND CASE TYPE (See instructions)		G. CODE AND CASE SPECIFIC (See instructions)
H. STATUTORY BASIS FOR CAUSE OF ACTION (See instructions)		
I. RELATED PENDING CASES (List by Docket Number—Indicate whether the related cases have been consolidated)		
J. TO THE PROTHONOTARY:  Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers may be served at the address set forth below.		
NAME OF PLAINTIFF'S/APPELLANT'S ATTORNEY		ADDRESS
PHONE NUMBER	SUPREME COURT IDENTIFICATION NUMBER	E-MAIL ADDRESS:  FAX NO. (OPTIONAL—FOR SERVICE):
DATE: _____		SIGNATURE: _____

**Form A**

**Instructions for Completing Civil Cover Sheet**

The attorney (or pro se party) filing a case shall complete the form as follows:

**A. Parties**

i. *Plaintiff(s)/Defendant(s)*

Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than two plaintiffs and/or two defendants, list the additional parties on a separate sheet of paper. Husband and wife should be listed as separate parties.

ii. *Parties' Addresses and Telephone Numbers*

Enter the address and telephone numbers of the parties at the time of filing of the action. If any party is a corporation, enter the address and telephone number of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants*

Indicate the total number of plaintiffs and the total number of defendants in the action.

**B. Amount in Controversy**

Check the appropriate box. Indicate whether an Assessment of Damages Hearing is required.

**C. Commencement of Action**

Indicate type of document to be filed to initiate the action.

**D. Other**

Indicate whether the case is an arbitration, jury or non-jury case. Check any other appropriate boxes. If the action will require the entry of an Order approving a minor/incapacitated person's compromise, wrongful death or survival action, check the appropriate box.

**E. Track Assignment—COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS**

If you are requesting the Complex track, please indicate the reasons for your request.

**F. Type of Action—Case Type**

Select and insert the applicable case type and code from the first two columns of the following list:

<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Specific</i>	<i>Code</i>	<i>Case</i>
@	Asbestos Case	9	Mandamus	001	Assault/Battery	005	M V Prop Damage
X	Assessment Appeal	#	Miscellaneous	018	Class Action	009	Negotiable Instrument
A	Civil Action	F	Mortgage Foreclosure	015	Consumer Credit	032	Partition
C	Custody	\$	Municipal Appeal	019	Contract—Construction	002	Premises Liability
1	Declaratory Judgment	7	Name Change	011	Contract—Sale of Goods	003	Personal Injury
D	Divorce	Q	Quiet Title	012	Contract—Other	027	Product Liability
B	DJ Appeal	R	Replevin	025	Defamation	022	Prof. Malprac. Liability Actn
W	Ejectment	!	Tax Sale	035	Discrimination	006	Property Damage (non-veh)
N	Eminent Dom./Dec. of Tak.	V	Zoning Appeal	030	Employment/Wrongful Disc.	010	Recov. Overpaymt.
2	Eminent Domain/Pet. Viewers			016	Fraud	013	Rent/Lease/Ejectment
E	Equity			040	Indirect Criminal Contempt	039	Right to Know
L	License Appeal			008	Insurance—Declar. Judgment	024	Stockholder Suit
				034	Malicious Prosecution	014	Title to Real Property
				033	Mechanic's Lien	004	Torts to Land
				042	Medical Prof. Liability Action	023	Toxic Tort-Pers. Injury
				007	Motor Veh. Accdt. > \$25,000	031	Toxic Waste/Environ.
				037	Motor. Veh. Accdt. < \$25,000	021	Wast/Contam/Env



**G. Case Specific**

Insert applicable case specific and code from the last two columns of the above list.

**H. Statutory Basis for Cause of Action**

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be cited.

**I. Related Pending Cases**

All previously filed related cases must be identified. Indicated whether they have been consolidated by Court Order or Stipulation.

**J. Plaintiff's/Appellant's/Petitioner's Attorney—Entry of Appearance**

The name of filing party's attorney must be inserted, together with the other required information. Unrepresented filers must provide their name, address, telephone number and signature. Providing the fax number shall authorize the service of legal papers by facsimile transmission. See Pa.R.CP. 440(d)

**Form A**

CARBON COUNTY COURT OF COMMON PLEAS  
CIVIL DIVISION  
MOTION COVER SHEET

NO. \_\_\_\_\_

\_\_\_\_\_ vs. \_\_\_\_\_

FILING OF:

Movant ( ) Respondent ( )

TYPE OF FILING (check one):

- ( ) 1. Pretrial Discovery Motion (432)
- ( ) 2. Motion for Discovery in Aid of Execution (480)
- ( ) 3. Preliminary Objections to (576) \_\_\_\_\_
- ( ) 4. Motion for Summary Judgment (306)
- ( ) 5. Motion for Judgment on Pleadings (294)
- ( ) 6. Motion for Leave to Join Additional Defendant (403)
- ( ) 7. Motion for TRO or Preliminary Injunction (438)
- ( ) 8. Petition to Open or Strike Judgment (498)
- ( ) 9. Motion for Alternative Service (409)
- ( ) 10. Motion for Leave to Amend (465) \_\_\_\_\_
- ( ) 11. Motion to Consolidate Actions (424)
- ( ) 12. Petition to Compromise Minor's Action (435)
- ( ) 13. Motion for Leave to Withdraw (510)
- ( ) 14. Motion for Reconsideration (441)
- ( ) 15. Motion for Advancement on Trial List (404)
- ( ) 16. Other Motion or Petition (specify): \_\_\_\_\_

—	Assigned Judge
—	Court Action Taken
—	Returned to Attorney for Deficiencies
—	Action Deferred by Court
	<i>For Court Use Only</i>

OTHER PARTIES:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attorney's Name (Typed) \_\_\_\_\_

Attorney for: \_\_\_\_\_  
 ( ) Movant ( ) Respondent

N. B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition.

**Form B**

[Pa.B. Doc. No. 05-143. Filed for public inspection January 21, 2005, 9:00 a.m.]

**CUMBERLAND COUNTY**

**Rules of the Court of Common Pleas; No. 21-95-945 Orphans Court**

**Order of Court**

And Now, this 29th day of December, 2004, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective December 29th, 2004, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word reflecting the text in the hard copy version, one (1) copy to the Supreme Court Orphans Court Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court

GEORGE E. HOFFER,  
*President Judge*

**RULES OF THE COURT OF COMMON PLEAS**

**ORPHAN'S COURT DIVISION**

Integrated with Pennsylvania Supreme Court Orphan's Court Rules

**Supreme Court Rules in bold type**

Local Rules in regular type

**RULE 1. JUDGES—LOCAL RULES**

**Rule 1.1. Powers of Judges**

Rule 1.1-1. [ No revision required ]

**Rule 1.2. Local Rules**

**LOCAL RULES OF COURT**

Rule 1.2-1. [ No revision required ]

**COURT OFFICE AND RECORDS**

Rule 1.2-2. [ No revision required ]

**COURT CALENDAR**

Rule 1.2-3. [ No revision required ]

**SURETIES**

Rule 1.2-4. [ No revision required ]

**RULE 2. CONSTRUCTION AND APPLICATION OF RULES**

**Rule 2.1. Construction of Rules**

**CONSTRUCTION OF LOCAL RULES**

Rule 2.1-1. [ No revision required ]

**FOOTNOTES**

Rule 2.1-2. [ No revision required ]

**Rule 2.2. Waiver of Time Limitation**

Rule 2.2-1. [No revision required]

**Rule 2.3. Definitions**

**DEFINITIONS**

Rule 2.3-1.

\* \* \* \* \*

"Exception" means a disagreement with any order, decree, adjudication, confirmation or other decision of the Court which would become a final appealable order under Pa.R.A.P. 341(b) or Pa.R.A.P. 342 following disposition of the Exceptions.

\* \* \* \* \*

"PEF Code" means the "Probate, Estates and Fiduciaries Code," 20 Pa.C.S. §§ 101, et seq.

\* \* \* \* \*

*Note:* The Court may disregard any misnomer of an Exception or Objection, and no such misnomer shall be grounds for dismissal. See Pa.O.C. Rule 2.1 and Pa.R.C.P. 126.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**RULE 3. PLEADING AND PRACTICE**

**Rule 3.1. Conformity to Equity Practice in General**

**DECREES**

Rule 3.1-1.

All decrees entered in the Orphans' Court Division shall be final, unless Exceptions shall be filed as permitted or prescribed by Pa.O.C. Rule 7.1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 3.2. Petition, Answer and Reply**

**PETITION AND ANSWER**

Rule 3.2-1. [ No revision required, except in Note ]

*Note:* See PEF Code § 761, and C.C.R.P. 206-1 to 209-2, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 3.3. Averment of Incapacity**

Rule 3.3-1. [ No revision required ]

**Rule 3.4. Form of Petition. Exhibits. Consents**

Rule 3.4-1. [ No revision required, except in Note ]

*Note:* No local rule required. For requirement that form of decree shall be affixed to the front of the petition, see C.C.R.P. 206-3

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 3.5. Mode of Proceeding on Petition**

DISPOSITION

Rule 3.5-1. [ No revision required ]

**Rule 3.6. Depositions, Discovery, Production of Documents and Perpetuation of Testimony**

Rule 3.6-1. [ No revision required, except in Note ]

*Note:* No local rule required. See PEF Code § 774 and § 775, and C.C.R.P. 209-1 and 209-2.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**RULE 4. COMPUTATION OF TIME**

**Rule 4.1. Generally**

Rule 4.1-1. [ No revision required ]

**Rule 4.2. Publication for Successive Weeks**

Rule 4.2-1. [ No revision required ]

**Rule 4.3. Computation of Months**

Rule 4.3-1. [ No revision required ]

**RULE 5. NOTICE**

**Rule 5.1. Method**

Rule 5.1-1. [ No revision required, except in Note ]

*Note:* No local rule required. See PEF Code § 765 and § 768. For the legal periodical, see, C.C.R.P. 335. See also C.C.R.P. 1009-1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 5.2. Method; Person Under Incapacity**

METHOD; WHEN NO FIDUCIARY

Rule 5.2-1. [ No revision required ]

**Rule 5.3. Time for Notice**

Rule 5.3-1. [ No revision required ]

**Rule 5.4. Return of Notice**

Rule 5.4-1. [ No revision required ]

**Rule 5.5. Charities; Notice to the Attorney General**

Rule 5.5-1. [ No revision required ]

**Rule 5.6. Notice to Beneficiaries and Intestate Heirs**

*Text of rule applying to decedents dying on or after July 1, 1992 and before Jan. 1, 1999.*

Rule 5.6-1. [ RESERVED; applying to decedents dying on or after July 1, 1992 and before Jan. 1, 1999. ]

*Note:* No local rule required. With respect to subdivision (a)(7) of Pa.O.C. Rule 5.6, it is suggested that "other intestate heirs" be determined as of decedent's date of death as if decedent died intestate. Accordingly, only such intestate heirs would be entitled to notice. See *Holtz Estate*, 13 Cumb. L.J. 124 (1963). In the event any intestate heirs are unknown, it is suggested that the manner of giving notice shall be as the Court directs. See Pa.O.C. Rule 5.1(d).

Adopted February 1, 1993, effective March 30, 1993. (\*Originally included as part of local rules, but currently omitted)

**Rule 5.6. Notice to Beneficiaries and Intestate Heirs**

*Text of rule applying to decedents dying on or after Jan. 1, 1999.*

Rule 5.6-1. [ RESERVED; applying to decedents dying on or after Jan. 1, 1999. ]

*Note:* No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

**Rule 5.7. Form of Notice and Certification of Notice to Beneficiaries and Intestate Heirs**

Rule 5.7-1. [ RESERVED ]

*Note:* No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

**RULE 6. ACCOUNTS AND DISTRIBUTION**

**Rule 6.1. Form**

FORM

Rule 6.1-1.

\* \* \* \* \*

(f) Every account filed with the Clerk shall be signed by each accountant, unless special leave of court is obtained, and shall be verified by at least one accountant.

Adopted May 15, 1990, effective July 1, 1990; subparagraph (f) amended February 1, 1993, effective March 30, 1993. (\*Originally included as part of local rules, but currently omitted)

\* \* \* \* \*

**Rule 6.2. Form. Separate Accounts for Minors**

Rule 6.2-1. [ No revision required ]

**Rule 6.3. Notice to Parties in Interest**

NOTICE—CERTIFICATION

Rule 6.3-1.

No account presented shall be confirmed, nor any decree of distribution made, unless the accountant or attorney shall certify that written notice of the time of presentation of the account and proposed statement of distribution and the character thereof has been given for at least twenty days prior to the date fixed for confirmation in accordance with and as required by Section 3503 of the PEF Code.

*Note:* See PEF Code § 3503, as amended effective Dec. 16, 1992.

Adopted May 15, 1990, effective July 1, 1990; amended February 1, 1993, effective March 30, 1993 (\* Originally included as part of local rules, but currently omitted); amended December 29, 2004, effective December 29, 2004.

**Rule 6.4. Time for Filing**

DEADLINE FOR FILING ACCOUNTS

Rule 6.4-1.

Accounts of personal representatives to be confirmed shall be filed not later than 4:30 p.m. (prevailing time) of the fifth Friday preceding the date fixed for confirmation of said accounts.

*Note:* See C.C.O.C.R. 1.2-3.

Adopted May 15, 1990, effective July 1, 1990; amended February 1, 1993, effective March 30, 1993 (**\*Originally included as part of local rules, but currently omitted**); amended December 29, 2004, effective December 29, 2004.

Rule 6.5. Repealed

Repealed

Adopted May 15, 1990, effective July 1, 1990; repealed February 1, 1993, effective March 30, 1993. (**\*Originally included as part of local rules, but currently omitted**)

**Rule 6.6. Filing With the Clerk of the Orphans' Court**

ADVERTISING

**Rule 6.6-1.**

The Clerk shall advertise all accounts and accompanying statements of proposed distributions, if any, in the Cumberland Law Journal and in one newspaper of general circulation published within the county at least once a week during the two weeks immediately preceding the time for presentment of the accounts to the Court. Said advertisements shall set forth the name and the capacity of the respective accountants and shall set forth the time and place that said accounts shall be submitted to the Court for confirmation.

*Note:* See PEF Code § 745, as amended.

Adopted May 15, 1990, effective July 1, 1990; amended February 1, 1993, effective March 30, 1993. (**\*Originally included as part of local rules, but currently omitted**)

**Rule 6.7. Filing Copy with the Department of Revenue**

Rule 6.7-1. [No revision required, except as noted]

**Rule 6.8. Filing Copy with the United States Veterans' Administration**

Rule 6.8-1. [No revision required, except as noted]

**Rule 6.9. Statement of Proposed Distribution**

FILING—TIME AND PLACE

Rule 6.9-1. [No revision required, except in Note]

*Note:* See C.C.O.C.R. 6.1-1 and Pa.O.C. Rule 6.6.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

CONTENTS

Rule 6.9-2. [No revision required]

STATEMENT OF PROPOSED DISTRIBUTION

Rule 6.9-3. [No revision required]

**Rule 6.10. Objections to Accounts and Statements of Proposed Distribution**

FILING AND SERVICE

Rule 6.10-1. [No revision required]

DISPOSITION OF OBJECTIONS

Rule 6.10-2. [No revision required]

**Rule 6.11. Confirmation of Accounts. Awards**

CONFIRMATION

Rule 6.11-1. [No revision required]

SMALL ESTATES

Rule 6.11-2. [No revision required]

**Rule 6.12. Status Report of Personal Representative**

Rule 6.12-1. [No revision required]

**RULE 7. EXCEPTIONS**

**Rule 7.1. Exceptions**

[Repealed]

Adopted May 15, 1990, effective July 1, 1990; repealed December 29, 2004, effective December 29, 2004.

EXCEPTIONS—FORMS

Rule 7.1-1. [No revision required, except as noted]

EXCEPTIONS—FILING

Rule 7.1-2.

Exceptions shall be filed with the Clerk.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

**RULE 8. AUDITORS AND MASTERS**

**Rule 8.1. Notice of Hearings**

NOTICE OF HEARINGS

Rule 8.1-1.

On appointment, the auditor shall schedule a hearing and give notice thereof to all parties in interest at least twenty days prior to the hearing.

*Note:* Notwithstanding Pa.O.C. Rule 8.1, see Pa.O.C. Rule 5.1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

MASTERS

Rule 8.1-2. [No revision required]

**Rule 8.2. Filing of Report**

WHERE FILED

Rule 8.2-1. [No revision required]

**Rule 8.3. Form of Auditor's Report**

Rule 8.3-1. [No revision required]

**Rule 8.4. Form of Master's Report**

Rule 8.4-1. [No revision required]

**Rule 8.5. Transcript of Testimony**

Rule 8.5-1. [No revision required]

**Rule 8.6. Notice of Filing Report**

NOTICE OF COMPLETION OF REPORT

Rule 8.6-1. [No revision required, except in Note]

*Note:* Notwithstanding Pa.O.C. Rule 8.6, see Pa.O.C. Rule 5.1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 8.7. Confirmation of Report**

CONFIRMATION

Rule 8.7-1. [No revision required, except as noted]

OBJECTIONS

Rule 8.7-2.

Objections to the auditor's report shall be filed with the Clerk within twenty days after receipt of the notice of

filing of said report. Objections shall be specific as to the basis of the Objection whether as to the findings of fact or conclusions of law, or both.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### DISPOSITION OF OBJECTIONS

Rule 8.7-3. [No revision required, except as noted]

#### **Rule 8.8. Security for Expenses and Fees**

Rule 8.8-1. [No revision required]

#### **RULE 9. OFFICIAL EXAMINERS**

#### **Rule 9.1. Appointment of Official Examiners**

##### APPOINTMENT OF OFFICIAL EXAMINERS

Rule 9.1-1.

Rules pertaining to masters shall extend to official examiners.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### **RULE 10. REGISTER OF WILLS**

#### **Rule 10.1. Procedure and Forms**

##### GENERAL RULE—PETITIONS

Rule 10.1-1.

Proceedings before the Register, including adverse letters proceedings and proceedings for the admission of lost wills, unless specifically governed by another provision of these Rules, shall be by Petition as provided herein.

(a) A petition shall set forth:

- (1) the caption;
- (2) a heading indicating briefly the purpose of the petition;
- (3) a concise statement of the facts relied upon to justify the relief desired, together with the citation of any Act of Assembly relied upon; and
- (4) a prayer for the relief desired.

(b) The petitioner shall attach to the petition:

- (1) a form of the order or decree, as applicable; and
- (2) such exhibits, consents or approvals as may be required by Act of Assembly or by local rule.

(c) If the petitioner is unable to attach any necessary exhibit, consent or approval, he shall so state in his petition, together with the reason for his inability.

(d) The petitioner, at petitioner's expense, shall be responsible for the furnishing of a stenographer and the preparation of a stenographic record of any hearing conducted pursuant to the petition.

Adopted December 29, 2004, effective December 29, 2004.

#### FORMS

Rule 10.1-2.

Forms with respect to probate and the grant of letters testamentary and letters of administration shall be in substantial conformity with the approved forms under Pa.O.C. Rule 10.1, and in the absence thereof shall be as set forth in Appendix A and identified as follows:

- (a) Petition for Probate and Grant of Letters.
- (b) Petition for Grant of Letters of Administration.
- (c) Certificate of Grant of Letters (Will).

- (d) Certificate of Grant of Letters (Intestacy).
- (e) Bond and Surety for Personal Representative.
- (f) Short Certificate (Letters Testamentary).
- (g) Short Certificate (Letters of Administration).
- (h) Oath of Subscribing Witness.
- (i) Oath of Non-Subscribing Witness.
- (j) Oath of Witness to Will Executed by Mark.
- (k) Renunciation.

Adopted December 29, 2004, effective December 29, 2004.

#### PETITIONS—CERTIFICATION OF RECORD

Rule 10.1-3.

When a record is certified to the Court by the Register, or it is desired that the Court direct the Register to certify the record, or if an appeal is taken, a petition shall be promptly presented to the Court to fix a date for a hearing which shall set forth:

- (a) the nature of the proceedings before the Register;
- (b) the basis for the certification, requested certification or appeal; and
- (c) the names of all parties in interest, including any not a party of record.

*Note:* See PEF Code § 907.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### PETITIONER

Rule 10.1-4.

When the record has been certified by the Register, the petition required by Rule 10.1-3 may be presented by any party in interest.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### CITATION

Rule 10.1-5.

Upon allowance of the petition filed pursuant to Rule 10.1-3, a citation shall be awarded directing all parties in interest, including those not represented on the record, to show cause why the matter certified should not be determined on the hearing date or why the Register should not be directed to certify the record to the Court or why the appeal should not be sustained and the judicial act or proceeding complained of be set aside, all of which shall be returnable fifteen days after service.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### DISPOSITION

Rule 10.1-6.

If no answer is filed in response to the petition filed pursuant to Rule 10.1-3, upon proof of service of the citation the Court may grant the requested relief. If an answer is filed, the Clerk shall notify the Court, which shall fix a time for hearing.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 10.2. Appeals from the Register of Wills**

FORM OF APPEAL

Rule 10.2-1.

Appeals taken from the judicial act or proceedings of the Register shall be addressed to the Court, but filed in duplicate with the Register and shall set forth the information insofar as appropriate required under C.C.O.C.R. 10.1-3.

*Note:* See PEF Code § 908, as amended.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

[Repealed]

Adopted May 15, 1990, effective July 1, 1990; repealed December 29, 2004, effective December 29, 2004.

INHERITANCE TAX APPEALS

Rule 10.2-2.

The practice and procedure in inheritance tax appeals shall be governed insofar as appropriate by the requirements of C.C.O.C.R. 10.1-3 to 10.1-6, inclusive.

*Note:* See 72 P. S. § 9176 and § 9186.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**APPENDIX A  
FORMS UNDER C.C.O.C.R. 10.1-2  
PETITION FOR PROBATE AND GRANT OF LETTERS**

Estate of \_\_\_\_\_  
also known as \_\_\_\_\_  
\_\_\_\_\_, Deceased.  
Social Security No. \_\_\_\_\_

No. \_\_\_\_\_  
To:  
Register of Wills for the  
County of Cumberland in the  
Commonwealth of Pennsylvania

The petition of the undersigned respectfully represents that:

Your petitioner(s), who is/are 18 years of age or older, and the execut \_\_\_\_\_ named in the last will of the above decedent, dated \_\_\_\_\_, 20 \_\_\_\_\_ and codicil(s) dated \_\_\_\_\_

(state relevant circumstances, e.g. renunciation, death of executor, etc.)

Decedent was domiciled at death in \_\_\_\_\_ County, Pennsylvania, with h last family or principal residence at

(list street, number and municipality)

Decedent, then \_\_\_\_ years of age, died \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_.

Except as follows, decedent did not marry, was not divorced and did not have a child born or adopted after execution of the will offered for probate; was not the victim of a killing and was never adjudicated incompetent:

Decedent at death owned property with estimated values as follows:

(If domiciled in Pa.)	All personal property	\$ _____
(If not domiciled in Pa.)	Personal property in Pennsylvania	\$ _____
(If not domiciled in Pa.)	Personal property in County	\$ _____
Value of real estate in Pennsylvania		\$ _____

situated as follows: \_\_\_\_\_

WHEREFORE, petitioner(s) respectfully request(s) the probate of the last will and codicil(s) presented herewith and the grant of letters \_\_\_\_\_ thereon.  
(testamentary; administration c.t.a.; administration d.b.n.c.t.a.)

Signature(s) of Petitioner(s)	Residence(s) of Petitioner(s)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OATH OF PERSONAL REPRESENTATIVE

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CUMBERLAND

}

SS:

The petitioner(s) above-named swear(s) or affirm(s) that the statements in the foregoing petition are true and correct to the best of the knowledge and belief of petitioner(s) and that as personal representative(s) of the above decedent petitioner(s) will well and truly administer the estate according to law.

Sworn to or affirmed and subscribed
Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

{

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Register

No. \_\_\_\_\_

Estate of \_\_\_\_\_, Deceased

DECREE OF PROBATE AND GRANT OF LETTERS

AND NOW \_\_\_\_\_ 20 \_\_\_\_\_, in consideration of the petition on the reverse side hereof, satisfactory proof having been presented before me, IT IS DECREED that the instrument(s), dated \_\_\_\_\_, described therein be admitted to probate filed of record as the last will of \_\_\_\_\_; and Letters are hereby granted to \_\_\_\_\_

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Register of Wills

FEES

Probate, Letters, Etc. \$ \_\_\_\_\_
Will \$ \_\_\_\_\_
Renunciation \$ \_\_\_\_\_
Short Certificates ( ) \$ \_\_\_\_\_
JCP \$ \_\_\_\_\_
Automation Fee \$ \_\_\_\_\_
Bond \$ \_\_\_\_\_
Total \$ \_\_\_\_\_
Filed \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_
Attorney (Sup. Ct. I.D. No.)
\_\_\_\_\_
Address
\_\_\_\_\_
Phone
\_\_\_\_\_

PETITION FOR GRANT OF LETTERS OF ADMINISTRATION

Estate of \_\_\_\_\_
also known as \_\_\_\_\_
\_\_\_\_\_, Deceased.
Social Security No. \_\_\_\_\_

No. \_\_\_\_\_

To:

Register of Wills for the
County of Cumberland in the
Commonwealth of Pennsylvania

The petition of the undersigned respectfully represents that:

Your petitioner(s), who is/are 18 years of age or older, appl \_\_\_\_\_ for letters of administration \_\_\_\_\_ on the estate of the above decedent.
(d.b.n.; pendente lite; durante absentia; durante minoritate)

Decedent was domiciled at death in \_\_\_\_\_ County, Pennsylvania, with h \_\_\_\_\_ last family or principal residence at \_\_\_\_\_
(list street, number and municipality)

Decedent, then \_\_\_\_\_ years of age, died \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_

Decedent at death owned property with estimated values as follows:

(If domiciled in Pa.) All personal property \$ \_\_\_\_\_
(If not domiciled in Pa.) Personal property in Pennsylvania \$ \_\_\_\_\_
(If not domiciled in Pa.) Personal property in County \$ \_\_\_\_\_
Value of real estate in Pennsylvania \$ \_\_\_\_\_

situated as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner \_\_\_ after a proper search ha \_\_\_ ascertained that decedent left no will and was survived by the following spouse (if any) and heirs:

Name	Relationship	Residence

THEREFORE, petitioner(s) respectfully request(s) the grant of letters of administration in the appropriate form to the undersigned.

Signature(s) of Petitioner(s)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Residence(s) of Petitioner(s)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OATH OF PERSONAL REPRESENTATIVE**

COMMONWEALTH OF PENNSYLVANIA

}

SS:

COUNTY OF CUMBERLAND

The petitioner(s) above-named swear(s) or affirm(s) that the statements in the foregoing petition are true and correct to the best of the knowledge and belief of petitioner(s) and that as personal representative(s) of the above decedent petitioner(s) will well and truly administer the estate according to law.

Sworn to or affirmed and subscribed  
Before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_\_

{

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Register

No. \_\_\_\_\_

Estate of \_\_\_\_\_, Deceased

**GRANT OF LETTERS OF ADMINISTRATION**

AND NOW \_\_\_\_\_ 20\_\_\_\_, in consideration of the petition on the reverse side hereof, satisfactory proof having been presented before me,

IT IS DECREED that \_\_\_\_\_ is/are entitled to Letters of Administration, and in accord with such finding, Letters of Administration \_\_\_\_\_ are hereby granted to \_\_\_\_\_

in the estate of \_\_\_\_\_

Register of Wills



FEES

Probate, Letters, Etc. ....	\$ _____	_____
Will .....	\$ _____	Attorney (Sup. Ct. I.D. No.)
Renunciation .....	\$ _____	_____
Short Certificates ( ) .....	\$ _____	Address
JCP .....	\$ _____	_____
Automation Fee .....	\$ _____	_____
Bond .....	\$ _____	_____
Total _____	\$ _____	_____
Filed _____ 20 ____		Phone _____

**BOND AND SURETY FOR PERSONAL REPRESENTATIVE**

Estate of \_\_\_\_\_ No. \_\_\_\_\_

Also known as \_\_\_\_\_

\_\_\_\_\_, Deceased

KNOW ALL BY THESE PRESENTS, that \_\_\_\_\_ As principal(s) and \_\_\_\_\_ as surety (sureties) are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) to be paid to the Commonwealth, for which payment we do bind ourselves, jointly and severally, our heirs, executors, administrators and successors, the condition of this obligation being that if \_\_\_\_\_ as (state fiduciary capacity) of the estate of \_\_\_\_\_, deceased, or any of them, shall well and truly administer the estate according to law, then this obligation shall be void as to the personal representative or representatives who shall so administer the estate and his or their surety or sureties; but otherwise it shall remain in full force.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, each intending to be legally bound hereby.

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_ (Seal)

\_\_\_\_\_  
Signature of Bonding Agency

**OATH OF SUBSCRIBING WITNESS**

Estate of \_\_\_\_\_ No. \_\_\_\_\_

Also known as \_\_\_\_\_

\_\_\_\_\_, Deceased

\_\_\_\_\_  
\_\_\_\_\_  
(each) a subscribing witness to the will/codicil presented herewith, (each) being duly qualified according to law, depose(s) and say(s) that \_\_\_\_\_ present and saw \_\_\_\_\_, the testat \_\_\_\_\_, sign the same and that \_\_\_\_\_ signed as a witness at the request of the testat \_\_\_ in h \_\_\_\_\_ presence and (in the presence of each other) (in the presence of the other subscribing witness(es)).

Sworn to or affirmed and subscribed  
Before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Register

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

**OATH OF NON-SUBSCRIBING WITNESS**

Estate of \_\_\_\_\_ No. \_\_\_\_\_

Also known as \_\_\_\_\_

\_\_\_\_\_, Deceased

\_\_\_\_\_  
(each) a subscriber hereto, (each) being duly qualified according to law, depose(s) and say(s) that \_\_\_\_\_ familiar with the signature of \_\_\_\_\_, testat \_\_\_\_\_ of (one of the subscribing witnesses to) the codicil/will presented herewith and that \_\_\_\_\_ believe/ believes the signature on the codicil/will is in the handwriting of \_\_\_\_\_ to the best of \_\_\_\_\_ knowledge and belief.

\_\_\_\_\_  
(Name)

Sworn to or affirmed and subscribed  
Before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Register

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

**OATH OF WITNESS TO WILL EXECUTED BY MARK**

\_\_\_\_\_, (each) a subscribing witness to the will/codicil presented herewith, (each) being duly qualified according to law, depose(s) and say(s) that: testat \_\_\_\_\_ was unable to sign h \_\_\_\_\_ name thereto; testat \_\_\_\_\_'s name was subscribed thereto in testat \_\_\_\_\_ presence; testat \_\_\_\_\_ made h \_\_\_\_\_ mark thereon; testat \_\_\_\_\_ and deponent(s) was (were) present when testat \_\_\_\_\_'s name was subscribed and when testat \_\_\_\_\_ made h \_\_\_\_\_ mark; and testat \_\_\_\_\_ was present when the undersigned signed the will/codicil as witness(es).

Sworn to or affirmed and subscribed  
Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Register

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

**RENUNCIATION**

Estate of \_\_\_\_\_ No. \_\_\_\_\_

Also known as \_\_\_\_\_

\_\_\_\_\_, deceased

To the Register of Wills of Cumberland County, Pennsylvania

The undersigned \_\_\_\_\_  
(Name) (Relationship) (Capacity)  
of the above decedent, hereby renounce(s) the right to administer the estate and respectfully request(s) that  
Letters \_\_\_\_\_  
be issued to \_\_\_\_\_.

Witness my/our hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Affirmed and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Address)

My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

Or \_\_\_\_\_

\_\_\_\_\_  
(Address)

Affirmed and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Register of Wills

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
(Address)

(Signature and seal of Notary or other official  
qualified to administer oaths. Show date of  
expiration of Notary's commission)

**RULE 11. JURY TRIALS**

**Rule 11.1. Selection of Jurors**

LISTING FOR TRIAL

Rule 11.1-1. [No revision required, except in Note]

*Note:* See Pa.O.C. Rule 3.1, Pa.R.C.P. 1513, and PEF Code § 777 and § 778. See also C.C.R.P. 3 and 214-1 to 214-3, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 11.2. Conduct of a Trial**

Rule 11.1-2. [No revision required]

**RULE 12. SPECIAL PETITIONS**

**Rule 12.1. Family Exemption**

ADDITIONAL CONTENTS OF PETITION

Rule 12.1-1.

\* \* \* \* \*

(c) if petitioner is the surviving spouse, the date and place of the marriage; and if a common law marriage is asserted, all averments necessary to establish the validity of the marriage;

\* \* \* \* \*

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

EXEMPTION CLAIMED IN PERSONALTY—APPRAISAL

Rule 12.1-2.

No appraisal shall be required when the exemption is claimed from cash, financial institution deposits, listed securities or any other personalty at valuations agreed upon by all parties in interest. When the exemption is claimed from other personalty, the petitioner shall submit an appraisal from a qualified appraiser.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

EXEMPTION CLAIMED IN REALTY—APPRAISALS

Rule 12.1-3.

No appraisal shall be required when the exemption is claimed from realty at a valuation agreed upon by all parties in interest. When appraisals of realty from which the exemption is claimed are necessary, the Court shall appoint two qualified appraisers who shall file their appraisals within thirty days after their appointment.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

NOTICE

Rule 12.1-4.

Notice of the filing of the petition together with a copy thereof and of the date fixed by the Court for confirmation, if known, shall be given to the personal representative, if any, and to every other party in interest. If appraisers have been appointed, additional notice shall be given after the appraisals have been filed together with a copy of the appraisals. The final notice hereunder shall include a statement that the setting apart of the property will be requested and may be allowed by the Court at a stated time not less than ten days from the date of giving the notice, if applicable, from the date of the last publication thereof, unless Objections are filed.

*Note:* See Pa.O.C. Rule 6.3.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

OBJECTIONS

Rule 12.1-5.

(a) **Voluntary Distribution.** When the personal representative, at his own risk, delivers assets of the estate in satisfaction or on account of the exemption, he shall set forth the same as a credit in the account. The same may be the subject of Objection by any party in interest.

*Note:* See Pa.O.C. Rule 6.3.

(b) **When Petition Filed.** When the exemption is sought by petition, questions as to the value or allowance, or both, may be raised only by Objections filed.

(c) **Higher Bid.** Objections which relate only to value will be dismissed unless a bona fide higher bid for the property is filed with the Objections, or for good cause.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

FINAL DECREE

Rule 12.1-6. [No revision required]

**Rule 12.2. Allowance to Surviving Spouse of Intestate**

ADDITIONAL CONTENTS OF PETITION

Rule 12.2-1. [No revision required]

APPRAISALS; NOTICE; OBJECTIONS; FINAL DECREE

Rule 12.2-2. [No revision required, except in Note]

*Note:* See PEF Code § 2110.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 12.3. Revocation, Vacating and Extension of Time for Filing of Surviving Spouse's Election**

EXTENSION OF TIME—CONTENTS OF PETITION

Rule 12.3-1. [No revision required]

EXTENSION OF TIME—PRACTICE AND PROCEDURE

Rule 12.3-2. [No revision required, except in Note]

*Note:* See PEF Code § 2210(b) and C.C.O.C.R. 3.2-1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**Rule 12.4. Appointment of a Guardian Ad Litem or a Trustee Ad Litem**

Rule 12.4-1. [No revision required]

**Rule 12.5. Appointment of a Guardian for the Estate or Person of a Minor**

APPEARANCE IN COURT—MINOR OVER FOURTEEN

Rule 12.5-1. [No revision required]

STATEMENT OF GUARDIAN

Rule 12.5-2. [No revision required, except in Note]

*Note:* See PEF Code § 5111 to § 5113, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

SMALL ESTATES OF MINORS

Rule 12.5-3.

(a)

\* \* \* \* \*

(2) the name of an insured financial institution in Cumberland County as the suggested depository.

\* \* \* \* \*

*Note:* See PEF Code § 5101 to § 5103, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### ALLOWANCES FROM MINOR'S ESTATE

Rule 12.5-4. [No revision required]

#### **Rule 12.6. Appointment of a Trustee**

##### EXHIBITS TO PETITION

Rule 12.6-1. [No revision required]

#### **Rule 12.7. Discharge of a Fiduciary and Surety**

##### CONTENTS OF PETITION FOR DISCHARGE

Rule 12.7-1. [No revision required]

##### FORM OF PETITION FOR DISCHARGE—SMALL ESTATES

Rule 12.7-2. [No revision required]

#### **Rule 12.8. Partition**

Rule 12.8-1. [No revision required, except in Note]

*Note:* No local rule required. However, by definition, “[s]ubdivision” includes partition by the court for distribution to heirs or devisees. See “Pennsylvania Municipalities Planning Code,” 53 P. S. § 10107.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### **Rule 12.9. Public Sale of Real Property**

##### ADDITIONAL CONTENTS OF PETITION FOR PUBLIC SALE

Rule 12.9-1.

\* \* \* \* \*

(c) *Public Sale by Guardian. . . .*

(1) the age of the minor or the incapacitated person;

(2) the names of the minor's or incapacitated person's next of kin, and the notice given to them of the presentation of the petition;

(3) the nature and extent of the interest of the minor or incapacitated person, of the guardian and of third persons in the real property; and

(4) sufficient facts to enable the Court to determine that the sale is in the best interests of the minor or the incapacitated person.

*Note:* For sale by personal representative and generally, see PEF Code § 3351 and § 3352 to § 3355, inclusive. For sale by trustee, see PEF Code § 7133. For sale by guardian of a minor, see PEF Code § 5155. For sale by guardian of an incapacitated person, see PEF Code § 5521. For public sale of personal property, the requirements of C.C.O.C.R. 12.10-1, et seq. shall govern to the extent appropriate.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### EXHIBITS TO PETITION

Rule 12.9-2. [No revision required]

##### NOTICE AND CONFIRMATION OF PUBLIC SALE; ADDITIONAL SECURITY

Rule 12.9-3. [No revision required]

#### **Rule 12.10. Private Sale of Real Property or Options Therefor**

##### ADDITIONAL REQUIREMENTS FOR PETITION FOR PRIVATE SALE, EXCHANGE OR GRANTING OF OPTIONS

Rule 12.10-1. [No revision required]

##### EXHIBITS TO PETITION

Rule 12.10-2. [No revision required]

##### NOTICE—CONFIRMATION

Rule 12.10-3. [No revision required]

##### PETITION TO FIX OR WAIVE ADDITIONAL SECURITY

Rule 12.10-4. [No revision required, except in Note]

*Note:* See PEF Code § 3351 and § 7141.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### **Rule 12.11. Mortgage or Lease of Real Property**

##### MORTGAGE OR LEASE OF REAL PROPERTY; ADDITIONAL REQUIREMENTS

Rule 12.11-1. [No revision required]

#### **Rule 12.12. Inalienable Property**

##### ADDITIONAL REQUIREMENTS FOR PETITION UNDER CHAPTER 83 OF THE PEF CODE

Rule 12.12-1. [No revision required]

#### **Rule 12.13. Designation of a Successor Custodian**

##### DESIGNATION OF A SUCCESSOR CUSTODIAN

Rule 12.13-1. [No revision required, except in Note]

*Note:* No local rule required. See C.C.O.C.R. 12.5-1, et seq. However, the Pennsylvania Uniform Gifts to Minors Act became known as the Pennsylvania Uniform Transfers to Minors Act, effective December 16, 1992.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

#### **Rule 12.14. Confirmation of Appointment**

Rule 12.14-1. [No revision required]

#### **Rule 12.15. Cemetery Companies and Non-Profit Corporations Incorporated for Charitable Purposes**

Rule 12.15-1. [Reserved]

*Note:* No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

**Rule 13. Distribution—Special Situations****Rule 13.1. Representation by Counsel**

Rule 13.1-1. [No revision required]

Rule 13.2-1. [No revision required]

Rule 13.3-1. [No revision required]

**RULE 14. GUARDIANSHIP OF INCAPACITATED PERSONS****Rule 14.1. Local Rules**

Rule 14.1-1. [No revision required]

**Rule 14.2. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person**

[Repealed, except in Note]

*Note:* See PEF Code § 5511, § 5512 and § 5512.1.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

**WRITTEN CONSENT**

Rule 14.2-1.

The proposed guardian's written consent to the appointment shall be attached to the petition.

*Note:* See Pa.O.C. Rule 12.5(c).

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

[Repealed, except in Note]

*Note:* See PEF Code § 5511.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

**Rule 14.3. Review Hearing**

[Repealed]

Adopted May 15, 1990, effective July 1, 1990; repealed December 29, 2004, effective December 29, 2004.

Rule 14.3-1. [Reserved]

*Note:* No local rule required.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

**Rule 14.4. Proceedings Relating to Real Estate**

Rule 14.4-1. [No revision required]

**Rule 14.5. Form of Citation and Notice**

Rule 14.5-1. [Reserved]

*Note:* No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

**RULE 15. ADOPTIONS****Rule 15.1. Local Rules****PRACTICE AND PROCEDURE**

Rule 15.1-1

All reports and petitions relating to adoption shall be filed with the Register or Clerk and shall be in such form as is designated from time to time by the Court. After such report or petition has been fully indexed as set forth in C.C.O.C.R. 15.7-1, the same shall be placed in a file retained in the custody of the Clerk with notification of

the petition being forwarded to the Court Administrator for assignment to a judge. Once assignment has been made, the Clerk shall directly deliver the file to the hearing judge. Upon the completion of any proceedings relative to adoption, the file shall be returned to the custody of the Clerk and all documents in connection therewith shall be handled in the manner set forth in C.C.O.C.R. 15.7-1.

All reports, petitions, orders or other necessary documents shall be filed with the Clerk and shall be in such form as is designated from time to time by the Court. After such documents have been filed and fully indexed as set forth in C.C.O.C.R. 15.7-1, the Clerk shall place those documents in the indexed file. If the file is in the custody of the hearing judge, after clocking in the documents the Clerk shall directly deliver them to the hearing judge to be placed in the file.

*Note:* See PEF Code § 711.

Adopted May 15, 1990, effective July 1, 1990; amended June 1, 1999, effective August 1, 1999; amended December 29, 2004, effective December 29, 2004.

**Rule 15.2. Voluntary Relinquishment to Agency**

Rule 15.2-1. [No revision required]

**Rule 15.3. Voluntary Relinquishment to Adult Intending to Adopt Child**

Rule 15.3-1. [No revision required]

**Rule 15.4. Involuntary Termination of Parental Rights**

Rule 15.4-1. [No revision required]

**Rule 15.5. Adoption****ADOPTION**

Rule 15.5-1. [No revision required]

**Rule 15.6. Notice; Method and Time**

Rule 15.6-1. [No revision required]

**Rule 15.7. Impounding; Docket Entries; Reports; Privacy****IMPOUNDING; DOCKET ENTRIES; REPORTS; PRIVACY**

Rule 15.7-1. [No revision required, except in Note]

*Note:* See 23 Pa.C.S. § 2905 to § 2910, inclusive, and C.C.O.C.R. 1.2-2(c).

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**RULE 16. PROCEEDINGS PURSUANT TO SECTION 3206 OF THE ABORTION CONTROL ACT**

**Headings for Pa.O.C. Rules 16.1 to 16.6, inclusive, and Rules 16.10 to 16.12, inclusive, are intentionally omitted (Rules 16.7 and 16.8 rescinded March 31, 1994).**

Rules 16.1-1 to 16.6-1, inclusive, and Rules 16.10-1 to 16.12-1, inclusive [Reserved]

*Note:* No local rules required.

Adopted December 29, 2004, effective December 29, 2004.

**RULE 17. SHORT TITLE****Rule 17-1. [No revision required]**

[Pa.B. Doc. No. 05-144. Filed for public inspection January 21, 2005, 9:00 a.m.]

**SUPREME COURT****Act 207-2004; No. 269 Judicial Administration;  
Doc. No. 1****Order***Per Curiam:*

*And Now*, this 6th day of January, 2005, in accordance with Act 207 of 2004 which changes the title of "district justice" to "magisterial district judge," it is hereby *Ordered*: Pursuant to the authority set forth by Article V, Section 10(c) of the Constitution of Pennsylvania and the general supervisory and administrative authority of the Supreme Court of Pennsylvania set forth by 42 Pa.C.S. Section 1701, et seq., (Judicial Code), that all references in any court rule, court order, court form (including citation), automated statewide court case management system (i.e. PACMS, CPCMS and DJS) or any other legal authority, except as provided for in Act 207, to "district justice" shall be deemed a reference to "magisterial district judge." This Order is effective January 29, 2005.

[Pa.B. Doc. No. 05-145. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Reestablishment of the Magisterial Districts Within  
the Fifth Judicial District; No. 214 Magisterial  
Doc. No. 1****Order***Per Curiam:*

*And Now*, this 4th day of January, 2005, upon consideration of the Petition to Revise Magisterial Districts 05-2-25 and 05-2-43 of the Fifth Judicial District (Allegheny County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition is hereby granted. This Order is effective January 31, 2005.

Said Magisterial Districts shall be as follows:

Magisterial District 05-2-25: District Justice Mary P. Murray	Borough of Coraopolis, Crescent Township, Moon Township and Neville Township
Magisterial District 05-2-43: District Justice Carla Swearingen	Ward 28 of the City of Pittsburgh (Crafton Heights, Broadhead Manor, and Westgate) and Robinson Township.

[Pa.B. Doc. No. 05-146. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Schedule of Holidays for Year 2006 for Staffs of  
the Appellate Courts and the Administrative Of-  
fice of Pennsylvania Courts; No. 268 Judicial  
Administration; Doc. No. 1****Order***Per Curiam:*

*And Now*, this 4th day of January, 2005, it is hereby ordered that the following paid holidays for calendar year 2006 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 2, 2006	New Year's Day (Observed)
January 16, 2006	Martin Luther King, Jr. Day
February 20, 2006	Presidents' Day
April 14, 2006	Good Friday
May 29, 2006	Memorial Day (Observed)
July 4, 2006	Independence Day
September 4, 2006	Labor Day
October 9, 2006	Columbus Day (Observed)
November 7, 2006	Election Day
November 10, 2006	Veterans Day (Observed)
November 23, 2006	Thanksgiving Day
November 24, 2006	Day After Thanksgiving
December 25, 2006	Christmas Day

[Pa.B. Doc. No. 05-147. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania  
for the Year 2006; No. 162 Appellate Court  
Rules; Doc. No. 1****Order***Per Curiam:*

*And Now*, this 4th day of January, 2005 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2006 as follows:

Pittsburgh (Administrative Session)	January 10
Philadelphia (Administrative Session)	February 7
Pittsburgh	February 27 through March 3
Philadelphia	April 3 through April 7
Harrisburg	May 8 through May 12
Pittsburgh (Administrative Session)	June 1
Pittsburgh	September 11 through September 15
Philadelphia	October 16 through October 20
Harrisburg	December 4 through December 8

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 05-148. Filed for public inspection January 21, 2005, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 252]

### Environmental Laboratory Accreditation

The Environmental Quality Board (Board) proposes to add Chapter 252 (relating to environmental laboratory accreditation). The proposed rulemaking delineates the requirements for accreditation of environmental laboratories.

This order was adopted by the Board at its meeting of August 17, 2004.

#### A. *Effective Date*

The proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information contact Richard H. Sheibley, Chief, Laboratory Accreditation Program, P. O. Box 1467, Evangelical Press Building, Harrisburg, PA 17105-1467, (717) 705-2425; or Scott Perry, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of 27 Pa.C.S. § 4103(a) (relating to establishment of program), which directs the Department to establish an accreditation program for environmental laboratories, 27 Pa.C.S. § 4104 (relating to powers and duties), which directs the Department to establish, administer and enforce an environmental laboratory accreditation program which shall include the standards necessary for a State certification program, 27 Pa.C.S. § 4105 (relating to powers and duties of Environmental Quality Board), delegating the Board the power to adopt the regulations of the Department to implement 27 Pa.C.S. §§ 4101—4113 (act) (relating to environmental laboratory accreditation), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), authorizing and directing the Board to adopt regulations necessary for the proper performance of the work of the Department.

#### D. *Background and Purpose*

Over the past 25 years, the General Assembly and the United States Congress have enacted numerous statutes protecting air, water and soil and regulating activities that might otherwise pose a threat to the environment. Valid and accurate laboratory data are essential to assure compliance with the laws administered by the Department. Additionally, throughout this Commonwealth numerous decisions made everyday by the public, the regulated community and the government are based upon data generated by environmental laboratories. Recently however, several highly publicized instances of laboratory fraud or reliance on faulty data have undermined the public's confidence in the data generated by environmental laboratories. Presently, in this Commonwealth only

the Drinking Water Program and the Oil and Gas Program address the issue of data quality through a laboratory accreditation program. The quality of laboratory data used to determine compliance with the remaining Department regulations is unknown. Without these regulations, verification of the accuracy of data submitted to the Department is a very costly and time-consuming task.

The goal of the proposed rulemaking is to assure the quality of the data used to make environmental decisions and thus better protect the environment and the health, safety and welfare of the citizens of this Commonwealth. This goal is achieved by requiring affected environmental laboratories to perform proficiency test (PT) samples, data verification requirements and undergo periodic onsite inspections where the Department evaluates laboratory procedures in place in that facility. The proposed rulemaking includes only items that are essential for the production of good quality data.

The proposed rulemaking applies to environmental laboratories that test or analyze nonpotable water (wastewater), solid and chemical materials or drinking water samples as required by the following statutes:

1. The Oil and Gas Act (58 P. S. §§ 601.101—601.605).
2. The Clean Streams Law (35 P. S. §§ 691.1—691.1001).
3. The Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305).
4. The Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).
5. The Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).
6. The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).
7. The Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104).
8. The Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701.101—701.706).
9. The Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31).
10. The Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.206).
11. The Bituminous Mine Subsidence and Land Conversion Act (52 P. S. §§ 1406.1—1406.21).
12. The Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3001—3326).

This proposed rulemaking would transfer the laboratory accreditation program, currently under the Safe Drinking Water Program (25 Pa. Code Chapter 109 (relating to safe drinking water)), to Chapter 252. The Safe Drinking Water Act (42 U.S.C.A. §§ 300f—300j-10) requires that laboratories performing drinking water analysis be accredited. The Federal program consists of requiring the use of promulgated methods for testing and analysis and recommending good laboratory practices, including the use of appropriate quality control measures. There are no Federal standards for accreditation of an environmental laboratory testing nonpotable water (wastewater) and solid and chemical materials.



The National Environmental Laboratory Accreditation Conference (NELAC) developed a set of standards for the accreditation of environmental laboratories performing testing and analysis of environmental samples. At the time the current NELAC Standard was being developed, NELAC was a voluntary organization of state and Federal environmental officials and interest groups. NELAC's primary mission was to establish mutually acceptable standards for accrediting environmental laboratories. The NELAC Standard provides uniform requirements for accreditation of environmental laboratories and facilitates mutual recognition among laboratory accreditation programs using the NELAC Standard. The NELAC Standard was developed using a consensus-based approach. The Department would offer a dual accreditation system whereby accreditation to the NELAC Standard is available as a voluntary option for environmental laboratories.

At the request of small laboratories, the requirements outlined in the proposed rulemaking for the State environmental laboratory accreditation are less stringent than the NELAC Standard. Currently, a relatively small number of accredited laboratories in this Commonwealth are accredited to the NELAC Standard. The costs associated with complying with the NELAC Standard are higher than those anticipated with this proposed rulemaking. To meet the requirements contained in the NELAC Standard, an environmental laboratory is required to participate in at least double the number of PT studies. The cost of the PT studies varies widely depending on the laboratory's scope of accreditation. The cost ranges from \$88 for a single microbiology PT to approximately \$13,000 to acquire PT samples for the entire scope of PT samples available for accreditation. An environmental laboratory accredited to the NELAC Standard must implement a very rigorous quality system that requires highly specific documentation and quality assurance procedures. The cost for an environmental laboratory to become accredited to the NELAC Standard is significantly higher than the anticipated cost for the proposed rulemaking.

The proposed rulemaking is very comparable in terms of the range and stringency of requirements to other state (non-NELAC based) laboratory accreditation programs for drinking water, wastewater and solid and chemical materials. A survey of 40 other states indicated that at least 22 states have mandatory accreditation programs for environmental laboratories testing wastewater and solid and chemical materials.

An environmental laboratory may choose State accreditation, described by this proposed rulemaking, or seek accreditation using the NELAC Standard as a voluntary alternative to this proposed rulemaking. Accreditation to either set of standards would be equivalent and acceptable and meet the requirements for accreditation required by the act. An environmental laboratory may be accredited to the NELAC Standard and also be accredited under Pennsylvania State accreditation standards described by this proposed rulemaking for fields of accreditation not included under the NELAC Standard.

The Laboratory Accreditation Advisory Committee (LAAC) provided technical assistance throughout the development of the draft rulemaking. The LAAC met approximately every other month from August 2002 through April 2004 and advised the Department on the development of Chapter 252. Additionally, the LAAC and the Certification Program Advisory Committee (CPAC) met jointly on January 23, 2004, to discuss and provide recommendations on several key concepts (fee structure, qualifications of a laboratory supervisor and parameters

to be included in accreditation-by-rule) associated with this proposed rulemaking. Essentially all of the recommendations from the joint meeting have been incorporated into this proposed rulemaking.

The LAAC reviewed the draft proposed rulemaking on April 13, 2004, and unanimously supported moving the draft rulemaking forward to the Board. The CPAC and the State Board for Certification of Water and Wastewater Systems Operators (Certification Board) reviewed the draft proposed rulemaking on April 29, 2004, and supported moving the draft rulemaking forward to the Board. However, the CPAC and the Certification Board opposed the use of the Consumer Price Index (CPI) as a means to automatically adjust accreditation fees to cover changes in the costs of administering the program due to inflation. Instead, the CPAC and the Certification Board recommended that fee increases occur through the regulation process. The proposed rulemaking retains the CPI fee adjustment language.

To the extent possible, the unique needs of small businesses, municipalities, municipal authorities and in-house laboratories (collectively referred to as "small laboratories") have been considered and addressed throughout this proposed rulemaking where compatible with the goals of creating an effective and sensible environmental laboratory accreditation program. Specific provisions that address these unique needs include: an accreditation-by-rule section addressing the testing and analyses conducted by many of the smallest laboratories; laboratory supervisor qualifications tailored to the complexity of the analysis; provisions concerning certified operators and experienced supervisors; and a fee structure that addresses the needs of laboratories that perform only a few types of tests.

A section outlining accreditation-by-rule is included in Chapter 252 to specifically address the unique needs of small laboratories. Accreditation-by-rule is a mechanism permitting an environmental laboratory to perform testing or analysis with only minimal oversight by the Department. Therefore, only certain tests or analyses are appropriate for inclusion under accreditation-by-rule.

The LAAC recommended to the Department that to be accredited-by-rule, a test parameter must meet at least one of the following criteria:

1. A test with a holding time of 2 hours or less.
2. A noninstrumental observational test.
3. A screening test to determine if further laboratory testing is required, except for those required for compliance determinations.
4. The sample cannot be transferred/transported without degradation.
5. Process testing used for immediate decision making purposes.
6. A test allowed by another program regulation.

Additionally, the Department identified two additional criteria for evaluating the tests or analyses to include under accreditation-by-rule. The additional criteria are:

1. The test or analysis is relatively easy to perform.
2. An improperly performed test has minimal impact on the environment or the public health, safety and welfare.

The proposed accreditation-by-rule section continues the exemptions provided in the current Drinking Water Program regulations under §§ 109.304(c) and 109.704

(relating to analytical requirements; and operator certification). Reference is made in this proposed rulemaking to the Chapter 109 drinking water regulations. Because of the significance of these parameters in assessing environmental quality and because of the technical skills necessary to perform these tests correctly, the following are not included under accreditation-by-rule, total residue testing, biochemical oxygen demand testing and fecal coliform testing.

Consistent with the requirements of the act, the proposed rulemaking establishes qualifications for laboratory supervisors. The laboratory supervisor may have different titles in different laboratories, such as lead analyst or technical director. The act identifies a laboratory supervisor as the individual who supervises laboratory procedures and reporting of analytical data. Specific educational qualifications are not established for other technical personnel or analysts in the laboratory. The unique needs of small laboratories are addressed by basing the laboratory supervisor requirements upon the testing or analysis performed in the laboratory. A person who is functioning as a laboratory supervisor now would be able to continue in that position under the grandfathering provisions as provided in § 252.303 (relating to grandfathering provisions for laboratory supervisors).

The proposed rulemaking also recognizes that a drinking water or wastewater operator with a valid treatment plant operator's certificate for laboratory supervisor in the appropriate water or wastewater subclassification would qualify as a laboratory supervisor. To provide a smooth transition during the period when the laboratory supervisor subclassification may not be available, a contingency provision is included in the proposed rulemaking. The proposed rulemaking provides that for the period up to 12 months after a certificate for laboratory supervisor in the appropriate water or wastewater subclassification becomes available from the Department, 2 years of experience performing testing or analysis of environmental samples using the methods and procedures currently in use by the environmental laboratory may be substituted for a laboratory supervisory certificate.

All laboratory supervisors will be required to have experience in the areas for which they will be responsible. In addition, minimum levels of college credits in basic science are identified for laboratory supervisors, when appropriate. Consistent with the requirements of the act, the proposed rulemaking identifies the responsibilities of a laboratory supervisor. The proposed rulemaking provides that a person may be a supervisor of more than one laboratory under certain conditions.

#### E. Summary of Regulatory Requirements

##### Subchapter A

§ 252.1—The definitions section explains the intended meaning for all terms used in the proposed rulemaking.

§ 252.2—This section explains that the purpose of the proposed rulemaking is to protect public health, safety, welfare and the environment by ensuring the accuracy, precision and reliability of data generated by environmental laboratories by establishing an accreditation program for environmental laboratories. The proposed rulemaking provides the minimum requirements for an environmental laboratory to obtain and maintain accreditation in this Commonwealth.

§§ 252.3 and 252.4—Environmental laboratories performing analysis of solids, liquids or other specimens for the purpose of testing or analysis as required by an

environmental statute listed in this section must meet the requirements of the proposed rulemaking. The scope of the proposed rulemaking is limited to drinking water, nonpotable water (wastewater) and solid and chemical materials.

§ 252.5—An environmental laboratory may choose Pennsylvania State accreditation, described by the proposed rulemaking, or seek accreditation using the NELAC Standard as a voluntary alternative to this proposed rulemaking. Accreditation to either set of standards would be equivalent and acceptable and meet the requirements for accreditation required by the act. An environmental laboratory may be accredited to the NELAC Standard and also be accredited under Pennsylvania State accreditation standards described by the proposed rulemaking for fields of accreditation not included under the NELAC Standard.

§ 252.6—Accreditation-by-rule is offered to a facility performing testing or analysis of samples for the tests specifically listed in this section. The accreditation-by-rule provision requires analysis of all parameters by the promulgated analytical method, when specified; proper sample handling and preservation; compliance with all other applicable environmental laws; and documentation of all tests and results. The Department may require an environmental laboratory that is accredited-by-rule to apply for, and obtain, environmental laboratory accreditation when the laboratory is not in compliance with the conditions of the accreditation-by-rule provision.

The Safe Drinking Water regulatory requirements for accreditation-by-rule are listed by reference. An environmental laboratory must meet the requirements of Chapter 109 as well as those listed in the proposed rulemaking to be accredited-by-rule for drinking water parameters.

In addition to the tests specifically listed in this section, industrial wastewater treatment facility laboratories and wastewater treatment facility laboratories are accredited-by-rule to perform tests that are not mandated by the Department.

An environmental laboratory deemed to be accredited-by-rule under these regulations is not required to meet any other requirements of the regulation, including laboratory supervisor requirements, fees, onsite assessments and quality manuals.

##### Subchapter B

§§ 252.201—252.203—Each environmental laboratory accredited under this proposed rulemaking is required to complete an initial application for accreditation, an annual renewal application and notify the Department of change or transfer of ownership. Failure to submit an application for renewal of accreditation within 60 days of the expiration date of the current certificate of accreditation may result in a lapse in accreditation.

§ 252.204—An environmental laboratory will pay an initial application fee and annual renewal fees to the Department. Under the act, the fees provided in this section must be sufficient to pay the Department's cost of implementing and administering the accreditation program including processing applications for certificates of accreditation, the issuance, renewal, modification or other action relating to the certificate. The laboratories pay fees based on the number and complexity of the methods for which they request accreditation. The cost of each fee category is determined based on the number of assessor hours necessary to accredit an environmental laboratory for a method in that given category.

The fee structure is responsive to the needs of small laboratories. Categories of testing are included for basic

drinking water parameters and for basic wastewater parameters as a group. Included in these groupings are the tests usually performed by the smaller drinking water and wastewater facilities.

The fees will change every 3 years based on the percentage change in the CPI. The CPI would be used to offset the effects of inflation. The first change will be based on the increase in the CPI from June 30, 2005, to June 30, 2008. The Department will use that figure to calculate the fees for the year beginning January 1, 2009. The Department will publish the revised fee table in the *Pennsylvania Bulletin* at least 90 days prior to the effective date of the revision. This allows time for budget planning and was added in direct response to comments offered by the LAAC. The Department will develop a guidance document that will list equivalent methods for which one method fee will be charged when several methods are technically similar but are assigned different method identifiers.

§ 252.205—This section outlines the mechanism by which an out-of-State environmental laboratory may apply for and obtain accreditation from the Department. An out-of-State environmental laboratory performing testing or analysis covered by this proposed rulemaking will be required to maintain accreditation according to this proposed rulemaking. Out-of-State laboratories will pay the same fees as in-State laboratories. The Department will recognize accreditation granted by a NELAP accrediting authority in another state for the same fields of accreditation for which the Department is a primary NELAP accrediting authority. The laboratory requesting secondary NELAP accreditation through the Pennsylvania program must submit an application, appropriate fee, copies of a valid accreditation certificate and onsite assessment from the primary accrediting authority and all PT sample results.

§ 252.206—An out-of-State environmental laboratory requiring an onsite evaluation shall reimburse the Department for all expenses associated with the onsite evaluation including travel, subsistence and lodging. The reimbursement rate for the travel time for each assessor is based upon salary and benefit costs for an assessor and would be \$50 per hour.

#### *Subchapter C*

§ 252.301—The proposed rulemaking specifies the responsibilities of the laboratory supervisor, including the direct supervision of the testing analysis and reporting of data and certifying that each test or analysis is accurate and valid. The laboratory supervisor is responsible for the data generated in the laboratory. Specific qualifications are not established for other technical personnel in the laboratory.

§ 252.302—The proposed rulemaking establishes qualification requirements for laboratory supervisors. The laboratory supervisor qualifications vary depending on the type of laboratory and the scope of its requested accreditation. All laboratory supervisors shall have experience in the areas for which they are responsible. Drinking water or wastewater operators with a valid treatment plant operator's certificate as a laboratory supervisor would qualify as a laboratory supervisor for an appropriately classified laboratory in accordance with their plant operator's certificate.

If the laboratory supervisor subclassification is not available by the time this proposed rulemaking becomes effective, the proposed rulemaking provides that for the period up to 12 months after a certificate for laboratory

supervisor in the appropriate water or wastewater subclassification becomes available from the Department, 2 years of experience performing testing or analysis of environmental samples using the methods and procedures currently in use by the environmental laboratory may be substituted for a laboratory supervisory certificate.

§ 252.303—The grandfathering provisions for laboratory supervisors allows laboratory supervisors acting in that capacity at least 12 months before adoption of the proposed rulemaking to continue in that position at that facility without meeting the educational requirements listed in the laboratory supervisor section. Approval under this provision will be limited to the current facility and may not be transferred to a different environmental laboratory.

§ 252.304—The personnel requirements for the technical staff of an environmental laboratory, including responsibility for compliance with quality assurance and quality control requirements of the rulemaking, methods and laboratory are set forth in this section. The laboratory management shall define the minimum level of qualification, experience and skills necessary for all positions; document the required training and demonstrations of capability required before analysis of environmental samples; and ethics training.

§ 252.305—The laboratory must assure that the facility does not introduce contamination to the samples or compromise sample results.

§ 252.306—The laboratory must have the necessary equipment to perform the testing or analysis for which accreditation is sought. The environmental laboratory shall maintain records of each item of equipment including maintenance, calibration and history of damage, malfunction or repair. Specific requirements are outlined for the calibration and maintenance of laboratory support equipment.

§ 252.307—The laboratory shall select analytical methods that are appropriate for the analyte and sample matrix, comply with applicable State or Federal regulation and that produce the appropriate quantitative levels. The laboratory must develop and maintain standard operating procedures (SOP) for all fields of accreditation. The SOPs must adequately address method requirements and reflect the laboratory specific procedures. The laboratory SOP may be a separately prepared document, a copy of a standard procedure or a cut and paste copy of a method. The proposed rulemaking specifies 11 basic items required in the laboratory SOP. All SOPs must be available to the analysts employed by the environmental laboratory. Each analyst must adequately demonstrate capability for each field of accreditation before sample analysis through acceptable completion of an initial demonstration of capability study.

#### *Subchapter D*

§ 252.401—An environmental laboratory shall develop and maintain a quality manual appropriate to the type, range and volume of testing and analysis of environmental samples. The quality manual includes procedures for document control, sample handling and acceptance policies, ethics policy statements and management's processes and procedures for permitting departures from the established procedures. Each section outlines the essential quality control requirements for chemistry, toxicity, microbiology and radiochemistry.

§ 252.402—The essential quality control requirements for chemistry section include information detailing initial

calibration, calibration verifications, method blanks, laboratory control samples, duplicates, surrogate spikes, detection limits and selectivity.

§ 252.403—The essential quality control requirements for toxicity testing section specifies requirements for positive and negative controls, sensitivity, reagent water, test organisms, sample holding times and testing conditions.

§ 252.404—The essential quality control requirements for microbiology section includes requirements for autoclaves, ovens, miscellaneous equipment, reagent water, media, positive and negative controls and test variability.

§ 252.405—The essential quality control requirements for radiochemistry section specifies requirements for initial calibration, instrument stability verification and background measurement, method blanks, laboratory control samples, duplicates, tracers, carriers and detection limits.

#### *Subchapter E*

§ 252.501—Each laboratory must participate in PT studies, when available, for each field of accreditation that the laboratory seeks to obtain or maintain accreditation. For continued accreditation for a particular field of accreditation, a laboratory must successfully analyze one PT study for each field of accreditation every 12 months. The closing date of each PT study for a particular field of accreditation may not be more than 13 months apart. The PT studies shall be managed, analyzed and reported in the same manner as real environmental samples. The environmental laboratory shall utilize the same staff, instrumentation, quality control and frequency of analyses when analyzing PT study samples.

#### *Subchapter F*

§ 252.601—Each laboratory applying for accreditation under the proposed rulemaking would undergo onsite assessments. The Department may conduct announced or unannounced onsite assessments of an environmental laboratory to ensure compliance with the conditions of accreditation, Chapter 252 or orders issued by the Department. During the onsite assessment, the laboratory's processes and procedures would be reviewed. Analyst interviews, training, method reviews, data audits and documentation procedures are all areas of evaluation during the onsite assessment. The Department would supply a written report outlining the environmental laboratory's deficiencies. The laboratory must respond to the deficiency report within 60 days and correct all deviations within 120 days of receipt of the onsite report.

#### *Subchapter G*

§§ 252.701—252.705—These sections explain application procedures including expiration, denial, suspension, revocation and voluntary relinquishment of accreditation. Each section details the procedures the laboratory must understand and the grounds for which the Department may implement the listed procedures.

§ 252.707—Laboratories must follow specific recordkeeping procedures. These procedures include maintaining records in a manner that allows reconstruction of all laboratory activities. The environmental laboratory must maintain the records required by the proposed rulemaking for a minimum of 5 years. The laboratory shall have a written plan that specifies how records will be maintained or transferred in the event that the laboratory transfers ownership or terminates operations.

§ 252.708—The environmental laboratory shall indicate the subcontracted laboratory on the final report. The environmental laboratory may not subcontract testing or analysis covered under the proposed rulemaking to an environmental laboratory that is not accredited and in compliance with this proposed rulemaking.

§ 252.709—The proposed rulemaking incorporates the reporting and notification requirements for the Safe Drinking Water regulations in Chapter 109 by reference. This section also outlines the requirements for laboratories to notify the Department of any personnel changes including laboratory supervisors and analysts, equipment or facility changes that affect the accredited fields of accreditation, legal name changes of the applicant laboratory, structural changes or relocations. Out-of-State environmental laboratories with either primary or secondary accreditation shall notify the Department of any changes of accreditation from any other primary accrediting authority within 48 hours of the change.

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

##### *Benefits*

The most significant benefit of the proposed rulemaking will be an improvement in the overall quality of the data produced by environmental laboratories. Improved data quality will allow the Department, the regulated community and the citizens of this Commonwealth to make better decisions concerning the protection of the environment and protecting public health, safety and welfare. Accurate laboratory results are critical to achieving the goals of the environmental laws.

It is difficult to quantify the benefits of Chapter 252 in specific dollar amounts. One approach to partially quantify the benefit is to examine the extra costs associated with unacceptable data. Fines assessed against environmental laboratories guilty of producing fraudulent data or of producing data that does not meet the regulatory requirements range from several thousand dollars to over \$9 million. These fines reflect the amount of harm done to the environment or to public health by poorly operated laboratories. When an environmental laboratory fails to provide accurate and valid data, additional testing and analysis and costly remediation is often required. This environmental laboratory accreditation program is a proactive approach designed to prevent problems before they become critical and responds to the mandate given by the General Assembly to the Department.

##### *Compliance Costs*

An environmental laboratory that is accredited-by-rule will incur no additional compliance costs. For other environmental laboratories, the direct costs for compliance will be payment of the required fees and the purchase of PT samples. These costs will vary depending upon the type of testing and analyses that the environmental laboratory chooses to perform. The annual application fees will range from \$1,000 to \$17,400. The cost for the PT samples range from less than \$100 to approximately \$13,000. The Department believes that the accreditation requirements will not result in prohibitive cost increases for any environmental laboratory. The Department is required to set fees in an amount sufficient to cover the cost of establishing and maintaining a laboratory accreditation program.

The proposed rulemaking contains a fee structure that is responsive to the needs of small laboratories. Categories of testing are included for basic drinking water parameters and for basic wastewater parameters as a group. These groupings include the tests usually per-

formed by the smaller drinking water and wastewater facilities. Additionally, it has been the Department's experience in the drinking water laboratory accreditation program that accreditation is affordable for many small laboratories. Many small and municipal laboratories have met similar requirements under the Drinking Water Program regulations in Chapter 109.

Laboratories performing testing in the wastewater program are already required to use approved methods, many of which have requirements similar to this proposed rulemaking. Also, many of the laboratories performing testing in the wastewater program currently participate in PT studies.

#### *Compliance Assistance Plan*

The ultimate goal of the compliance assistance effort will be improving an environmental laboratory's ability to produce valid and defensible data for use by the Department, the regulated community and the public. Several areas where compliance assistance is necessary are general laboratory operation, correct performance of specific test procedures and documentation of laboratory activities. These areas, as well as others yet to be identified, will be provided to all environmental laboratories regardless of size or location within this Commonwealth. Several different ways of providing assistance have been identified.

The Department will develop a compliance guide to help an environmental laboratory understand the compliance requirements associated with any proposed or newly adopted regulations. Initially, the compliance guide would be tailored to the smallest wastewater and drinking water environmental laboratories because these laboratories are expected to be the least familiar with the requirements of a laboratory accreditation program. The guide would address the requirements for the basic testing performed by these smaller laboratories. Eventually the compliance guide may be expanded to larger laboratories. Additionally, the Department will develop and provide formal training courses or seminars that would assist environmental laboratories as they prepare for accreditation.

The training courses or seminars would present information that would be applicable to all environmental laboratories, regardless of size and would be presented across this Commonwealth at numerous locations. Possible sites include the Department's laboratory and regional and district offices, colleges or universities, hotels and other training facilities. The seminars and courses may be presented in conjunction with existing organizations, such as the Pennsylvania Rural Water Association, the Pennsylvania Association of Accredited Environmental Laboratories and the Pennsylvania Municipal Authorities Association.

Finally, a periodic newsletter may also be developed to provide updates about the environmental laboratory accreditation program in this Commonwealth. The Department may also expand the use of technology-based solutions to provide additional mechanisms for asking for and receiving assistance. Possible mechanisms for providing and making compliance assistance materials available include the use of the Department's website, e-mail and a toll-free telephone number.

#### *Paperwork Requirements*

An application for accreditation must be submitted each year. On the application for accreditation, the environmental laboratory will be asked to supply the Department with information about the laboratory supervisor, the

areas for which accreditation is being requested and basic information about the environmental laboratory, such as the address, telephone number and hours of operation.

An environmental laboratory will be required to follow specific recordkeeping procedures. An environmental laboratory is required to maintain documentation that describes the testing and analysis performed and to permit a scientist to reconstruct all activities associated with producing the reported result. The environmental laboratory shall maintain the records for a minimum of 5 years and the laboratory shall have a written plan that specifies how records will be maintained or transferred in the event that the laboratory transfers ownership or terminates operations.

Basic documentation includes a document describing the policies and procedures that an environmental laboratory instituted to insure the production of good quality data. This document is generally referred to as a quality manual. An environmental laboratory is also required to maintain SOPs describing how the laboratory performs the test or analysis. The quality manual and SOPs may be separately prepared documents, a copy of a standard policy or procedure or a cut and paste copy of a method or manual. The only specific requirement is that it accurately reflects and fully describes the operation of the environmental laboratory. Thus, small laboratories that perform a limited number of tests will only need to develop a quality manual and SOPs suited to their particular circumstances. In addition to assuring quality data and consistency among analysts, these documents may provide significant benefits to small laboratories in the event of staff turnover because the "institutional memory" of the laboratory will be preserved.

#### *G. Sunset Review*

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

#### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 20, 2004, 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 House and Senate 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 of comments, recommendations or objections raised.

#### *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 17105-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objec-

tions by February 22, 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 February 22, 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 final regulations will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by February 22, 2005. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

KATHLEEN A. MCGINTY,  
Chairperson

**Fiscal Note:** 7-392. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following sections are new and are printed in regular type to enhance readability.)

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VI. GENERAL HEALTH AND SAFETY  
CHAPTER 252. ENVIRONMENTAL LABORATORY ACCREDITATION**

**Subchap.**

- A. GENERAL PROVISIONS
- B. APPLICATION, FEES AND SUPPORTING DOCUMENTS
- C. GENERAL STANDARDS FOR ACCREDITATION
- D. QUALITY ASSURANCE AND QUALITY CONTROL REQUIREMENTS
- E. PROFICIENCY TEST STUDY REQUIREMENTS
- F. ONSITE ASSESSMENT REQUIREMENTS
- G. MISCELLANEOUS PROVISIONS

**Subchapter A. GENERAL PROVISIONS**

- Sec.
- 252.1. Definitions.
- 252.2. Purpose.
- 252.3. Scope.
- 252.4. General requirements.
- 252.5. NELAP equivalency.
- 252.6. Accreditation-by-rule.

**§ 252.1. Definitions.**

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

*Acceptance criteria*—Specified limits placed on a measurement, quality control sample or process.

*Accreditation*—A determination by the Department that an environmental laboratory is capable of performing one or more classes of testing or analysis of environmental samples in accordance with the act and this chapter.

*Accreditation-by-rule*—Accreditation which an environmental laboratory is deemed to have for the fields of accreditation identified in § 252.6 (relating to accreditation-by-rule) upon compliance with that section.

*Accrediting authority*—A territorial, state or Federal agency having responsibility and accountability for environmental laboratory accreditation and which grants accreditation.

*Act*—27 Pa.C.S. §§ 4101—4113 (relating to environmental laboratory accreditation).

*Analysis day*—A continuous 24-hour period during which testing or analysis of environmental samples is performed.

*Analyst*—An individual who performs the analytical methods and associated techniques and who is responsible for applying the required laboratory practices and quality controls to meet the required level of quality.

*Analyte*—The component, compound, element or isotope to be identified or quantified using a test or analysis.

*Batch*—Environmental samples that are prepared or analyzed together using the same procedures, personnel, lots of reagents and standards.

*Batch, analytical*—A batch composed of prepared environmental samples that are analyzed together as a group. An analytical batch may contain samples originating from various environmental matrices and can exceed 20 samples.

*Batch, preparation*—A batch composed of 1 to 20 environmental samples of the same matrix with a maximum time between the start of processing of the first and last sample in the batch to be 24 hours.

*Calibration verification standard*—A standard used to confirm the validity of a previously performed initial calibration of a measurement process.

*Certificate of accreditation*—A document issued by the Department certifying that an environmental laboratory has met standards for accreditation.

*Commonwealth agency*—An agency that is a Commonwealth agency as that term is defined under 62 Pa.C.S. § 103 (relating to definitions).

*Confirmation*—Verification of the identity of an analyte through the use of a test or analysis using a different scientific principle from the original test or analysis.

*Deficiency*—A deviation from acceptable procedures or practices.

*Detection limit*—The lowest concentration or amount of the target analyte that can be identified, measured and reported with confidence that the analyte concentration is not zero.

*Drinking water*—Any aqueous sample that has been collected for the purposes of demonstrating compliance with the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) or is from a potable or potential potable water source.

*ECp—Effective concentration percent*—The concentration that affects the test variable at p percent from the control value.

*Environmental laboratory*—A facility engaged in the testing or analysis of environmental samples.

*Environmental sample*—A solid, liquid, gas or other specimen taken for the purpose of testing or analysis as required by an environmental statute.

*Environmental statute*—A statute administered by the Department relating to the protection of the environment or of public health, safety and welfare.

*Facility*—A sole proprietor, partnership, corporation, association, institution, cooperative enterprise, municipal authority, political subdivision, Federal government or agency, state institution or agency or other legal entity which is recognized by law as the subject of rights and duties.

*Field of accreditation*—A combination of matrix; method or technology, or both; and analyte or analyte group for which an environmental laboratory may be accredited. Examples are:

(i) Nonpotable water; GC/MS, US EPA Method 625; benzo(a)pyrene.

(ii) Drinking water; ICP, US EPA Method 200.7; magnesium.

(iii) Drinking water; GC/MS, US EPA Method 524.2; total trihalomethanes.

*Holding time*—The maximum elapsed time from sample collection to initiation of testing or analysis.

*ICp*—Inhibition concentration percent—The concentration that inhibits the test variable at p percent from the control value.

*Industrial wastewater treatment facility*—Any facility that treats industrial waste or pollution, but not sewage, as those terms are defined in The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Initial calibration*—Determination by measurement or comparison with a standard of known concentration the correct value or response of each scale reading on a meter, instrument or other device. Comparison of a measurement standard or instrument with another standard or instrument to report or eliminate by adjustment any variation in the accuracy of the item being compared.

*Initial demonstration of capability*—A procedure to establish the ability of an analyst, technical staff member or work cell to generate data of acceptable accuracy and precision.

*LCp*—Lethal concentration percent—The concentration that is lethal to p percent of the test organisms from the control organisms.

*Laboratory control sample*—A sample of a controlled matrix known to be free of the analyte of interest, to which a known and verified concentration of analyte has been added and that is taken through all preparation and analytical steps in the method.

*Laboratory management*—

(i) The individuals responsible for the overall operation, all personnel and the physical plant of an environmental laboratory.

(ii) The term includes the laboratory supervisor.

*Laboratory notebook*—A chronological record of observations, results of testing or analysis, equipment maintenance or calibration or other environmental laboratory data.

*Laboratory supervisor*—A technical supervisor of an environmental laboratory who supervises laboratory procedures and reporting of data.

*Linear range*—The range of concentrations over which the instrument response is directly proportional to the analyte concentration.

*MCL—Maximum Contaminant Level*—The maximum permissible level of a contaminant in water which is delivered to a user of a public water system, and includes the primary and secondary MCLs established under the Safe Drinking Water Act (42 U.S.C.A. §§ 300f—300j-10) and MCLs adopted under the Pennsylvania Safe Drinking Water Act and the regulations promulgated thereunder.

*Matrix or matrices*—The media of an environmental sample that includes drinking water, nonpotable water, and solid and chemical materials.

*Matrix spike*—A sample prepared by adding a known mass of target analyte to a specified amount of environmental sample.

*Method*—The scientific technique used to perform testing or analysis on an environmental sample.

*Method blank*—A sample of a known matrix, similar to the associated samples, and known to be free of the analyte of interest.

*Mobile laboratory*—

(i) A portable enclosed structure within which testing or analysis of environmental samples occurs.

(ii) Examples include trailers, vans and skid-mounted structures configured to house environmental testing equipment and personnel.

*NELAC*—National Environmental Laboratory Accreditation Conference.

*NELAP*—National Environmental Laboratory Accreditation Program.

*NELAP accrediting authority*—An accrediting authority that has been recognized as meeting the requirements of the NELAC standards and has the authority to grant NELAP accreditation.

*NIST*—The National Institute of Standards and Technology of the United States Department of Commerce's Technology Administration.

*NOAEC*—No observed adverse effect concentration.

*NOEC*—No observed effect concentration.

*Negative culture control*—An organism selected to demonstrate that the medium does not support the growth of nontarget organisms or does not demonstrate the typical positive reaction of the target organisms.

*Nonpotable water*—Any aqueous sample excluded from the definition of drinking water matrix. The term includes wastewater, ambient water, surface water, groundwater, effluents, water treatment chemicals and toxicity characteristic leaching procedure or other extracts.

*Positive culture control*—An organism selected to demonstrate that the medium can support the growth of the target organisms and that the medium produces the specified or expected reaction to the target organism.

*Primary accreditation*—Accreditation received from the Department that is not based upon accreditation from another accrediting authority.

*Proficiency test study*—A sample or group of samples, the composition of which is unknown to the environmental laboratory and the analyst.

*Promulgated method*—A protocol for testing or analysis of a specific analyte that is approved for use by a State or Federal regulation.

*Quality manual*—A document stating, or making reference to, the policies, objectives, principles, responsibilities, accountability, implementation plans, methods, operating procedures or other documents of an environmental laboratory for ensuring the quality of its testing and analysis.

*Quantitation limit*—The minimum concentration or activity of the component, compound, element or isotope that can be reported with a specified degree of confidence.

Typically it is the concentration that produces a signal ten standard deviations above the reagent water blank signal.

*Range of quantitation*—The concentration range between which an environmental laboratory reports results quantitatively which is defined by a low concentration standard and a high concentration standard.

*Reagent water*—Water with no detectable concentration of the component, compound, element or isotope to be analyzed and that is free of substances that interfere with the method. Reagent water may be prepared by distillation, ion exchange, adsorption, reverse osmosis or a combination thereof.

*Relative standard deviation*—The coefficient of variation expressed as a percentage.

*Revocation*—Removal by the Department of one or more fields of accreditation from an environmental laboratory.

*Sample duplicate*—Replicate aliquots of the same sample taken through the entire analytical procedure.

*Secondary accreditation*—Accreditation received from the Department based upon the accreditation status granted by another accrediting authority.

*Solid and chemical materials*—Soils, sediments, sludges, solid waste, drill cuttings, overburden, minerals, coal ash, and products and by-products of an industrial process that result in a matrix that is not otherwise defined.

*Solid waste*—Any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials as that term is defined in the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Standard operating procedure*—A written document that provides detailed instructions for the performance of all aspects of test, analysis, operation or action.

*Suspension*—The temporary removal by the Department of one or more fields of accreditation from an environmental laboratory for a period not to exceed 6 months.

*Technical staff*—Employees of an environmental laboratory that perform any portion of testing or analysis of environmental samples, including the analysts of the environmental laboratory.

*Test*—A technical operation that consists of the determination of one or more characteristics or performance of a given product, material, equipment, organism, physical phenomenon, process or service according to a specified procedure.

*Wastewater*—A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under The Clean Streams Law.

*Wastewater facility*—A facility that operates a system designed to collect, convey or treat wastewater and from which effluent is discharged into waters of this Commonwealth.

*Work area*—The areas in an environmental laboratory necessary for testing and analysis and related activities. These areas include sample receipt area, sample storage area, chemical and waste storage area, data handling area and analytical areas.

*Work cell*—A defined group of analysts that together perform testing or analysis of environmental samples.

### § 252.2. Purpose.

The purpose of this chapter is to protect public health, safety, welfare and the environment by ensuring the accuracy, precision and reliability of data generated by environmental laboratories by establishing an accreditation program for environmental laboratories.

### § 252.3. Scope.

(a) *Environmental statutes.* This chapter applies to facilities that test or analyze environmental samples in the matrices listed in subsection (b) for the purpose of complying with following environmental statutes:

- (1) The Oil and Gas Act (58 P. S. §§ 601.101—601.605).
- (2) The Clean Streams Law (35 P. S. §§ 691.1—691.1001).
- (3) The Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305).
- (4) The Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).
- (5) The Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).
- (6) The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).
- (7) The Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104).
- (8) The Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701-101—701-706).
- (9) The Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1369.31).
- (10) The Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.206).
- (11) The Bituminous Mine Subsidence and Land Conversion Act (52 P. S. §§ 1406.1—1406.21).
- (12) The Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3001—3326).

(b) *Matrix.* The following matrices are included:

- (1) Drinking water.
- (2) Nonpotable water.
- (3) Solid and chemical materials.

(c) *Exclusions.* The following testing and analysis is specifically excluded from the requirements of this chapter:

- (1) Corrosion protection system testing or testing of a storage tank system for tightness or structural soundness under Chapter 245 (relating to the Administration of the Storage Tank and Spill Prevention Program.)
- (2) Routine release detection monitoring under §§ 245.442—245.445, 245.543 and 245.613.
- (3) Analyses to determine the acceptability of soils for protective, daily, intermediate and final cover material, subbase, clay liner, clay cap, attenuating soil base and liner system construction material under Chapters 260—270 (relating to hazardous waste), Chapters 271—285 (relating to municipal waste) and Chapters 287—299 (relating to residual waste.)
- (4) Testing or analysis of the physical, chemical, mechanical and thermal properties of liners, liner systems,



leachate detection zones and barriers under Chapters 260—270, 271—285 and 287—299.

**§ 252.4. General requirements.**

(a) Testing or analysis of environmental samples within a matrix identified in § 252.3 (relating to scope) and in order to comply with a statute listed in § 252.3 shall be performed by an environmental laboratory accredited under this chapter.

(b) An environmental laboratory testing or analyzing environmental samples in a matrix identified in § 252.3 and required by a statute identified in § 252.3 shall be accredited and in compliance with this chapter in order to generate data and perform analysis used to comply with an environmental statute listed in § 252.3.

**§ 252.5. NELAP equivalency.**

(a) An environmental laboratory may apply to the Department for NELAP accreditation for the fields of accreditation for which the Department offers accreditation.

(b) An environmental laboratory seeking NELAP accreditation shall:

(1) Submit a complete application as provided in Subchapter B (relating to application, fees and supporting documents).

(2) Comply with Subchapter G (relating to miscellaneous provisions).

(c) An environmental laboratory receiving NELAP accreditation from the Department may only test or analyze environmental samples within the fields of accreditation authorized by the NELAP accreditation received from the Department.

(d) An environmental laboratory receiving NELAP accreditation from the Department may apply for accreditation under the remainder of this chapter for the fields of accreditation that are not included in NELAP accreditation and for which the Department offers accreditation.

**§ 252.6. Accreditation-by-rule.**

(a) *Purpose.* Environmental laboratories performing testing or analysis described in this section will be deemed to have accreditation-by-rule if the following general requirements are met:

(1) When required by State or Federal laws, regulations, an order or permit conditions, the environmental laboratory shall perform the testing or analysis in conformance with promulgated methods and guidelines established by the Department.

(2) The environmental laboratory assures that samples for testing or analysis are properly preserved, are in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with guidelines governing quality control established by the Department.

(3) The environmental laboratory has the other necessary permits under the applicable environmental protection acts and is operating under the acts and regulations promulgated thereunder and the terms and conditions of permits.

(4) Records pertaining to the testing or analysis of environmental samples are retained onsite and in accordance with § 252.707 (relating to recordkeeping). Records shall be made available to the Department upon request.

(5) The environmental laboratory is reporting the results of the testing or analysis of environmental samples

in conformance with the applicable State or Federal laws, regulations, orders or permit conditions.

(b) *Inappropriate activity.* The Department may require an environmental laboratory deemed to have accreditation-by-rule to apply for, and obtain, environmental laboratory accreditation under Subchapter B (relating to application, fees and supporting documents), or take other appropriate action, when the environmental laboratory is not in compliance with the conditions of accreditation-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

(c) *Public water suppliers.* An environmental laboratory using an individual meeting the requirements specified in § 109.704 (relating to operator certification) and in compliance with subsections (a) and (b) will be deemed to be accredited under this chapter to perform those measurements identified in Chapter 109, Subchapter C (relating to monitoring requirements) as measurements that may be performed by a person meeting the requirements of § 109.704.

(d) *Industrial wastewater treatment facility laboratory.* An environmental laboratory operated by an industrial wastewater treatment facility in compliance with subsections (a) and (b) will be deemed to be accredited under this chapter to perform testing or analysis not mandated by the Department and those tests identified in subsection (f).

(e) *Wastewater facility laboratory.* An environmental laboratory operated by a wastewater facility in compliance with subsections (a) and (b) will be deemed to be accredited under this chapter to perform testing or analysis not mandated by the Department and those tests identified in subsection (f).

(f) *Other testing and analysis.* With the exception of environmental laboratories identified in subsection (c), an environmental laboratory in compliance with subsections (a) and (b) will be deemed accredited under this chapter for the following tests or analyses:

- (1) Alkalinity.
- (2) Carbon dioxide (CO<sub>2</sub>).
- (3) Color.
- (4) Conductivity.
- (5) Dissolved oxygen.
- (6) Field radioactivity using hand held survey instruments.
- (7) Flash point and total halogen determination on waste oil by a waste oil transporter or waste oil transfer facility as required by § 298.44 (relating to rebuttable presumption for waste oil and flash point screening).
- (8) Flow.
- (9) Foam.
- (10) Hardness.
- (11) Odor.
- (12) Oxidation reduction potential.
- (13) Paint filter test.
- (14) pH.
- (15) Residual disinfectant concentration.
- (16) Settleable solids.
- (17) Sheen.

- (18) Sludge volume index.
- (19) Specific gravity.
- (20) Sulfite.
- (21) Taste.
- (22) Temperature.
- (23) Turbidity.
- (24) Vapor analysis using hand held survey instruments.
- (25) Volatile acids in wastewater.

(g) *Exclusion from requirements.* An environmental laboratory deemed to be accredited under this section is not required to meet any other requirements in this chapter.

**Subchapter B. APPLICATION, FEES AND SUPPORTING DOCUMENTS**

- Sec.
- 252.201. Application and supporting documents.
- 252.202. Application for transfer of laboratory accreditation.
- 252.203. Accreditation renewal.
- 252.204. Fees.
- 252.205. Out-of-State laboratories.
- 252.206. Out-of-State onsite reimbursement.

**§ 252.201. Application and supporting documents.**

(a) An environmental laboratory seeking accreditation for one or more fields of accreditation within a matrix described in § 252.3 (relating to scope) or that seeks to add a field of accreditation, shall apply to the Department for accreditation in writing on forms provided by the Department. The applicant shall provide other relevant material requested by the Department.

(b) An application for accreditation shall include the appropriate application fee in accordance with § 252.204 (relating to fees.)

(c) Environmental laboratories maintained on separate premises shall maintain distinct accreditation. Separate accreditation is not required for environmental laboratories in different buildings on the same or adjoining grounds, provided the laboratories are operated under the same management.

(d) Separate accreditation is required for a mobile laboratory.

**§ 252.202. Application for transfer of laboratory accreditation.**

(a) The new owner of an accredited environmental laboratory shall notify the Department in writing within 10 calendar days following a change in laboratory ownership. Within 30 calendar days following the change in laboratory ownership, an accredited environmental laboratory shall do the following:

- (1) Submit an ownership transfer application, indicating any changes in the equipment, methodology and staffing.
- (2) Pay the application fee for ownership transfer.
- (3) Agree to correct any violations that exist at the time of the sale or transfer in accordance with a schedule that is acceptable to the Department.
- (b) Open or pending enforcement actions will be transferred with the accreditation.
- (c) Failure to comply with this section will cause the previous accreditation to expire.
- (d) An environmental laboratory may operate under the previous accreditation until the Department makes a

final decision on the transfer application. If the Department denies the transfer application, the environmental laboratory is no longer accredited and the new owner shall submit an application under § 252.201 (relating to application and supporting documents).

**§ 252.203. Accreditation renewal.**

(a) Applications for accreditation renewal shall be submitted annually to the Department at least 60 calendar days prior to the expiration date of the current certificate of accreditation on forms provided by the Department.

(b) Failure to submit an application for renewal in accordance with this section will result in a lapse in accreditation if the Department has not approved the renewal application prior to the expiration of the current certificate of accreditation. If a lapse in accreditation occurs, the environmental laboratory shall cease all testing or analysis of environmental samples for the affected fields of accreditation.

**§ 252.204. Fees.**

(a) The appropriate fee in accordance with the following schedule shall accompany the application for accreditation. The Department may establish a list of equivalent methods that will be considered a single method with regard to fees. A check must be payable to "Commonwealth of Pennsylvania." The fees effective through December 31, 2008, are as follows:

<b>Category</b>	<b>Fee</b>
Application fee—initial and renewal	\$700
Application fee—ownership transfer	\$150
Application fee—addition of fields of accreditation	\$150
Basic nonpotable water category (Fecal coliform bacteria, BOD, CBOD, residue, nitrate, ammonia, total nitrogen, phosphorus)	\$750
Basic drinking water category (Total coliform bacteria, fecal coliform bacteria, heterotrophic bacteria, nitrate, nitrite, fluoride, cyanide)	\$700
Asbestos category	\$500
Microbiology—basic, first method (includes 1 method each for total coliform, fecal coliform, E.coli, and heterotrophic bacteria)	\$300
Microbiology—basic, each additional method	\$100
Microbiology—nonbasic each method	\$250
Maximum fee for microbiology category	\$1,000
Trace metal category, first method	\$350
Trace metal category each additional method	\$150
Maximum fee for trace metal category	\$1,200
Inorganic nonmetal category, first method	\$350
Inorganic nonmetal category, each additional method	\$100
Maximum fee for inorganic nonmetal category	\$2,500
Gas chromatography—volatiles category, first method	\$400
Gas chromatography—volatiles category, each additional method	\$100
Maximum fee for gas chromatography—volatiles category	\$1,000
Gas chromatography/mass spectrometry—volatiles category, first method	\$450
Gas chromatography/mass spectrometry—volatiles category, each additional method	\$150
Maximum fee for gas chromatography/mass spectrometry—volatiles category	\$1,000
Gas chromatography—extractable category, each method	\$400
Maximum fee for gas chromatography extractable category	\$3,000

Category	Fee
Gas chromatography/mass spectrometry— extractable category, first method	\$500
Gas chromatography/mass spectrometry— extractable category, each additional method	\$250
Maximum fee for gas chromatography/mass spectrometry extractable category	\$2,000
Other organic including liquid chromatography, each method	\$350
Maximum fee for other organic category	\$2,000
Dioxin category, each method	\$500
Radiochemical category, first method	\$500
Radiochemical category, each additional method	\$250
Maximum fee for radiochemical category	\$1,500
Whole effluent toxicity testing category	\$500

(b) The fees imposed under subsection (a) will be increased every 3 years beginning January 1, 2009. The initial fee increase will be by the percentage, if any, by which the Consumer Price Index for the calendar year 2008 exceeds the Consumer Price Index for the calendar year 2005. Subsequent fee increases shall be by the percentage, if any, by which the Consumer Price Index for the current calendar year exceeds the Consumer Price Index for the calendar year of the previous fee increase. For the purposes of this subsection:

(1) The Consumer Price Index for any calendar year is the average of the Consumer Price Index for All-Urban Consumers, published by the United States Department of Labor, as of the close of the 12 month period ending on June 30.

(2) The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 2005 shall be used.

(3) The Department will publish the revised fee table in the *Pennsylvania Bulletin* at least 90 days prior to the effective date of the revision.

(c) An environmental laboratory owned or operated by a Commonwealth agency is exempt from this fee requirement, but shall apply for accreditation under this chapter.

(d) Fees are nonrefundable.

(e) In addition to the nonrefundable application fee, an out-of-State environmental laboratory shall reimburse the Department for the costs associated with onsite assessments necessitated by accreditation as specified § 252.206 (relating to out-of-State onsite reimbursement).

#### § 252.205. Out-of-State laboratories.

(a) Out-of-State environmental laboratories may apply for primary accreditation or secondary accreditation from the Department.

(1) *Primary accreditation.* Out-of-State environmental laboratories may apply to the Department for primary accreditation under this chapter.

(2) *Secondary accreditation.*

(i) The Department will recognize accreditation granted by a primary NELAP accrediting authority for the same fields of accreditation for which the Department is a primary NELAP accrediting authority.

(ii) The Department may recognize the accreditation of an environmental laboratory by another state accrediting authority if the standards for accreditation are substantially equivalent to those established under this chapter and the laboratory is physically located within the state granting accreditation.

(iii) An environmental laboratory seeking secondary accreditation from the Department shall:

(A) Submit a properly completed application on forms provided by the Department.

(B) Pay the appropriate fee.

(C) Submit a copy of a valid accreditation certificate from the primary accrediting authority.

(D) Submit a copy of all onsite assessment reports conducted by the primary accrediting authority within the last 3 years.

(E) Submit copies of all proficiency test sample results reported to the primary accrediting authority within the past 12 months.

(F) Submit any other material relevant to accreditation, upon request of the Department.

(b) The Department may conduct an onsite assessment or require analysis of a proficiency test study by an out-of-State environmental laboratory seeking secondary accreditation for reasons which may include addressing complaints from the public, requests from Department personnel, discrepancies with environmental sample results, onsite assessment deficiencies, frequent errors in reporting data to the Department and suspicions of fraud regarding data quality. If the Department determines that an onsite assessment is required, the environmental laboratory shall pay the Department's travel costs associated with the onsite assessment in accordance with § 252.206 (relating to out-of-State onsite reimbursement).

(c) If any portion of the out-of-State environmental laboratory's accreditation is denied, revoked or suspended by the primary accrediting authority, the laboratory's authorization to perform testing or analysis is automatically revoked for the same fields of accreditation.

#### § 252.206. Out-of-State onsite reimbursement.

In addition to the nonrefundable application fee, an out-of-State environmental laboratory shall reimburse the Department for the following costs associated with onsite assessments necessitated by accreditation:

(1) Transportation costs, including airfare, mileage, tolls, car rental, public transportation and parking.

(2) Meals and lodging.

(3) Travel time for each assessor at a rate of \$50/hour.

(4) The fee imposed under subsection (c) will be increased every 3 years beginning January 1, 2009. The initial fee increase will be by the percentage, if any, by which the Consumer Price Index for the calendar year 2008 exceeds the Consumer Price Index for the calendar year 2005. Subsequent fee increases will be by the percentage, if any, by which the Consumer Price Index for the current calendar year exceeds the Consumer Price Index for the calendar year of the previous fee increase. For the purposes of this subsection:

(i) The Consumer Price Index for any calendar year is the average of the Consumer Price Index for All-Urban Consumers, published by the United States Department of Labor, as of the close of the 12 month period ending on June 30.

(ii) The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 2005 will be used.

(iii) The Department will publish the revised fee table in the *Pennsylvania Bulletin* at least 90 days prior to the effective date of the revision.

### Subchapter C. GENERAL STANDARDS FOR ACCREDITATION

Sec.

- 252.301. Laboratory supervisor.
- 252.302. Qualifications of the laboratory supervisor.
- 252.303. Grandfathering provisions for laboratory supervisors.
- 252.304. Personnel requirements.
- 252.305. Physical facilities.
- 252.306. Equipment, supplies and reference materials.
- 252.307. Methodology.

#### § 252.301. Laboratory supervisor.

(a) Testing, analysis and reporting of data by an environmental laboratory shall be under the direct supervision of a laboratory supervisor.

(b) The laboratory supervisor shall certify that each test or analysis is accurate and valid and the test or analysis was performed in accordance with all conditions of accreditation.

(c) The Department may disqualify a laboratory supervisor who is responsible for the submission of inaccurate test or analysis results.

(d) The Department will disqualify a laboratory supervisor convicted of any crime or offense related to violations of State or Federal laws or regulations related to the provision of environmental laboratory services or reimbursement for the services.

(e) An environmental laboratory may appoint one or more laboratory supervisors for the appropriate fields of accreditation for which they are seeking accreditation.

(f) An environmental laboratory shall designate another staff member meeting the qualifications of a laboratory supervisor to temporarily perform this function when a laboratory supervisor is absent for a period of time exceeding 15 consecutive calendar days. If this absence exceeds 30 consecutive calendar days, the environmental laboratory shall notify the Department in writing under § 252.709 (relating to reporting and notification requirements).

(g) An individual may not be the laboratory supervisor of more than one environmental laboratory without authorization from the Department. Circumstances to be considered in the decision to grant the authorization will include at least the following:

(1) The extent to which operating hours of the laboratories to be supervised overlap.

(2) The adequacy of supervision in each laboratory.

#### § 252.302. Qualifications of the laboratory supervisor.

(a) A laboratory supervisor of an environmental laboratory engaged in chemical analysis shall have the following qualifications:

(1) A bachelor's degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering.

(2) At least 24-college semester credit hours in chemistry.

(3) At least 2 years of experience in the testing or analysis of environmental samples in representative inorganic and organic fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation. An earned master's or doctoral degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering may be substituted for 1 year of experience.

(b) A laboratory supervisor of an environmental laboratory limited to the basic nonpotable water category or the basic drinking water category, shall have the following qualifications:

(1) At least 16-college semester credit hours in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering.

(2) At least 2 years of experience in the testing or analysis of environmental samples in representative fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation.

(c) A laboratory supervisor of an environmental laboratory limited to inorganic chemical analysis, other than metals analysis, shall have the following qualifications:

(1) At least an earned associate's degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering, or 2 years of equivalent and successful college education.

(2) At least 16-college semester credit hours in chemistry.

(3) At least 2 years of experience in the testing or analysis of environmental samples in representative fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation.

(d) A laboratory supervisor of an environmental laboratory engaged in microbiological or biological analysis shall have the following qualifications:

(1) A bachelor's degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering.

(2) At least 16-college semester credit hours in general microbiology and biology.

(3) At least 2 years of experience in the testing or analysis of environmental samples in representative microbiological or biological fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation. A master's or doctoral degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering may be substituted for 1 year of experience.

(e) A laboratory supervisor of an environmental laboratory engaged in microbiological analysis limited to fecal coliform, total coliform and heterotrophic bacteria shall have the following qualifications:

(1) At least an associate's degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering.

(2) A minimum of 4-college semester credit hours in general microbiology.

(3) At least 2 years of equivalent and successful college education, including a minimum of 4-college semester credit hours in general microbiology, may be substituted for the associate's degree.

(4) At least 2 years of experience in the testing or analysis of environmental samples in representative fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation.

(f) A laboratory supervisor of an environmental laboratory engaged in radiological analysis shall have the following qualifications:

(1) A bachelor's degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering.

(2) At least 24-college semester credit hours in chemistry.

(3) At least 2 years of experience in the testing or analysis of environmental samples in representative radiological fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation. An earned master's or doctoral degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering may be substituted for 1 year of experience.

(g) A laboratory supervisor of an environmental laboratory engaged in microscopic examination of asbestos or airborne fibers shall have the following qualifications:

(1) For procedures requiring the use of a transmission electron microscope, a bachelor's degree, successful completion of formal course work in the use of the instrument, and 1 year of experience, under supervision, in the use of the instrument. The experience must include the identification of minerals.

(2) For procedures requiring the use of a polarized light microscope, an associate's degree or 2 years of college study, successful completion of formal coursework in polarized light microscopy, and 1 year of experience, under supervision, in the use of the instrument. The experience must include the identification of minerals.

(3) For procedures requiring the use of a phase contrast microscope, an associate's degree or 1 year of college study, documentation of successful completion of formal coursework in phase contrast microscopy, and 1 year of experience, under supervision, in the use of the instrument.

(h) Notwithstanding any other provision of this section, an employee of a drinking water, wastewater or industrial waste treatment facility meeting the following requirements will be deemed qualified as a laboratory supervisor of an environmental laboratory:

(1) The employee holds a valid treatment plant operator's certificate under the Water and Wastewater Systems Operators' Certification Act (63 P. S. §§ 1001—1015.1) in the appropriate water or wastewater subclassification for the facility.

(2) The employee holds a valid certificate under the Water and Wastewater Systems Operators' Certification Act for laboratory supervisor in the appropriate water or wastewater subclassification.

(3) Until 12 months after a certificate under the Water and Wastewater Systems Operators' Certification Act for laboratory supervisor in the appropriate water or wastewater subclassification becomes available from the Department, 2 years of experience performing testing or analysis of environmental samples using the methods and procedures currently in use by the environmental laboratory may be substituted for a laboratory supervisory certificate.

(i) Approval as a laboratory supervisor under subsection (h) will be limited to the fields of accreditation required by the scope of that facility's regulatory permit.

**§ 252.303. Grandfathering provisions for laboratory supervisors.**

(a) A person who does not meet the education credential requirements for a laboratory supervisor but possesses the requisite years of experience required by § 252.302 (relating to qualifications of the laboratory supervisor) shall qualify as laboratory supervisor subject to the following conditions:

(1) The person shall be a laboratory supervisor of the environmental laboratory on the date the environmental laboratory becomes subject to accreditation.

(2) The person shall have been a laboratory supervisor of the environmental laboratory for at least 12 months for the fields of accreditation for which the environmental laboratory is applying.

(b) A person will be approved as a laboratory supervisor only for those fields of accreditation for which the person has been laboratory supervisor of the environmental laboratory for at least 12 months.

(c) The Department may approve a person, qualified as a laboratory supervisor under this section, for additional fields of accreditation if the person has the appropriate knowledge, skills and abilities to perform and supervise the testing or analyses on environmental samples for the requested fields of accreditation.

**§ 252.304. Personnel requirements.**

(a) *General requirements for technical staff.*

(1) An environmental laboratory shall have sufficient personnel with the necessary education, training, technical knowledge and experience for their assigned functions.

(2) Each member of the environmental laboratory technical staff shall be responsible for complying with quality assurance and quality control requirements that pertain to their organizational or technical function.

(3) Each environmental laboratory technical staff member shall have a combination of experience and education to adequately demonstrate a specific knowledge of their particular function and a general knowledge of laboratory operations, test methods, quality assurance and quality control procedures and records management.

(b) *Laboratory management responsibilities.* The environmental laboratory management shall be responsible for:

(1) Defining the minimal level of qualification, experience and skills necessary for all positions or work cells in the environmental laboratory.

(2) Ensuring and documenting that the environmental laboratory technical staff members or work cells have demonstrated capability in the activities for which they are responsible.

(3) Ensuring and documenting that the training and competency of each member of the environmental laboratory technical staff is kept up to date by maintaining records demonstrating the following:

(i) That each employee has read, understood and is using the latest version of the environmental laboratory's quality manual that relates to each employee's job responsibilities.

(ii) That each employee has read, understood and is using the latest versions of the environmental laboratory's standard operating procedures that relate to each employee's job responsibilities.

(iii) Participation in training courses or workshops on specific equipment, analytical techniques or laboratory procedures that relate to each employee's job responsibilities.

(iv) Participation in training courses in ethical and legal responsibilities including the potential liabilities for improper, unethical or illegal actions.

(v) That each employee has read, understood and acknowledged his personal ethical and legal responsibilities

including the potential punishments and penalties for improper, unethical or illegal actions.

(vi) An initial demonstration of capability for each method that relates to the employee's job responsibilities.

(vii) A demonstration of continued proficiency by at least one of the following every 12 months for each method that relates to the employee's job responsibilities:

(A) Another initial demonstration of capability.

(B) Acceptable performance of blind performance samples (single blind to the analyst).

(C) Successful analysis of blind proficiency test samples on a similar test method using the same technology (for example—GC/MS volatiles by purge and trap for EPA Methods 524.2, 624 or 5035/8260 would require documentation for only one of the test methods.)

(D) At least four consecutive laboratory control samples with acceptable levels of precision and accuracy.

(E) Analysis of at least ten authentic samples with results statistically indistinguishable from those obtained by another trained analyst. The samples must include samples free of the analyte of interest and samples containing the analyte of interest at measurable concentrations.

(4) Documenting analytical and operational activities of the laboratory.

(5) Supervising personnel employed by the laboratory.

(6) Establishing and implementing procedures and processes for permitting departures from documented policies and procedures.

(7) Ensuring that sample acceptance criteria are verified and that samples are logged into the sample tracking system and properly labeled and stored.

(8) Documenting the quality of data reported by the laboratory.

(9) Developing a proactive program for prevention and detection of improper, unethical, or illegal actions. Components of this program may include the following:

(i) Internal proficiency testing (single and double blind).

(ii) Postanalysis electronic data and magnetic tape audits or reviews.

(iii) Separate standard operating procedures identifying appropriate and inappropriate laboratory and instrument manipulation practices.

(c) An environmental laboratory shall maintain records on initial demonstrations of capability, demonstrations of continued proficiency, proficiency test samples for each laboratory method and the qualifications, training, skills and experience of the laboratory technical staff members.

#### § 252.305. Physical facilities.

(a) An environmental laboratory shall have accommodations, work areas, energy sources, lighting, heating and ventilation necessary to assure proper performance of tests and analyses.

(b) The environment in which testing or analysis of environmental samples is undertaken may not adversely affect the results of the testing or analysis or the required accuracy of measurement.

(c) An environmental laboratory shall document its monitoring and control of environmental conditions where

monitoring or control of environmental conditions is specified in a method or by regulation.

(d) There must be effective separation between neighboring work areas and between work areas and nonwork areas when the activities performed in the different areas are incompatible.

(e) Adequate measures shall be taken to ensure that contamination does not adversely affect data quality.

#### § 252.306. Equipment, supplies and reference materials.

(a) An environmental laboratory shall be furnished with all items of equipment, including reference materials, required for the correct performance of tests or analyses for which accreditation is sought.

(b) An environmental laboratory shall maintain records of each item of equipment significant to the testing or analysis performed. These records must include documentation on the following:

(1) The name of the item of equipment.

(2) The manufacturer's name, type identification, and serial number or other unique identification.

(3) The date received and date placed in service (if available).

(4) The current location, when appropriate.

(5) If available, condition when received (for example, new, used or reconditioned).

(6) A copy of the manufacturer's instructions, where available.

(7) The dates and results of calibrations or verifications.

(8) The manufacturer's instructions, if available, or reference their location.

(9) The details of maintenance performed.

(10) A history of damage, malfunction, modification or repair.

(c) An environmental laboratory shall assure that the test instruments consistently operate within the specifications required of the application for which the equipment is used.

(d) Equipment shall be properly maintained, inspected and cleaned.

(e) Any item of equipment that has been subjected to overloading, mishandling, gives suspect results or has otherwise been shown to be defective, shall be taken out of service and clearly identified until it has been repaired and shown by calibration, verification or test to perform satisfactorily. The laboratory shall examine the effect of this defect on previous testing or analysis.

(f) The following pieces of equipment shall be maintained according to this subsection.

(1) *Certified NIST-reference thermometer.*

(i) A certified NIST-reference thermometer must have appropriate graduations and a range that spans the requirements of the method.

(ii) The certified NIST-reference thermometer shall be recalibrated at least once every 5 years at the temperatures of use.

(iii) An environmental laboratory shall retain a certificate documenting traceability of the calibration to NIST standards.

(2) *Working thermometers.*

(i) Working thermometers must have appropriate graduations and a range that spans the requirements of the method.

(ii) Working thermometers may be glass, dial or electronic and shall be calibrated against a certified NIST-reference thermometer as follows:

(A) Glass and electronic thermometers and continuous recording devices shall be calibrated every 12 months at the temperature used.

(B) Dial thermometers shall be calibrated every 3 months at the temperature used. Dial thermometers that cannot be calibrated may not be used.

(C) An environmental laboratory shall maintain records in a laboratory notebook for each working thermometer that documents the date of calibration, NIST reference thermometer identification, working thermometer identification, reference thermometer temperature reading, working thermometer temperature reading, correction factor and the initials of the individual conducting the calibration.

(D) Working thermometers shall be uniquely identified and labeled with the date of calibration and correction factor.

(iii) The fluid column in glass thermometers may not be separated.

(iv) A working thermometer that differs by more than 1.0°C from the reference thermometer may not be used.

(3) *ASTM type 1, 2 or 3 (Class S or S-1) certified reference weights.*

(i) The mass of ASTM type 1, 2 or 3 (Class S or S-1) certified reference weights shall be recertified at least once every 5 years.

(ii) An environmental laboratory shall retain a certificate documenting traceability of the calibration to ASTM standards.

(4) *Analytical or pan balances.*

(i) Analytical or pan balances must provide sufficient accuracy and sensitivity for the weighing needs of the method.

(ii) An environmental laboratory shall verify the calibration of an analytical balance daily or before each use, whichever is less frequent.

(iii) An environmental laboratory shall verify the calibration of a pan balance monthly or before each use, whichever is less frequent.

(iv) A reference weight that is damaged or corroded may not be used for calibration of balances.

(v) Balance calibration shall be verified using a minimum of three ASTM type 1, 2 or 3 (Class S or S-1) certified reference weights that bracket the effective range of the balance's use.

(vi) An environmental laboratory shall maintain records in a laboratory notebook of balance calibrations that document the balance identification, date of calibration verification, reference weights used and initials of the individual performing the calibration. Correction factors shall be documented and used.

(vii) A qualified person shall service and calibrate analytical balances at least once per year.

(viii) Records of annual service shall be maintained and the service date shall be recorded on the balance.

(5) *pH meter.*

(i) A pH meter must be equipped with an appropriate electrode and have scale graduations and accuracy appropriate to the method.

(ii) An environmental laboratory shall utilize either a thermometer or a temperature sensor for automatic compensation to make corrections for pH measurements.

(iii) The pH meter shall be standardized daily or before each use, whichever is less frequent, by one of the following:

(A) With at least three standard buffers which are at least three pH units apart and which bracket the expected pH range of the samples.

(B) Use a pH 7.0 and either a pH 4.0 or 10.0 standard buffer; whichever range covers the desired pH range of use.

(iv) Aliquots of standard buffers may not be used for longer than 1 analysis day.

(v) Records of pH meter standardization shall be maintained in a laboratory notebook that documents the date of standardization, calibration buffers used and initials of the individual conducting the standardization.

(6) *Conductivity meter.*

(i) A conductivity meter must have a probe of sufficient sensitivity for the method. The scale must have readability in appropriate units, for example micromhos or microsiemens per centimeter.

(ii) An in-line conductivity meter that cannot be calibrated may not be used.

(iii) An environmental laboratory shall calibrate the conductivity meter daily or before each use whichever is less frequent, by one of the following:

(A) With certified and traceable standard solutions within the range of interest.

(B) By determining the cell constant utilizing the method described in currently approved editions of Standard Methods for the Examination of Water and Wastewater (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005.)

(iv) Records of conductivity meter calibrations shall be maintained in a laboratory notebook that documents the date of calibration, standards used, results of calibration or cell constant determined and the initials of the individual conducting the calibration.

(7) *Refrigeration equipment and freezers.*

(i) An environmental laboratory shall maintain one thermometer immersed in liquid (except electronic thermometers) to the appropriate immersion line for each refrigerator or freezer. The thermometer must be graduated in increments no larger than 1°C.

(ii) Calibration-corrected temperatures for each refrigerator and freezer shall be recorded once a day for each day in use for all laboratory activities. The date, refrigerator or freezer identification, calibration corrected temperature and initial of responsible individual shall be recorded.

(iii) Samples and standards shall be stored in separate refrigerators where the potential for cross-contamination exists.

(iv) Samples which require thermal preservation shall be stored at a temperature which is  $\pm 2^\circ\text{C}$  of the specified preservation temperature unless method specific criteria

exist. For samples with a storage temperature of 4°C, storage at a temperature of 0.5°C to 6°C is acceptable.

(v) Freezer temperatures must be less than 0°C.

(8) *Incubators, water baths and heating blocks.*

(i) An environmental laboratory shall control and monitor the temperature of incubators, water baths and heating blocks in accordance with the method or as specified by regulations.

(ii) An environmental laboratory shall maintain a minimum of one thermometer per incubator, water bath or heating block immersed in liquid (except electronic thermometers) to the appropriate immersion line. When used as an incubation unit for microbiology, a minimum of one working thermometer shall be on the top and bottom shelf of the use area in each incubator.

(iii) When used as an incubation unit for microbiology, a water bath must be equipped with a gable cover and a pump or paddles to circulate the water.

(iv) Calibration-corrected temperatures for each incubator, water bath or heating block shall be recorded once a day for each day in use for all laboratory activities. When used as an incubation unit for microbiology, the calibration-corrected temperature shall be recorded at least twice per day in use with the readings separated by at least four hours. The incubator, water bath or heating block identification, date, time, calibration corrected temperature and the initials of the responsible individual shall be recorded.

(9) *Volumetric dispensing devices.* Except for Class A glassware, mechanical volumetric dispensing devices including burettes, autopipetors and dilutors, must be of sufficient sensitivity for the application. Delivery volumes of mechanical volumetric dispensing devices shall be checked using a gravimetric method at least once every 3 months.

(10) *Graduated sample containers.* When graduation marks on clear glass or plastic funnels or sample bottles are used to measure sample volume, an environmental laboratory shall verify and document the accuracy of the volume of each lot or at least once per year, whichever is more frequent.

(11) *Visual comparison devices.* Visual comparison devices must be calibrated according to the manufacturer's specifications or test methods. An environmental laboratory shall maintain records of the calibrations.

(g) An environmental laboratory shall maintain records for all reference materials, reagents and support services utilized by the laboratory for testing or analysis.

(h) Reference materials and reagents used for environmental testing must meet the following minimum requirements:

(1) Analytical reagent grade chemicals or equivalent are acceptable, unless a method specifies other reagent purity grade requirements.

(2) Reagent and standard solutions shall be checked regularly for signs of decomposition, evaporation, and expiration. An environmental laboratory shall maintain standard and reagent preparation logs for all stock and working standard solutions in a laboratory notebook. Standards and reagent preparation logs must contain identification of the compound, concentration, date prepared, initials of the individual preparing the solution and expiration date.

(3) Reagent and standard solution containers shall be labeled with identification of the compound, concentration, date prepared, initials of the individual who prepared the solution and expiration date.

(4) Purchased chemicals, solutions and standards shall be labeled with date of receipt and the date when the container is opened. Purchased chemicals, solutions and standards without an expiration date on the original container shall be discarded after 10 years from the date of receipt.

(5) When reagents are removed from a container, the amount removed shall be used entirely or the unused portion discarded.

(6) Compressed gases must be of commercial grade, unless a method specifies other requirements.

(i) Plastic and glassware shall be cleaned to meet the sensitivity of the test method. Any cleaning and storage procedures that are not specified by the method shall be documented in a laboratory standard operating procedure.

#### § 252.307. Methodology.

(a) An environmental laboratory shall follow the requirements for testing or analysis, sample collection, sample preservation and holding times specified in this section.

(b) An environmental laboratory shall select an analytical method for a specific test or analysis that meets the following criteria:

(1) The method is appropriate for the analyte and sample matrix.

(2) The method is required by applicable State or Federal regulations, a permit, an order, or is an approved alternate method under subsection (c).

(3) The method enables the laboratory to quantitate at required levels.

(c) When a method meeting the requirements of subsection (b) is not available, an environmental laboratory may apply to the Department to use alternate or experimental procedures.

(1) The Department will approve the use of alternate methodologies if the EPA has approved their use. An environmental laboratory shall submit a copy of the EPA's written approval for the use of the alternate method to the Department.

(2) The Department may allow alternate methods that use new or innovative technologies on a case-by-case basis.

(3) An environmental laboratory shall submit a request for use of new or innovative technology in writing to the Department. The request must include the reasons for proposing the method and the potential scope of use for the method.

(4) The Department will establish criteria for validating the method.

(5) Upon receipt of the method validation data that meets the established criteria, the Department will approve or deny the request within 90 days. The evaluation for approval will include consideration of the demonstrated need for the new or innovative technology, reasons for using the method, performance of the method, method validation data and applicability of the method to the matrix.



(d) An environmental laboratory shall develop and maintain written standard operating procedures for all fields of accreditation.

(1) The environmental laboratory's standard operating procedures must accurately reflect all aspects of the testing or analysis for the fields of accreditation, including the following:

- (i) Identification of the method.
- (ii) Effective date.
- (iii) Scope, including applicable matrix or matrices.
- (iv) Equipment and supplies.
- (v) Reagents and standards.
- (vi) Quality control.
- (vii) Calibration and standardization.
- (viii) Analytical procedure.
- (ix) Calculations.
- (x) Corrective actions or contingencies for handling out-of-control or unacceptable quality control data.
- (xi) Reporting of results.

(2) The standard operating procedures may consist of copies of published or referenced test methods or standard operating procedures that have been written by the environmental laboratory. When modifications to the published or referenced method have been made by the laboratory or when the published or referenced method is ambiguous or provides insufficient detail, the changes or clarifications shall be clearly described.

(e) An environmental laboratory shall make copies of the standard operating procedures, the promulgated method, Department regulations and Department guidance pertaining to testing or analysis of environmental samples available to the technical staff.

(f) When an environmental laboratory collects a sample to be analyzed, the sample collection method required by applicable State and Federal laws, regulations or permit conditions shall be followed.

(g) An environmental laboratory shall follow the sample container, preservation procedures and holding times required by State and Federal regulations. If the sample container, preservation procedures and holding times are not required by State or Federal regulations, an environmental laboratory shall follow the sample container, sample preservation procedures and holding time established in the method.

(h) The range of quantitation and detection limit shall be determined for each analyte reported by an environmental laboratory in accordance with a method specified by the Department.

(i) When a method specifies a validation procedure, the validation procedure shall be completed before environmental samples may be analyzed and reported. The results of this validation procedure shall be documented and kept on file for the duration of use of the method and for at least 5 years after the method is no longer in use.

(j) The initial demonstration of capability requirements are as follows:

(1) Prior to the use of any method, an initial demonstration of capability is required.

(2) An initial demonstration of capability shall be completed each time there is a change in instrument type, personnel, or method.

(3) An initial demonstration of capability must include all sample preparation and analytical steps contained in the method.

(4) If the method or State or Federal regulations specify a procedure for the initial demonstration of capability, that procedure shall be followed, otherwise, an initial demonstration of capability shall be performed as follows:

(i) The analyte shall be diluted in a volume of clean matrix sufficient to prepare four aliquots at the concentration specified in the method. If the method does not specify a concentration, the concentration must be approximately ten times the detection limit.

(ii) At least four aliquots of the quality control sample shall be prepared and analyzed according to the method.

(iii) Using all of the results, calculate the mean recovery and the standard deviation of the mean recovery for the population sample in the same units used to report environmental samples. When it is not possible to determine mean and standard deviation, such as for presence-absence and logarithmic values, the environmental laboratory shall assess method performance using criteria from the method or other established and documented criteria.

(iv) Compare the information from subparagraph (iii) to the corresponding acceptance criteria for precision and accuracy in the method. To be considered acceptable, an initial demonstration of capability must meet all acceptance criteria.

(5) When a method has been in use by an environmental laboratory prior to January 1, 2005, and there have been no changes in instrument type, personnel or method, an initial demonstration of capability is not required. An environmental laboratory shall have records on file to demonstrate that an initial demonstration of capability is not required.

(6) The laboratory shall retain all data necessary to reproduce the initial demonstration of capability.

(7) The work cell as a unit shall meet the requirements of this paragraph.

(i) When a member of a work cell changes, the new employee shall work with an experienced analyst in the work cell.

(ii) When a member of a work cell changes, the new work cell shall demonstrate capability by means of acceptable quality control performance checks on four consecutive batches. The acceptable performance shall be documented. If any quality control performance check within the four consecutive batches following the change in personnel fails to meet acceptance criteria, an initial demonstration of capability shall be completed.

(iv) If the entire work cell is changed, an initial demonstration of capability shall be completed.

#### **Subchapter D. QUALITY ASSURANCE AND QUALITY CONTROL REQUIREMENTS**

- Sec.  
 252.401. Basic requirements.  
 252.402. Essential quality control requirements-chemistry.  
 252.403. Essential quality control requirements-toxicity testing.  
 252.404. Essential quality control requirement-microbiology.  
 252.405. Essential quality control requirement-radiochemistry.

#### **§ 252.401. Basic requirements.**

(a) An environmental laboratory shall develop and maintain a quality manual appropriate to the type, range and volume of testing and analysis of environmental

samples. The quality manual shall be available to and used by environmental laboratory personnel.

(b) The quality manual must state the environmental laboratory's policies, operational procedures, protocols and practices established to meet the requirements of this chapter.

(c) An environmental laboratory shall have a document control system that provides procedures for control and maintenance of all documents. The document control system must ensure that standard operating procedures, methods, manuals or documents clearly indicate the time period during which the procedure or document was in force.

(d) An environmental laboratory shall develop and maintain an ethics policy statement relevant to the employee's duties and responsibilities under the act. The laboratory shall have procedures for educating and training personnel in their ethical and legal responsibilities under the act.

(e) An environmental laboratory shall maintain records of the technical personnel, which include dates of employment, signatures, initials and a list of persons authorized to approve or release reports of testing or analysis of environmental samples.

(f) An environmental laboratory shall establish procedures for handling environmental samples.

(g) An environmental laboratory shall have a sample acceptance policy that clearly outlines the circumstances under which environmental samples will be accepted or rejected. The environmental sample acceptance policy must include the following areas:

(1) Sample identification, location, date and time of collection, collector's name, preservation type and sample type.

(2) Sample labeling.

(3) Use of appropriate containers and sample preservation method.

(4) Adherence to holding times specified in the regulation and when not specified by the regulation, adherence to the holding times specified by the method.

(5) Sufficient sample volume shall be available to perform the necessary testing and analysis, including any required quality control testing or analysis.

(6) Procedures to be used when samples show signs of damage, contamination or inadequate preservation.

(h) An environmental laboratory shall document the laboratory management's processes and procedures for permitting departures from the method, quality manual, established policies and procedures or standard operating procedures.

(i) An environmental laboratory shall establish procedures for detecting when departures from the method or quality manual have occurred. These procedures must include the following:

(1) Identify the individuals responsible for assessing each quality control type.

(2) Identify the individuals responsible for initiating or recommending, or both, corrective actions.

(3) Define how the analyst shall treat the results of testing or analysis of environmental samples if the associated quality control measures fail to meet the requirements of the method.

(4) Specify how out-of-control situations and subsequent corrective actions are to be documented.

(5) Specify procedures for the laboratory supervisor to review corrective action reports.

(j) An environmental laboratory shall develop procedures for reporting results of testing or analysis of environmental samples.

(k) An environmental laboratory shall implement procedures or practices to monitor the quality of the laboratory's analytical activities. Examples of the procedures or practices are:

(1) Internal quality control procedures using statistical techniques.

(2) Participation in proficiency testing, other interlaboratory comparisons, or round robin testing.

(3) Analysis of split samples by different laboratories.

(4) Use of certified reference materials or in-house quality control using secondary reference materials, or both.

(5) Replicate testing using the same or different test methods.

(6) Retesting of retained samples.

(7) Correlation of results for different but related analysis of a sample (for example, total phosphorus should be greater than or equal to orthophosphate).

(l) To the extent possible, results of testing or analysis of environmental samples shall be reported only if all quality control measures are acceptable. If a quality control measure is found to be out of control and the results of the testing or analysis of environmental samples are to be reported, all environmental samples associated with the failed quality control measure shall be documented and the results flagged in an unambiguous manner on the sample analysis report with the appropriate data qualifiers.

(m) Policies, procedures, protocols and practices specified in this section must be in writing and be followed.

#### **§ 252.402. Essential quality control requirements-chemistry.**

(a) In addition to the requirements of § 252.401 (relating to basic requirements), laboratories performing testing or analysis of environmental samples in the area of chemistry shall comply with this section.

(b) When the method selected by an environmental laboratory in accordance with § 252.307 (relating to methodology) contains more stringent requirements than the requirements of this section, the environmental laboratory shall follow the more stringent requirements contained in the method.

(c) Initial calibration requirements are as follows:

(1) An environmental laboratory shall follow the initial calibration requirements of the method.

(2) The results of testing or analysis of environmental samples shall be determined from an initial calibration and may not be determined from any continuing calibration verification, unless otherwise required by regulation, method or program.

(3) The details of the initial calibration procedures including calculations, integrations, acceptance criteria and associated statistics shall be included or referenced in the laboratory's standard operating procedure.

(4) Raw data records shall be retained to permit reconstruction of the initial calibration.

(5) Initial calibrations shall be verified with a standard obtained from a second manufacturer or with a standard from the same manufacturer if the verification standard is documented by the manufacturer as prepared independently of the standard used during initial calibration.

(6) Results not bracketed by the initial calibration standards shall be reported with appropriate qualifiers.

(7) The lowest standard used for initial calibration may not be below the detection limit. The lowest standard must be at or below the lower limit of the range of quantitation.

(d) Except for methods that explicitly allow initial calibration using a single concentration of standard, initial calibration shall be done using multiple concentrations of standards according to the requirements of this subsection.

(1) Unless otherwise specified in the method, the initial calibration must meet one of the following criteria:

(i) A relative standard deviation of less than 20% for the calculated response factors.

(ii) A correlation coefficient ( $r$ ) of 0.99 for a linear calibration curve.

(iii) A correlation coefficient ( $r$ ) of 0.999 for a nonlinear calibration curve or as otherwise specified by the Department.

(2) If the initial calibration fails to meet established acceptance criteria, corrective action shall be performed and all associated environmental samples shall be reanalyzed after an acceptable initial calibration is obtained. If reanalysis of the environmental samples is not possible, a new environmental sample shall be collected.

(3) If the results of testing or analysis of environmental samples that are below the initial calibration range are reported, the results shall be reported with appropriate data qualifiers.

(4) If the results of testing or analysis of environmental samples are above the initial calibration range, the environmental sample shall be diluted and reanalyzed or the results reported with appropriate data qualifiers. Sample results within the established calibration range will not require data qualifiers.

(5) The lowest calibration standard may not be below the detection limit and may not be above the MCL.

(6) If the method does not specify the number of calibration standards, the minimum number of calibration standards, not including blanks or a zero standard, shall be determined as follows:

(i) For an initial calibration covering a range up to 20 times the lowest quantitation level, a minimum of three calibration standards shall be used.

(ii) For an initial calibration covering a range from greater than 20 times and up to 50 times the lowest quantitation level, a minimum of four calibration standards shall be used.

(iii) For an initial calibration covering a range greater than 50 times and up to 100 times the lowest quantitation level, a minimum of five calibration standards shall be used.

(e) For a method that explicitly allows calibration using a single concentration of a standard, not including a

blank or zero concentration standard, the initial calibration shall meet the requirements of this subsection.

(1) Prior to the testing or analysis of environmental samples, the linear range of the instrument shall be established by analyzing a series of standards, one of which shall be at the lowest quantitation level.

(2) An initial calibration using a single calibration standard and a zero point shall be performed at the beginning of each analysis day.

(3) A standard corresponding to the lowest quantitation level must be analyzed with each analytical batch and must meet the acceptance criteria established by the method. When there are no established criteria in the method, an environmental laboratory shall determine internal criteria and document the procedure used to establish the acceptance limits.

(4) If the results of testing or analysis of environmental samples that are below the lowest quantitation level verification standard, specified in paragraph (3), are to be reported, the results shall be reported with appropriate data qualifiers.

(5) If the results of testing or analysis of environmental samples produce a result above the associated single point standard, the environmental laboratory shall do one of the following:

(i) Analyze a standard at or above the sample concentration that meets established acceptance criteria to validate linearity.

(ii) Dilute the sample so that the result falls below the single point calibration concentration.

(iii) Report the data with an appropriate data qualifier.

(f) Calibration verification requirements are as follows:

(1) A calibration verification standard shall be analyzed at the beginning and end of each analysis day. For methods that use an internal standard, a calibration verification standard is not required at the end of the analysis day unless specified in the method, or State or Federal law or regulation.

(2) A calibration verification standard shall be analyzed after every ten samples, unless a different frequency is specified in the method.

(3) At a minimum, the concentration of the calibration verification standard shall be alternated between a low and a high level.

(i) The concentration of the low calibration verification standard shall be within the lower 20% of the calibration curve and not more than five times the lowest quantitation level.

(ii) The concentration of the high calibration verification standard shall be within the upper 20% of the calibration curve.

(4) Details of the calibration verification procedure including calculations, integrations, acceptance criteria and associated statistics shall be included or referenced in the laboratory's standard operating procedure.

(5) Raw data records shall be retained to permit reconstruction of the calibration verification.

(6) Acceptance criteria for calibration verification standards in the method shall be followed. When there are no established criteria in the method, an environmental laboratory shall determine internal criteria and document the procedure used to establish the acceptance limits.

(7) If a calibration verification standard fails the established acceptance criteria, an environmental laboratory shall initiate corrective actions. If the corrective actions fail to produce an immediate consecutive calibration verification standard within the acceptance criteria, a new calibration verification standard shall be prepared. If the freshly prepared calibration verification standard fails to produce a result within the established acceptance criteria, the environmental laboratory shall recalibrate the test or analysis according to the method or as set forth in subsection (c) and as set forth in either subsection (d) or subsection (e).

(8) To the extent possible, and as provided by paragraph (1), environmental samples not bracketed by acceptable calibration verification standards shall be reanalyzed. If the calibration verification standard is found to be out of control, and the results of the testing or analysis of environmental samples are to be reported, all environmental samples associated with the failed calibration verification standard shall be documented and the results flagged in an unambiguous manner on the sample analysis report with the appropriate data qualifiers. Sample results associated with an unacceptable calibration verification may be useable under the following conditions:

(i) When the acceptance criteria for the calibration verification are exceeded high and associated sample results are below the lowest level of quantitation for the analyte of interest.

(ii) When the acceptance criteria for the calibration verification are exceeded low and associated sample results are above the maximum regulatory limit for the analyte of interest.

(g) Method blank requirements are as follows:

(1) A method blank shall be processed along with and under the same conditions as the associated environmental samples including all steps of the analytical procedure.

(2) A method blank shall be analyzed at a minimum of one per preparation batch. When no separate preparation method is used (example: volatiles in water), the batch shall be defined as no more than 20 environmental samples that are analyzed together using the same method, personnel and lots of reagents.

(3) A method blank shall consist of a matrix that is similar to the associated environmental samples and is free of the analytes of interest. When a matrix that is similar to the associated environmental samples that is free of the analytes of interest is not available, reagent water or an artificial or simulated matrix may be used.

(4) A method blank is considered contaminated if one of the following applies:

(i) The concentration of a target analyte in the method blank is at or above the reporting limit established by the method, by the laboratory or by regulation.

(ii) The contamination in the method blank otherwise affects the environmental sample results as described in the method or in individual project data quality objectives.

(5) If a contaminant is detected in the method blank, the source of contamination shall be investigated and measures shall be taken to minimize or eliminate the problem.

(6) To the extent possible, any environmental samples associated with a contaminated method blank shall be reprocessed for analysis. If a contaminated method blank

is found to be out of control, and the results of the testing or analysis of environmental samples are to be reported, all environmental samples associated with the contaminated method blank shall be documented and the results flagged in an unambiguous manner on the sample analysis report with the appropriate data qualifiers.

(h) Laboratory control sample requirements are as follows:

(1) A laboratory control sample shall be processed along with and under the same conditions as the associated environmental samples, including all steps of the preparation and analytical procedure.

(2) The laboratory control sample shall consist of a defined matrix containing known and verified concentrations of analytes. The Department will allow the use of an artificial or simulated matrix when a defined matrix is not commercially available.

(3) An environmental laboratory shall analyze a laboratory control sample at a minimum of one per preparation batch. When no separate preparation method is used, for example volatiles in water, the batch shall be defined as no more than 20 environmental samples that are analyzed together with the same method, personnel and lots of reagents.

(4) All analyte concentrations in the laboratory control sample shall be within the calibration range of the method and at or below the maximum contaminant level.

(5) The components to be spiked into the laboratory control sample shall be as specified by the method or other regulatory requirement. In the absence of specified components, the environmental laboratory shall use the following:

(i) For those components that interfere with an accurate assessment, such as spiking simultaneously with technical chlordane, toxaphene and PCBs, the laboratory control sample shall represent the chemistries and elution patterns of the components to be reported.

(ii) For methods with more than ten analytes, a representative number may be chosen. The analytes selected shall be representative of all chemistries and analytes reported and shall be chosen using the following criteria:

(A) Targeted components shall be included in the laboratory control sample over a 2-year period.

(B) For methods that include 1-10 components, the laboratory control sample must contain all components.

(C) For methods that include 11-20 components, the laboratory control sample must contain at least ten components or 80%, whichever is greater.

(D) For methods with more than 20 components, the laboratory control samples must contain at least 16 components.

(6) Each individual laboratory control sample shall be compared to the acceptance criteria in the method. When there are no established criteria in the method, an environmental laboratory shall determine internal criteria and document the procedure used to establish the limits.

(7) Environmental samples associated with an out of control laboratory control sample shall be reprocessed and reanalyzed from the beginning of the method or the results reported with the appropriate data qualifiers.

(i) Sample duplicate requirements are as follows:

(1) A sample duplicate or matrix spike duplicate shall be analyzed at a minimum of one per preparation batch. When no separate preparation method is used, for example volatiles in water, the batch shall be defined as no more than 20 environmental samples that are analyzed together using the same method, personnel and lots of reagents.

(2) An environmental laboratory shall document the calculations used for determining the relative percent difference or other statistical method for evaluation of the duplicate pairs.

(3) Each duplicate relative percent difference shall be compared to the acceptance criteria in the method. When there are no established criteria in the method, an environmental laboratory shall determine internal criteria and document the procedure used to establish the acceptance limits.

(4) For duplicate results outside established criteria, corrective action shall be documented and the data reported with appropriate data qualifiers.

(j) Surrogate spike requirements are as follows:

(1) Surrogate compounds, when commercially available, shall be added to all samples, standards and blanks for all organic chromatography test methods.

(2) Surrogate compounds shall be chosen to represent the various chemistries of the target analytes in the method.

(3) The results of the surrogate spike shall be compared to the acceptance criteria published in the method. When there are no established acceptance criteria for surrogate recovery in the method, the environmental laboratory shall establish internal criteria and document the method used to establish the acceptance limits.

(4) For surrogate spike results outside established criteria, corrective action shall be documented and the data reported with appropriate data qualifiers.

(k) Detection limit requirements are as follows:

(1) A detection limit shall be determined by the protocol in the method or regulation. If the protocol for determining detection limits is not specified in the method or regulation, the environmental laboratory shall select a procedure that reflects instrument limitations and the intended application of the method.

(2) A detection limit study is not required for any component for which spiking solutions or quality control samples are not available, such as temperature. A detection limit study is not required for testing or analysis where the results are logarithmic, such as pH, or when the results are expressed as presence or absence.

(3) A detection limit shall be initially determined for the compounds of interest in each method in a matrix in which neither the target analyte nor interferences are at a concentration that would impact the results. The detection limit shall be determined in the matrix of interest.

(4) A detection limit shall be determined each time there is a change in the method that affects how the test is performed or that affects the sensitivity of the analysis.

(5) The sample processing steps of the method shall be included in the determination of the detection limit.

(6) Supporting data shall be retained to permit reconstruction of the detection limit study.

(7) An environmental laboratory shall have an established procedure to relate detection limits with quantitation limits.

(8) The method's lower limit of quantitation shall be established and shall be above the detection limit.

(l) When retention times are used for the identification of an analyte, an environmental laboratory shall develop and document acceptance criteria for retention time windows. The laboratory shall document acceptance criteria for mass spectral tuning.

#### **§ 252.403. Essential quality control requirements— toxicity testing.**

(a) In addition to the requirements of § 252.401 (relating to basic requirements), an environmental laboratory that measures the toxicity or bioaccumulation of contaminants, including testing of effluents, receiving waters, sediments, elutriates, leachates and soils shall comply with this section.

(b) When the method selected by an environmental laboratory in accordance with § 252.307 (relating to methodology) contains more stringent requirements than the requirements of this section, the environmental laboratory shall follow the more stringent requirements contained in the method.

(c) An environmental laboratory that measures toxicity or bioaccumulation of contaminants shall comply with guidance issued by the Department regarding counting of neonates, algae cells and weighing of fish for selected endpoints.

(d) Negative control requirements are as follows:

(1) In addition to the negative controls specified by the method, permit or regulation, additional negative controls shall be included when sample adjustments (for example, pH adjustments or dechlorination) or solvent carriers are used in the test.

(2) The results of the negative controls shall be compared to the acceptance criteria published in the method. When there are no established acceptance criteria for the negative control in the method, the environmental laboratory shall establish internal criteria and document the method used to establish the acceptance limits.

(3) The test acceptability criteria for negative controls as specified in the method must be achieved for both the reference toxicant and the environmental sample toxicity test.

(e) The requirements for reference toxicants are as follows:

(1) The environmental laboratory shall demonstrate the ability to obtain consistent results with reference toxicants before performing toxicity tests on environmental samples.

(i) Intralaboratory precision shall be determined by performing a minimum of five acceptable reference toxicant tests for each method and species using different batches of organisms and negative controls (water, sediment or soil) before performing testing or analysis on environmental samples.

(ii) An environmental laboratory shall maintain control charts for the control performance and reference toxicant statistical endpoint (such as NOEC or ECp) and shall evaluate the intralaboratory variability with a specific reference toxicant for each method.

(iii) The results of the toxicant test shall be compared to the acceptance criteria published in the method. When

there are no established acceptance criteria for the toxicant test in the method, the environmental laboratory shall establish internal criteria and document the method used to establish the acceptance limits.

(2) The following minimum frequency of reference toxicant testing shall be met:

(i) Each batch of test organisms obtained from an outside source, field collection or from laboratory spawning of field-collected species not amenable to routine laboratory culture shall be evaluated with a reference toxicant test of the same type as the environmental toxicity test within 7 days preceding the test or concurrently with the test.

(ii) Test organisms obtained from in-house laboratory cultures shall be tested with reference toxicant tests at least once each month for each method.

(iii) If a species produced by in-house laboratory cultures is used less than once per month, a reference toxicant test of the same type shall be performed with each environmental toxicity test.

(iv) When methods and species commonly used in the laboratory are only tested on a seasonal basis, reference toxicant tests shall be conducted each month the method is in use.

(3) Ongoing environmental laboratory performance shall be documented by maintaining laboratory quality control charts that meet the following requirements:

(i) For endpoints that are point estimates (ICp, ECp), control charts shall be constructed by plotting the cumulative geometric mean and the limits that consist of the upper and lower 95% confidence limits ( $\pm 2$  standard deviations).

(ii) For endpoints from hypothesis tests (NOEC, NOAEC), control charts shall be constructed by plotting the values directly and the control limits shall consist of one concentration interval above and below the concentration representing central tendency or the mode.

(iii) After 20 data points are collected for a method and species, the control charts shall be maintained by using only the most recent 20 data points.

(iv) Test results that fall outside of control chart limits at a frequency of 5% or less shall be retested and confirmed before reporting and all results shall be documented in the report of the testing and analysis.

(v) The endpoint shall be compared to the acceptance criteria published in the method.

(vi) When there are no established acceptance criteria for the endpoint in the method, the environmental laboratory shall establish internal criteria and document the method used to establish the acceptance limits.

(vii) If the reference toxicant fails to meet acceptance criteria, the results of environmental toxicity tests conducted during the affected period shall be examined for defects and the test repeated using a different batch of organisms or the results shall be reported with appropriate data qualifiers.

(4) Reference toxicant tests conducted for a method and species must use the same reference toxicant, test concentrations, dilution water and data analysis method as the environmental toxicity tests for which the precision is being evaluated unless otherwise specified in the method.

(5) The test duration, dilution or control water, feeding, organism age, age range and density, test volumes, renewal frequency, water quality measurements, number

of test concentrations, replicates and organisms per replicate must be the same as the environmental toxicity test. A dilution factor of greater than 0.5 shall be used for both acute and chronic tests.

(f) Sensitivity requirements are as follows:

(1) If the Dunnett's procedure or hypothesis test (NOEC, NOAEC) is used, the statistical minimum significant difference (SMSD) by species shall be calculated according to the formula specified by the method and reported with the test results. The SMSD must be estimated for nonnormal distribution or heterogeneous variances, or both.

(2) Confidence intervals for point estimates (LCp, ICp or ECp) shall be reported as a measure of the precision around the point estimate value.

(g) When required, the data shall be plotted in the form of a curve relating the dose of the chemical or concentration of sample to cumulative percentage of test organisms demonstrating a response, such as death.

(h) At least once every 30 days, an environmental laboratory shall verify and document that the reagent grade water meets the following criteria:

(1) Conductivity must be less than 0.1  $\mu\text{mhos/cm}$  or resistance greater than 17 megohms at 25°C.

(2) pH must be between 5.5 to 7.5.

(3) Total residual chlorine must be nondetectable.

(i) Reagent water used for culturing and testing shall be analyzed for toxic metals and organics whenever the minimum acceptability criteria for control survival, growth or reproduction are not met and no other cause can be identified.

(j) An environmental laboratory shall demonstrate that any analyte at a measured concentration or the reported detection limit does not exceed one tenth the expected chronic value for the most sensitive species tested or cultured.

(k) Air used for aeration of test solutions, dilution waters and cultures must be free of oil and fumes.

(l) The requirements for test organisms are as follows:

(1) An environmental laboratory shall positively identify test organisms to species on an annual basis. The taxonomic reference (citation and pages) and the names of the taxonomic experts shall be documented. When organisms are obtained from an outside source, an environmental laboratory shall obtain the information from the supplier.

(i) Organisms used for a test must be from the same source. When available, certified seeds shall be used for soil tests.

(ii) Organisms used in tests or as brood stock to produce neonate test organisms must appear healthy, show no signs of stress or disease and exhibit survival of greater than 90% during the 24-hour period immediately preceding use in tests.

(iii) An environmental laboratory shall document the health and culturing conditions of all organisms used for testing. The documentation shall include culture conditions and observations of any stress, disease or mortality.

(iv) When organisms are obtained from an outside source, the laboratory shall obtain written documentation of the water quality parameters and biological observations for each lot of organisms received.

(v) An environmental laboratory shall record the water quality parameters and the biological observations when the organisms arrive at the environmental laboratory.

(vi) Supporting information such as hatch dates and times, times of brood releases and metrics (for example, chironomid head capsule width) shall be documented.

(vii) Organisms obtained from an outside source may not be from different batches.

(viii) The control population of *Ceriodaphnia* in chronic effluent or receiving water tests may not contain more than 10% males.

(ix) Test soils and sediments must be within the geochemical tolerance range of the test organism.

(2) The requirements for feeding of test organisms are as follows:

(i) For each new batch of laboratory-prepared food or lot of commercial food used by the environmental laboratory, the performance of organisms fed with the new food shall be compared with the performance of organisms fed with a food of known quality. The suitability of food used for culturing shall be determined using a measure that evaluates the effect of food quality on survival and growth or reproduction of each of the relevant test species.

(ii) Foods used only in chronic toxicity tests shall be evaluated using the reference toxicant employed in the environmental laboratory quality assurance program, and shall be compared with results of previous tests using a food of known quality.

(iii) In the case of algae, rotifers or other cultured foods, which are collected as a continuous batch, the quality of the food shall be assessed as described in subparagraphs (i) and (ii) each time new nutrient stocks are prepared, a new starter culture is employed or when a significant change in culture conditions occurs.

(iv) The environmental laboratory shall have written procedures for the statistical evaluation of food acceptability.

(v) Food used to culture organisms used in bioaccumulation tests shall be analyzed for the compounds to be measured in the bioaccumulation tests.

(m) Equipment requirements are as follows:

(1) If closed refrigerator-sized incubators are used, culturing and testing of organisms shall be separated to avoid loss of cultures due to cross-contamination.

(2) Temperature control equipment must be adequate to maintain the required test temperature. The average daily temperature of the test solutions shall be maintained within 1°C of the selected test temperature for the duration of the test. Temperature measurements shall be made at least once per 24-hour period. The test temperature for continuous-flow toxicity tests shall be monitored and recorded continuously.

(3) The test chambers used in a test must be identical.

(4) Materials used for test chambers and any material coming in contact with test samples, solutions, control water, sediment, soil or food must be nontoxic and cleaned according to the method. Materials may not add to nor reduce sample toxicity.

(5) Light intensity shall be maintained as specified in the method. Measurements shall be made and recorded at least once per 12 months.

(6) The photoperiod shall be maintained as specified in the method and be documented at least once every 90 days.

(7) For algal and plant tests, the light intensity shall be measured and recorded at the start of each test.

(n) The requirements for sample holding times and conditions are as follows:

(1) The sample holding time may not exceed 36 hours.

(2) The last use of the sample in renewal tests may not exceed 72 hours unless specifically approved by the Department.

(3) Samples shall be chilled to 4°C during or immediately after collection and held at that temperature until time of analysis.

(o) Chronic tests must have a minimum of four replicates per treatment.

(p) The requirements for testing conditions are as follows:

(1) Dissolved oxygen and pH in aquatic tests must be within acceptable ranges published in the method. When there are no established acceptance criteria in the method, the environmental laboratory shall establish internal criteria and document the method used to establish the acceptance limits.

(2) During aquatic chronic testing, dissolved oxygen and pH shall be measured daily in at least one replicate of each concentration.

(3) In static-renewal tests, dissolved oxygen shall be measured at both the beginning and end of each 24-hour exposure period.

(4) The pH shall be measured at the end of each exposure period after organism transfer.

(5) Minimal aeration may be provided to tests only if acceptable dissolved oxygen concentrations cannot be otherwise maintained or if specified by the method.

**§ 252.404. Essential quality control requirement—microbiology.**

(a) In addition to the requirements of § 252.401 (relating to basic requirements), environmental laboratories performing testing or analysis in the area of microbiology shall comply with this section.

(b) When the method selected by an environmental laboratory in accordance with § 252.307 (relating to methodology) contains more stringent requirements than the requirements of this section, the environmental laboratory shall follow the more stringent requirements contained in the method.

(c) The following pieces of equipment shall be maintained according to this subsection:

(1) *Autoclave.*

(i) An environmental laboratory shall use autoclaves that meet specified temperature tolerances of the method. Pressure cookers may not be used.

(ii) Prior to first use, an environmental laboratory shall evaluate and document the performance of an autoclave by establishing its functional properties and performance (for example, heat distribution characteristics with respect to typical uses).

(iii) A continuous temperature-recording device or a maximum-temperature-registering thermometer shall be used during each autoclave cycle.

(iv) An environmental laboratory shall verify the sterilization capability of each autoclave by utilizing appropriate biological indicators (for example, spore strips or ampoules) once a month. Records of biological indicator tests shall be maintained in a laboratory notebook and include the autoclave identification, date, incubation time and temperature, results and initials of the responsible individual.

(v) An environmental laboratory shall verify the mechanical timing device, if used, for each autoclave every 3 months. Records of mechanical timer verification shall be maintained in a laboratory notebook and include the autoclave identification, date, mechanical timing device time, actual time and initials of the responsible individual. Correction factors shall be documented and used.

(vi) Autoclaves shall be properly cleaned and maintained. A qualified person shall service autoclaves at least once per year. Servicing must include a pressure check and calibration of temperature devices. Records of annual service shall be maintained and the service date shall be recorded on the autoclave.

(vii) Required times for autoclaving items at 121°C are set forth in this subparagraph. The following items must be at temperature for the required amount of time. Except for membrane filters and pads and carbohydrate-containing media, indicated times are minimum times and may necessitate adjustment depending upon volumes, containers and loads. For autoclave runs that include membrane filters and pads and media, the total cycle time may not exceed 45 minutes. Autoclaved membrane filters and pads and media shall be removed immediately after completion of the autoclave cycle.

(A) Membrane filters & pads	10 minutes
(B) Carbohydrate-containing media	12-15 minutes
(C) Contaminated test materials	30 minutes
(D) Membrane filtration units	15 minutes
(E) Sample containers	15 minutes
(F) Individual glassware	15 minutes
(G) Dilution water	15 minutes
(H) Rinse water	15-30 minutes

(viii) Records of each autoclave run shall be maintained in a laboratory notebook and include the date, contents, sterilization time and temperature, total cycle time (recorded as time in and time out) and initials of the responsible individual.

(ix) If an autoclave cycle fails to meet any requirement, corrective action shall be documented. Media may not be reautoclaved.

(2) *Hot air oven.*

(i) Prior to first use, an environmental laboratory shall evaluate the performance of each hot air oven by establishing its functional properties and performance (for example, heat distribution characteristics with respect to typical uses).

(ii) An environmental laboratory shall maintain a thermometer, graduated in 10°C increments or less with the bulb placed in sand, in each hot air oven.

(iii) An environmental laboratory shall verify the sterilization capability of each hot air oven by utilizing appropriate biological indicators (for example, spore strips) once a month. Records of biological indicator tests shall be maintained in a laboratory notebook and include the hot air oven identification, date, incubation time and temperature, results and initials of the responsible individual.

(iv) An environmental laboratory shall sterilize items in a hot air oven maintaining a temperature of 170-180°C for a minimum of 2 hours. Only dry items may be sterilized in a hot air oven.

(v) Records of each hot air oven operation shall be maintained and include the date, contents, sterilization time and temperature, and initials of the responsible individual.

(3) *Optical counting equipment.*

(i) An environmental laboratory shall use appropriate optical counting equipment to view and enumerate colonies.

(ii) A dark field colony counter shall be used to count heterotrophic plate count colonies.

(iii) A 10X to 15X stereomicroscope with a fluorescent light source shall be used to count sheen colonies.

(4) *Inoculating equipment.*

(i) An environmental laboratory shall use appropriate sterile inoculating equipment.

(ii) Metal loops and needles must be made of nickel alloy or platinum.

(iii) Wooden applicator sticks must be sterilized using dry heat.

(iv) For oxidase tests, nickel alloy loops may not be used.

(5) *Membrane filtration equipment.*

(i) Membrane filtration funnels must be stainless steel, glass or autoclaveable plastic. Membrane filtration funnels may not be scratched or corroded and may not leak.

(ii) Membrane filtration units shall be autoclaved before the beginning of a filtration series. A filtration series ends when 30 minutes or longer elapses after a sample is filtered.

(iii) Forceps must be blunt and smooth-tipped without corrugations on the inner sides of tips.

(iv) Membrane filters must meet the following requirements:

(A) Membrane filters must be made of cellulose ester, white, grid marked, 47 mm diameter and 0.45-µm pore size unless otherwise specified by the method.

(B) Membrane filters must be either purchased presterilized or autoclaved for ten minutes at 121°C before use. Membrane filters may not be brittle or distorted.

(C) Membrane filters must be approved (based upon manufacturer data from tests for toxicity, recovery, retention and absence of growth-promoting substances) for the specified analysis for which they are to be used.

(v) Records of membrane filters shall be maintained and include the type, lot number, date received and date opened. The manufacturer's specification/certification sheet shall be retained for each lot of membrane filters.

(vi) An environmental laboratory using an ultraviolet sanitation lamp to sanitize filtration funnels between successive filtrations shall test the ultraviolet sanitation lamp every 3 months for effectiveness with an appropriate UV light meter or by plate count agar spread plates. Records of ultraviolet lamp tests shall be maintained and bulbs shall be replaced if output is less than 70% of original for light tests or if count reduction is less than 99% for a plate containing 200 to 300 organisms.



(6) *Culture dishes.*

(i) Culture dishes must be presterilized plastic or sterilizable glass and of appropriate size for the method.

(ii) Stainless steel canisters, aluminum canisters or a wrap of heavy aluminum foil or char-resistant paper, shall be used for autoclave sterilization of glass culture dishes.

(iii) Loose-lid culture dishes shall be incubated in a tight fitting container containing a moistened paper towel.

(iv) Opened packs of disposable culture dishes shall be resealed between use periods.

(7) *Culture tubes and closures.* Culture tubes and containers must be of sufficient size to contain medium and sample without being more than three quarters full. Tube closures must be stainless steel, aluminum, plastic or a screw cap with a nontoxic liner.

(8) *Pipettes.*

(i) Pipettes must have legible markings and may not be chipped or etched.

(ii) Stainless steel canisters, aluminum canisters or a wrap of heavy aluminum foil or char-resistant paper shall be used for autoclave sterilization of pipettes.

(iii) Opened packs of disposable sterile pipettes shall be resealed between use periods.

(9) *Sample containers.*

(i) Sample containers must be sterile plastic bags or wide-mouth plastic or noncorrosive glass bottles with nonleaking ground glass stoppers or caps with nontoxic liners that can withstand repeated sterilization. Sample containers must be capable of holding sufficient volume of sample for all required tests while maintaining adequate air space for mixing.

(ii) Glass stoppers must be covered with aluminum foil or char-resistant paper for sterilization.

(iii) Glass and plastic bottles that have not been presterilized shall be sterilized by autoclaving. Glass bottles may be sterilized by dry heat. Empty containers shall be moistened with several drops of water prior to autoclaving.

(10) *Plastic and glassware washing procedure.*

(i) Prior to the initial use of a lot of detergent or washing procedure, an environmental laboratory shall perform an inhibitory residue test utilizing the method described in the currently approved editions of Standard Methods for the Examination of Water and Wastewater (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005). Records of inhibitory residue tests shall be maintained and include the detergent identification, date, calculations, results and initials of responsible individual.

(ii) Washed plastic and glassware shall be tested at least once each month for possible acid or alkaline residue by testing at least one piece of plastic and glassware with a suitable pH indicator such as 0.04% bromothymol blue. Records of pH tests shall be maintained.

(11) *Ultraviolet lamp.* An environmental laboratory shall use a 365-nm, 6-watt ultraviolet lamp in a darkened room to view sample fluorescence.

(12) *Quanti-Tray™ Sealer.*

(i) An environmental laboratory shall perform a sealer check on each Quanti-Tray Sealer once a month by adding a dye to a water sample and performing the sealing procedure.

(ii) Records of the sealer check shall be maintained and include the sealer identification, date, results and initials of responsible individual. If dye is observed outside the wells, the Quanti-Tray Sealer may not be used.

(d) The requirements for reagent water areas as follows:

(1) An environmental laboratory shall use reagent water in the preparation of media, solutions and buffers.

(2) An environmental laboratory shall demonstrate that reagent water meets the following criteria on a monthly basis or whenever maintenance is performed on the water treatment system or at startup after a period of nonuse longer than 1 month:

(i) Total chlorine residual must be less than 0.1 mg/L.

(ii) Conductivity must be less than 2.0  $\mu$ mhos/cm or resistance greater than 0.5 megohms at 25°C.

(iii) Heterotrophic plate count must be less than 500 CFU/mL.

(3) An environmental laboratory shall demonstrate that reagent water meets the following criteria every 12 months:

(i) The individual concentration of lead, cadmium, chromium, copper, nickel and zinc must be less than 0.05 mg/L.

(ii) The total concentration of lead, cadmium, chromium, copper, nickel and zinc must be less than 0.1 mg/L.

(iii) Except as provided in subsection (c)(6), the bacteriological water quality test ratio must be between 0.8 and 3.0. The bacteriological water quality test shall be performed according to the currently approved editions of Standard Methods for the Examination of Water and Wastewater (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005).

(4) The monthly and annual reagent water analyses may only be performed by an environmental laboratory accredited under this chapter for the field of accreditation that includes the analyte.

(5) Results of the monthly and annual reagent water analysis shall be maintained and include the date, type of test, results and initials of responsible individual. Reagent water that does not meet the required criteria may not be used.

(6) The bacteriological water quality test need not be performed if the environmental laboratory can supply documentation to show that their laboratory pure water or reagent water meets the criteria, as specified in the currently approved editions of Standard Methods for the Examination of Water and Wastewater (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005), for Type I or Type II reagent water.

(e) The requirements for dilution/rinse water are as follows:

(1) Stock buffer solution or peptone water shall be prepared as specified in the currently approved editions of *Standard Methods for the Examination of Water and Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005).

(2) Stock buffers shall be autoclaved or filter-sterilized. Stock buffer containers shall be labeled and dated. Stock buffers shall be refrigerated. Stored stock buffers must be free from turbidity.

(3) Dilution/rinse water solutions shall be prepared as specified in the currently approved editions of *Standard Methods for the Examination of Water and Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005).

(4) Records of stock buffers and dilution/rinse water preparation shall be maintained and include the date prepared, lot number or laboratory identification of solutions used, amounts measured, final pH and initials of the responsible individual.

(f) The requirements for media are as follows:

(1) An environmental laboratory shall use dehydrated or commercially manufactured prepared media. Dehydrated media shall be stored in a cool, dry location. Caked or discolored dehydrated media shall be discarded.

(2) An environmental laboratory that uses commercially prepared media shall maintain records on each lot received that includes the date received, type of media, lot number and pH verification. Media may not be used after the manufacturer's expiration date.

(3) An environmental laboratory that prepares media from dehydrated stock shall follow method specifications and maintain records of each batch that includes the date of preparation, type of media, lot number, amounts measured, sterilization time and temperature, final pH and initials of the responsible individual.

(4) Media may not be reautoclaved.

(5) After sterilization, prepared media shall be stored and maintained as follows:

(i) Stored away from sources of direct light.

(ii) Prepared plates shall be stored in sealed plastic bags or containers.

(iii) Each bag, container or rack of broth or agar media shall be labeled with the date prepared or expiration date.

(iv) Liquid media stored in a refrigerator shall be incubated overnight at room temperature before use. Media that shows growth or bubbles may not be used.

(v) Prepared liquid media shall be discarded if evaporation exceeds 10% of the original volume.

(vi) Poured agar plates and broth in tubes, bottles or flasks with loose-fitting closures shall be discarded if not used within 2 weeks of sterilization unless otherwise specified by the method.

(vii) Broth in tightly closed screw-cap tubes, bottles or flasks shall be discarded if not used within 3 months of sterilization unless otherwise specified by the method.

(g) An environmental laboratory shall demonstrate that the filtration equipment and filters, sample containers, media and reagents have not been contaminated through improper handling or preparation, inadequate sterilization or environmental exposure as follows:

(1) A sterility blank shall be analyzed for each lot of pre-prepared, ready-to-use medium and for each batch of medium prepared in the laboratory prior to first use of the medium. Records shall be maintained and include media identification, date, results and initials of responsible individual. If sterility blank indicates contamination, the media may not be used.

(2) For each membrane filtration unit used during a filtration series, the laboratory shall prepare at least one sterility blank at the beginning, after every ten samples, and at the end of the series and record the results. If the membrane filtration unit sterility blank indicates contamination, the data from affected samples shall be invalidated and an immediate resampling requested. When a filtration series is interrupted for more than 30 minutes, the filtration funnels shall be resterilized.

(3) For pour plate technique, sterility blanks of the medium shall be made by pouring at least one uninoculated plate for each lot of pre-prepared, ready-to-use media and for each batch of medium prepared in the laboratory. Results shall be recorded. If the sterility check indicates contamination, the data from affected samples shall be invalidated.

(4) Sterility checks on sample containers shall be performed on at least one container for each lot of purchased, presterilized containers with an appropriate nonselective growth media. For containers prepared and sterilized in the laboratory, a sterility check shall be performed on one container per sterilized batch with an appropriate nonselective growth media. Results shall be maintained and include sample container identification, date, results and initials of responsible individual. If sample container sterility check indicates contamination, the affected sample container may not be used.

(5) A sterility blank shall be performed on each batch of dilution/rinse water prepared in the laboratory and on each batch of pre-prepared, ready-to-use dilution water with an appropriate non-selective growth media. The concentration of media shall be single strength after addition of dilution water. Results shall be maintained and include dilution/rinse water identification, date, results, and initials of the responsible individual. If dilution/rinse water sterility check indicates contamination, the affected dilution water may not be used.

(6) At least one filter from each new lot of membrane filters shall be checked for sterility with an appropriate nonselective growth media. Results shall be maintained and include membrane filter identification, date, results and initials of the responsible individual. If the membrane filter sterility check indicates contamination, the affected membrane filters may not be used.

(h) The requirements for positive and negative culture control checks are as follows:

(1) Each pre-prepared, ready-to-use lot of medium and each batch of medium prepared in the laboratory shall be tested with at least one pure culture of a known positive reaction prior to first use of the medium. Records shall be maintained and include the date, media lot or batch number, type of media, positive culture control organism identification, results and initials of responsible individual. If positive culture control checks do not meet expected results, the affected media may not be used.

(2) Each pre-prepared, ready-to-use lot of selective medium and each batch of selective medium prepared in the laboratory shall be tested with at least one pure culture of a known negative reaction prior to first use of the medium. Records shall be maintained and include the date, media lot or batch number, type of media, negative culture control organism identification, results and ini-

tials of the responsible individual. If negative culture control checks do not meet expected results, the affected media may not be used.

(3) An environmental laboratory shall use stock positive and negative culture controls that are known and traceable to a recognized National collection. Documentation of traceability shall be maintained.

(4) Stock positive and negative culture controls shall be discarded upon the manufacturer's expiration date unless it is shown through appropriate biochemical and purity tests that the stock culture control has not been contaminated or altered.

(i) The requirements for test variability/reproducibility are as follows:

(1) For test methods that specify colony counts, duplicate counts shall be performed monthly on one positive sample for each month that the test is performed. If the laboratory has two or more analysts, each analyst shall count typical colonies on the same plate. Counts may not differ by more than 10%. In an environmental laboratory with only one analyst, the analyst shall count the same plate twice. Counts may not differ by more than 5%.

(2) If the protocol for a method does not require a positive culture control during sample analysis, the environmental laboratory shall analyze a positive culture control organism through the entire method on a monthly basis.

(3) If the method determines organism density, a control sample shall be prepared from stock culture to contain 20 to 80 viable organisms per the usual volume analyzed. The positive control shall then be processed through all steps of the method and the density of the positive control determined and recorded.

(4) If the environmental laboratory is using a method for detecting as opposed to counting organisms, a control sample may be inoculated by transferring a portion of the sample from a positive stock culture to 100-mL of reagent or dilution water.

**§ 252.405. Essential quality control requirement—radiochemistry.**

(a) In addition to the requirements of § 252.401 (relating to basic requirements), laboratories performing testing or analysis of environmental samples in the area of radiochemistry shall comply with this section.

(b) When the method selected by an environmental laboratory in accordance with § 252.307 (relating to methodology) contains more stringent requirements than the requirements of this section, the environmental laboratory shall follow the more stringent requirements contained in the method.

(c) The requirements for initial calibration are as follows:

(1) An environmental laboratory shall follow the initial calibration requirements of the method or regulation.

(2) Initial calibrations shall be performed using calibration standards that have the same general characteristics as the associated environmental samples, for example geometry, homogeneity and density.

(3) The initial calibration shall include, when applicable, determination of instrument background, efficiency, mass attenuation and energy calibration.

(4) The results of testing or analysis of environmental samples shall be determined from an initial calibration that is not more than 12 months old and may not be

determined from any continuing calibration verification, unless otherwise required by regulation, method or program.

(5) The details of the initial calibration procedures including calculations, integrations, acceptance criteria and associated statistics shall be included or referenced in the laboratory's standard operating procedures.

(6) Raw data records shall be retained to permit reconstruction of the initial calibration.

(d) The requirements for an instrument suitability verification are as follows:

(1) An instrument suitability verification standard shall be analyzed at the beginning of each analysis day, unless a higher frequency is required in the method or regulation.

(2) The instrument suitability verification standard shall be a check source that provides adequate counting statistics for a relatively short count time and is sealed or encapsulated to prevent loss of activity and contamination of the instrument and laboratory personnel.

(3) For alpha and gamma spectroscopy systems, the instrument suitability verification standard shall include determination of instrument counting efficiency, energy calibration and peak resolution.

(4) For gas-proportional and liquid scintillation counters, the instrument suitability verification standard shall include determination of instrument counting efficiency.

(5) For scintillation counters, the instrument suitability verification standard shall include determination of instrument counting efficiency.

(6) Details of the instrument suitability verification procedure including calculations, integrations, acceptance criteria and associated statistics shall be included or referenced in the laboratory's standard operating procedures.

(7) Raw data records shall be retained to permit reconstruction of the instrument suitability verification.

(8) Acceptance criteria for instrument suitability verification standards in the method or regulation shall be followed. When there are no established criteria in the method, an environmental laboratory shall determine internal criteria and document the procedure used to establish the criteria.

(9) If an instrument suitability verification standard fails the acceptance criteria, an environmental laboratory shall initiate corrective actions.

(10) Environmental samples not bracketed by acceptable instrument suitability verification standards shall be reanalyzed.

(e) The requirements for an instrument background measurement are as follows:

(1) An instrument background check shall be analyzed every analysis day.

(2) Instrument background values shall be subtracted from the total measured activity in the determination of the sample activity.

(3) Each individual background check shall be compared to the acceptance criteria in the method or regulation. When there are no established criteria in the method or regulation, an environmental laboratory shall determine internal criteria and document the procedure used to establish the limits.

(4) Environmental samples associated with an out of control instrument background check shall be reprocessed and reanalyzed from the beginning of the method or the results reported with the appropriate data qualifiers.

(f) The requirements for a method blank are as follows:

(1) A method blank shall be processed along with and under the same conditions as the associated samples including all steps of the preparation and analytical procedure.

(2) A method blank shall be analyzed at a minimum of one per preparation batch. When no separate preparation method is used, such as gamma analysis in water, the batch shall be defined as no more than 20 environmental samples that are analyzed together using the same method, personnel and lots of reagents.

(3) A method blank shall consist of a matrix that is similar to the associated environmental samples and is free of the isotopes of interest. When a matrix that is similar to the associated environmental samples that is free of the analytes of interest does not exist and cannot be prepared, reagent water or an artificial or simulated matrix may be used.

(4) When an environmental sample is analyzed by gamma spectrometry by placing the sample matrix into a calibrated counting geometry, the method blank shall consist of a similar counting geometry that is filled to a similar volume with reagent water to partially simulate gamma attenuation due to a sample matrix.

(5) The method blank result may not be subtracted from the sample results in the associated preparation or analytical batch unless permitted by the method or regulation.

(6) The method blank shall be prepared with similar aliquot size to that of the routine samples for analysis. The method blank result and acceptance criteria shall be calculated in a manner that compensates for sample results based upon differing aliquot size.

(7) If a contaminant is detected in the method blank, the source of contamination shall be investigated and measures shall be taken to minimize or eliminate the contamination. A method blank is considered contaminated if one of the following applies:

(i) The activity of a target isotope in the method blank is at or above the reporting limit established by the method or by regulation.

(ii) The contamination in the method blank otherwise affects the environmental sample results as described in the method, regulation or in individual project data quality objectives.

(8) Environmental samples associated with a contaminated method blank shall be reprocessed for analysis or the results reported with the appropriate data qualifiers.

(g) The requirements for a laboratory control sample are as follows:

(1) A laboratory control sample shall be processed along with and under the same conditions as the associated environmental samples, including all steps of the preparation and analytical procedure.

(2) The laboratory control sample shall consist of a defined matrix containing known and verified activities of isotopes. When a matrix that is similar to the associated environmental samples that is free of the analytes of interest is not available, reagent water or an artificial or simulated matrix may be used.

(3) A laboratory control sample shall be analyzed at a minimum of one per preparation batch. When no separate preparation method is used, such as gamma analysis in water, the batch shall be defined as no more than 20 environmental samples that are analyzed together with the same method, personnel and lots of reagents.

(4) The activity of the laboratory control sample shall be within the calibration range of the method and one of the following

(i) Two to ten times the detection limit.

(ii) At an activity level comparable to that of the environmental samples being tested or analyzed, if the sample activities are expected to exceed ten times the detection limit.

(5) The standard used to prepare the laboratory control sample shall be from a source independent of the standards used for initial calibration.

(6) When a radiochemical method, other than gamma spectroscopy, has more than one reportable isotope, for example, plutonium, Pu 238 and Pu 239, using alpha spectrometry, only one of the isotopes shall be included in the laboratory control sample. When more than one isotope is present above the specified detection limit, each isotope shall be assessed against the acceptance criteria.

(7) When gamma spectrometry is used to identify and quantitate more than one isotope, the laboratory control sample shall contain isotopes that represent the low, for example americium-241, medium, for example cesium-137, and high, for example cobalt-60, energy range of the analyzed gamma spectra. The isotopes need not exactly bracket the calibrated energy range or the range over which isotopes are identified and quantitated.

(8) Each individual laboratory control sample shall be compared to the acceptance criteria in the method or regulation. When there are no established criteria in the method or regulation, an environmental laboratory shall determine internal criteria and document the procedure used to establish the limits.

(9) Environmental samples associated with an out of control laboratory control sample shall be reprocessed and reanalyzed from the beginning of the method or the results reported with the appropriate data qualifiers.

(h) The requirements for sample duplicates are as follows:

(1) A sample duplicate shall be analyzed at a minimum of one per preparation batch. When no separate preparation method is used, for example gamma analysis in water, the batch shall be defined as no more than 20 environmental samples that are analyzed together using the same method, personnel and lots of reagents.

(2) An environmental laboratory shall document the calculations used for determining the relative percent difference or other statistical method for evaluation of the sample duplicate pairs.

(3) Each sample duplicate relative percent difference shall be compared to the acceptance criteria in the method or regulation. When there are no established criteria in the method or regulation, an environmental laboratory shall determine internal criteria and document the procedure used to establish the acceptance limits.

(4) For sample duplicate results outside established criteria, corrective action shall be documented and the affected data reported with appropriate data qualifiers.

(i) Tracer requirements are as follows:

(1) For those methods that utilize a tracer or internal standard, each sample result shall have an associated tracer or internal standard recovery calculated and reported.

(2) The tracer or internal standard recovery shall be assessed against the acceptance criteria specified in the method or regulation. When there are no established criteria in the method or regulation, an environmental laboratory shall determine internal criteria and document the procedure used to establish the acceptance limits.

(3) For tracer or internal standard recovery outside established criteria, corrective action shall be documented and the data reported with appropriate data qualifiers.

(j) Carrier requirements are as follows:

(1) For those methods that utilize a carrier, each sample must have an associated carrier recovery calculated and reported.

(2) The carrier recovery for each sample shall be assessed against the acceptance criteria specified in the method or regulation. When there are no established criteria in the method or regulation, an environmental laboratory must determine internal criteria and document the procedure used to establish the acceptance limits.

(3) For carrier recovery outside established criteria, corrective action shall be documented and the data reported with appropriate data qualifiers.

(k) The requirements for detection limits are as follows:

(1) A detection limit shall be determined by the protocol in the method or regulation. If the protocol for determining detection limits is not specified in the method or regulation, the environmental laboratory shall select a procedure that reflects instrument limitations and the intended application of the method.

(2) A detection limit shall be initially determined for the isotopes of interest in each method in a matrix in which neither the target isotope nor interferences are at a concentration that would impact the results. The detection limit shall be determined in the matrix of interest.

(3) A detection limit shall be determined each time there is a change in the method that affects how the test is performed or that affects the sensitivity of the analysis.

(4) The sample processing steps of the method shall be included in the determination of the detection limit.

(5) Supporting data shall be retained to permit reconstruction of the detection limit determination.

(6) An environmental laboratory shall have a written procedure to relate detection limits with quantitation limits.

(7) The method's lower limit of quantitation must be established and must be above the detection limit.

(l) Each result shall be reported with the associated measurement uncertainty. The procedures for determining the measurement uncertainty shall be documented and be consistent with the method and regulation.

### **Subchapter E. PROFICIENCY TEST STUDY REQUIREMENTS**

Sec.  
252.501. Proficiency test study requirements.

#### **§ 252.501. Proficiency test study requirements.**

(a) By \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 30 days of the effective date of this chapter), the Department will publish a list of fields of accreditation for

which proficiency test studies are available. The Department may update the list of available fields of accreditation by publishing a revised list of available proficiency test studies.

(b) An environmental laboratory shall participate in proficiency test studies, when available, as specified in subsection (a), for each field of accreditation for which the laboratory seeks to obtain or maintain accreditation.

(c) Within the 12 months prior to applying for initial accreditation under this chapter or during the approval process, an environmental laboratory shall successfully analyze at least one single blind, single concentration proficiency test study, when available, as specified in subsection (a), for each field of accreditation for which it seeks accreditation.

(d) An environmental laboratory accredited under this chapter shall successfully analyze at least one single blind, single concentration proficiency test study for each field of accreditation, when available, as specified in subsection (a), for which the laboratory is accredited at least once every 12 months.

(e) Proficiency test studies shall be purchased at the environmental laboratory's expense directly from suppliers approved by the Department as a proficiency test provider.

(f) An environmental laboratory shall ensure that all proficiency test study samples are managed, analyzed and reported in the same manner as real environmental samples and utilize the same staff, procedures, equipment, facilities, number of replicates and methods for the routine analysis of the analyte.

(g) An environmental laboratory may not send a proficiency test study, or a portion of a proficiency test study, to another laboratory for analysis for a field of accreditation for which it seeks accreditation or is accredited prior to the time the results of the study are released by the proficiency test study provider.

(h) An environmental laboratory may not knowingly analyze a proficiency test study, or a portion of a proficiency test study, for another environmental laboratory for which the sending environmental laboratory seeks accreditation or is accredited prior to the time the results of the study are released by the proficiency test study provider.

(i) An environmental laboratory may not communicate with another environmental laboratory, including other laboratories under common ownership, concerning the proficiency test study prior to the time the results of the study are released by the proficiency test study provider.

(j) An environmental laboratory may not attempt to obtain the prepared value of a proficiency test study from the proficiency test study provider prior to the time the results of the study are released by the proficiency test study provider.

(k) If an environmental laboratory fails to successfully analyze a proficiency test study, it shall determine the cause for the failure and take any necessary corrective action. The laboratory shall document the investigation and corrective action.

(l) An environmental laboratory shall direct the proficiency test study provider to report the proficiency test study performance results directly to the Department at the same time that the provider reports the results to the environmental laboratory.

(m) An environmental laboratory shall maintain copies of all raw data associated with proficiency test studies for at least 5 years.

**Subchapter F. ONSITE ASSESSMENT REQUIREMENTS**

Sec.  
252.601. Onsite assessment requirements.

**§ 252.601. Onsite assessment requirements.**

(a) Prior to accrediting an environmental laboratory, the Department will perform an onsite assessment of the laboratory.

(b) Prior to granting accreditation for an additional field of accreditation to an environmental laboratory, the Department may perform an onsite assessment of the laboratory.

(c) The Department may conduct announced or unannounced onsite assessments of an environmental laboratory to ensure compliance with the conditions of accreditation, this chapter or orders issued by the Department.

(d) The Department will provide the environmental laboratory with an onsite assessment report documenting any deficiencies found by the Department.

(e) An environmental laboratory shall submit a corrective action report to the Department within 60 calendar days from receipt of an onsite assessment report from the Department where the Department has found deficiencies. The corrective action report shall document the corrective action taken by the laboratory to correct each deficiency.

(f) If any portion of the corrective action report is not acceptable, an environmental laboratory shall submit a revised written corrective action report within 30 calendar days from receipt of the Department's response. If the second corrective action report is not acceptable, the Department may revoke accreditation.

(g) Unless otherwise approved by the Department, deficiencies shall be corrected within 120 calendar days of receipt of the onsite assessment report.

(h) The Department may extend the period of implementing corrective actions, for specific deficiencies, for a maximum of 30 calendar days upon receipt of the laboratory's written petition and corrective action report, when the laboratory must take one or more of the following actions:

- (1) Purchase new equipment.
- (2) Revise the quality manual.
- (3) Replace significant laboratory personnel.

**Subchapter G. MISCELLANEOUS PROVISIONS**

Sec.  
252.701. Expiration of application.  
252.702. Denial of application.  
252.703. Revocation.  
252.704. Suspension.  
252.705. Voluntary relinquishment.  
252.706. Use of accreditation.  
252.707. Recordkeeping.  
252.708. Subcontracting.  
252.709. Reporting and notification requirements.

**§ 252.701. Expiration of application.**

An environmental laboratory that fails to meet the requirements for accreditation within 1 year from the date the Department receives the application shall submit a new application and pay the appropriate fee to become accredited under this chapter.

**§ 252.702. Denial of application.**

(a) The Department will deny an application for accreditation or application for renewal of accreditation under one or more of the following circumstances:

(1) The environmental laboratory is in continuing violation of or demonstrates an inability or lack of intention to comply with this chapter or other laws administered by the Department.

(2) The Department revoked the environmental laboratory's certificate of accreditation for all fields of accreditation for failure to correct deficiencies identified in an onsite assessment report within the previous 6 months.

(b) The Department may deny an application for accreditation or application for renewal of accreditation for one or more of the following reasons:

- (1) Falsifying analyses.
- (2) Selectively reporting data.
- (3) Making misrepresentations to the Department.
- (4) Engaging in unethical or fraudulent practices.
- (5) Analysis of proficiency test studies by personnel other than the analysts associated with the routine analysis of environmental samples in the laboratory.
- (6) Failure to submit a complete application.
- (7) Failure to pay required fees.
- (8) Failure of laboratory staff to meet the personnel qualifications of education, training and experience.
- (9) Failure to successfully analyze and report proficiency test studies as required by this chapter.
- (10) Failure to respond to an onsite assessment report with a corrective action report within the required timeframes.
- (11) Failure to submit an acceptable corrective action report in response to an onsite assessment within the required timeframes.
- (12) Failure to implement the corrective actions detailed in the environmental laboratory's corrective action report within a time frame approved by the Department.
- (13) Failure to implement a quality assurance program.
- (14) Failure to pass an onsite assessment.
- (15) Denial of entry to the Department during normal business hours for an onsite assessment.
- (16) Violation of a statute, this chapter or an order of the Department.
- (17) Failure to meet the requirements of this chapter.

**§ 252.703. Revocation.**

(a) The Department will revoke an environmental laboratory's accreditation for a field of accreditation when, after being suspended due to failure to participate in a required proficiency test study or due to failure to obtain an acceptable result for a proficiency test study, the laboratory's analysis of the next proficiency test study results in a failed proficiency test study for that field of accreditation.

(b) The Department may revoke an environmental laboratory's accreditation, in part or in total, for one or more of the following reasons:

- (1) Failure to respond to an onsite assessment report with a corrective action report within the required timeframes.

(2) Failure to correct deficiencies identified during an onsite assessment of the environmental laboratory.

(3) Failure to implement corrective action related to violations or deficiencies found during an onsite assessment.

(4) Failure of an environmental laboratory that has been suspended to correct all outstanding violations or deficiencies within 6 months of the effective date of the suspension.

(5) Failure to submit an acceptable corrective action report in response to an onsite assessment report within the required timeframes.

(6) Violation of a condition of accreditation.

(7) Violation of a statute, this chapter or an order of the Department.

(8) Falsifying analyses.

(9) Selectively reporting data.

(10) Making misrepresentations to the Department.

(11) Engaging in unethical or fraudulent practices.

(12) Analysis of proficiency test studies by personnel other than the analysts associated with the routine analysis of environmental samples in the laboratory.

(13) Failure to implement a quality assurance program.

(14) Failure to participate in the proficiency test study program as required by this chapter.

(15) Denial of entry to the Department during normal business hours for an onsite assessment.

(16) Failure to comply with the reporting and notification requirements as specified in § 252.709 (relating to reporting and notification requirements).

(17) Failure to employ staff that meets the personnel qualifications for education, training and experience.

(18) Failure to meet the requirements of this chapter.

(c) The environmental laboratory may continue to test or analyze environmental samples for those fields of accreditation not revoked.

(d) Within 72 hours of receiving notice of the revocation of accreditation from the Department, the environmental laboratory shall notify each of its customers affected by the revocation in writing of the revocation on a form approved by the Department.

#### § 252.704. Suspension.

(a) Denial of access to the Department during normal business hours will result in immediate suspension of accreditation for all fields of accreditation. Upon notice from the Department, the laboratory shall immediately cease testing or analysis of environmental samples.

(b) The Department will suspend an environmental laboratory's accreditation in total or in part for one or more of the following reasons:

(1) The Department finds that protection of the environment or the public health, safety or welfare requires emergency action.

(2) The environmental laboratory fails to successfully complete a proficiency test study within the previous 12 months.

(3) The environmental laboratory fails two consecutive proficiency test studies for a field of accreditation.

(c) The Department may suspend a laboratory's accreditation in total or in part for one or more of the following reasons:

(1) Failure to comply with the reporting and notification requirements as specified in § 252.709 (relating to reporting and notification requirements).

(2) Failure to implement a quality assurance program.

(3) Failure to employ staff that meets the personnel qualifications for education, training and experience.

(d) A laboratory may continue to test or analyze environmental samples for those fields of accreditation not affected by the suspension.

(e) Within 72 hours of receiving notice of the suspension of accreditation from the Department, the environmental laboratory shall notify each of its customers affected by the suspension in writing of the suspension on a form approved by the Department.

#### § 252.705. Voluntary relinquishment.

(a) An environmental laboratory wishing to voluntarily relinquish its certificate of accreditation shall notify the Department in writing.

(b) An environmental laboratory that voluntarily relinquishes its certificate of accreditation shall insure records are maintained in accordance with § 252.707 (relating to recordkeeping).

(c) Within 72 hours of voluntarily relinquishing its certificate of accreditation, the laboratory shall notify each of its customers affected by the voluntary relinquishment in writing of the relinquishment on a form approved by the Department.

#### § 252.706. Use of accreditation.

(a) Environmental laboratories accredited by the Department shall:

(1) Post or display their most recent certificate of accreditation for all fields of accreditation in a prominent place in the laboratory.

(2) Make accurate statements concerning their accreditation status.

(3) Not use their certificate of accreditation, accreditation status or the Department's logo to imply endorsement by the Department.

(b) Environmental laboratories using the Department's name, making reference to its accreditation status or using the Department's logo in catalogs, advertising, business solicitations, proposals, quotations, laboratory analytical reports or other materials, shall:

(1) Distinguish between testing for which the laboratory is accredited and testing for which the laboratory is not accredited.

(2) Include the environmental laboratory's accreditation number.

(c) Upon suspension, revocation or voluntary relinquishment of accreditation, a laboratory shall:

(1) Discontinue use of all catalogs, advertising, business solicitations, proposals, quotations, laboratory analytical results or other materials that contain reference to the laboratory's past accreditation status.

(2) Discontinue use or display of the Department's logo.

(3) Return certificates of accreditation to the Department within 48 hours.

(d) NELAP accredited laboratories shall accompany the Department's name or the NELAC/NELAP logo with the phrase "NELAP accredited" and the laboratory's accreditation number when using the Department's name or the NELAC/NELAP logo on general literature such as catalogs, advertising, business solicitations, proposals, quotations, laboratory analytical reports or other materials.

(e) NELAP accredited laboratories may not use their NELAP certificate, NELAP accreditation status or NELAC/NELAP logo to imply endorsement by the Department or NELAC.

**§ 252.707. Recordkeeping.**

(a) An environmental laboratory shall maintain records in a manner accessible by the Department.

(b) An environmental laboratory shall maintain records that allow reconstruction of all laboratory activities associated with the testing or analysis of environmental samples.

(c) Records required under this chapter shall be maintained for a minimum of 5 years unless otherwise specified.

(d) An environmental laboratory shall have a written plan that specifies how records will be maintained or transferred if laboratory transfers ownership or terminates operations.

**§ 252.708. Subcontracting.**

(a) The subcontracted environmental laboratory shall be indicated on the final report.

(b) An environmental laboratory may not subcontract testing or analysis covered under this chapter to an

environmental laboratory that is not accredited and in compliance with this chapter.

**§ 252.709. Reporting and notification requirements.**

(a) An environmental laboratory conducting testing or analysis of drinking water under Chapter 109 (relating to safe drinking water) shall meet the reporting and notification requirements of that chapter.

(b) An environmental laboratory shall notify the Department, in writing, within 30 calendar days of changes in laboratory supervisors, analysts, supervisor or analyst assignments, testing or analysis equipment and facilities which affect accredited fields of accreditation.

(c) An environmental laboratory shall notify the Department, in writing, within 30 calendar days of a change in the legal name of the laboratory.

(d) An out-of-State environmental laboratory with either primary or secondary accreditation from the Department shall notify, in writing, the Department within 48 hours of any changes in the laboratory's accreditation status from any other primary accrediting authority.

(e) The Department may require additional information or proof of continued capability to perform the testing or analysis for affected fields of accreditation upon receipt of notification under this subsection.

(f) The Department may require an onsite assessment under § 252.601 (relating to onsite assessments) upon receipt of notification under this subsection.

[Pa.B. Doc. No. 05-149. Filed for public inspection January 21, 2005, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Plum Pox Virus; Order of Quarantine

#### *Recitals*

A. The Plant Pest Act (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted the Department under section 21 the Plant Pest Act (3 P. S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

C. Plum Pox Virus (PPV)—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable.

D. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth.

E. The two primary means by which PPV spreads are: a) through propagation of infected trees and subsequent movement of infected nursery material; and b) through aphid transmission of PPV from infected to healthy trees.

F. The movement of PPV-infected nursery trees provides the most serious threat of long distance movement of the virus and poses a danger to stone fruit trees in noninfected areas.

G. There is no known control for PPV other than destruction of infected trees.

H. PPV has been detected on stone fruit trees located in portions of four counties of this Commonwealth.

I. The Department exercised its statutory authority and established a quarantine in portions of Adams, Cumberland, Franklin and York Counties prohibiting the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibiting the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

J. No practical quarantine area can completely limit movement of infectious aphids from within to outside the area.

K. Isolation distance requirements for production and propagation of *Prunus* nursery stock set forth in the March 18, 2002, PPV Order of Quarantine (published at 32 Pa.B. 1663 (March 30, 2002)) to safeguard against movement of virus into nursery material have proven insufficient to prevent virus movement into nursery stock.

L. The United States Department of Agriculture's PPV Science Issues Working Group has suggested that it would be reasonable to adopt isolation distance requirements for production and propagation of *Prunus* nursery stock from the North American Plant Protection Organization Regional Standard No. 18, entitled *Guidelines for Phytosanitary Action Following Detection of Plum Pox Virus*. This standard calls for a 1.5 km distance between PPV positive finds and the PPV quarantine boundary,

and an additional 10 km distance between that boundary and any *Prunus* nursery production.

M. PPV may not be detectable within a tree newly infected by aphids before that tree is used as a budwood source for propagation of nursery stock or is moved as nursery stock itself.

#### *Order*

Under authority of section 21 of the Plant Pest Act, and with the foregoing recitals incorporated herein, the Department hereby orders the following:

1. *Rescinding Previous Quarantine Order*. The previous quarantine order addressing nursery stock propagation, issued March 18, 2002, and published at 32 Pa.B. 1663 is hereby rescinded.

2. *PPV Nursery Quarantine Area*. The PPV Nursery Quarantine Area is comprised of the following:

a. Any area within 11.5 kilometers (7.15 miles) of any location from which a PPV-positive sample has been detected within the preceding 3 years. (These PPV-positive locations and the 11.5-kilometer radius from these locations are identified on maps that are available from the Department upon request. The 11.5-kilometer radius is determined using location readings received from global positioning satellites (GPS) and the computer-assisted calculations of a geographical information system. The Department shall, upon request, visit any site to take GPS readings and determine whether that site is within the quarantine area.)

b. Any area that is or has been subject to a PPV-related quarantine order issued by this Department, or that is subsequently made subject to an order. The quarantine area includes the following:

#### *Within Adams County:*

- Huntington Township
- Latimore Township

• That portion of Menallen Township located to the east of the rough north-to-south line extending from the northern border of the township, south on State Route 4007 (Pine Grove Furnace Road) to State Route 4008, south on State Route 4008 to Route 34 (at Bendersville), and south on Route 34 to the southern border of that township. To this was added that roughly-triangular portion of Menallen Township adjacent to it, being bounded as follows:

• On the North, by the Adams/Cumberland County Line;

• On the East, by Pine Grove Furnace Road;

• On the Southwest, by a line extending from the intersection of Pine Grove Furnace Road (SR 4007) and Bendersville-Wenksville Road (SR 4008), along Bendersville-Wenksville Road to West Point Road, along West Point Road to Back Road (T386), along Back Road to Coon Road (SR 4012), along Coon Road to the Michaux State Forest and along the boundary of the Michaux State Forest to the Adams/Cumberland County Line.

• That portion of Tyrone Township located to the north of Route 234.

- Borough of York Springs

• That portion of southwestern Butler Township having a roughly-rectangular shape and being bounded as follows:

- On the East, by Pennsylvania State Highway Route 34 (Biglerville Road);
- On the South, by the Cumberland Township Line;
- On the West, by the Franklin Township Line, continuing Northwest to Blue Ribbon Road, east along Blue Ribbon Road to Beecherstown Road, along Beecherstown Road to Rose Lane, along Rose Lane to Ziegler Mill Road, and east along Ziegler Mill Road to the intersection of State Highway Route 34.

Within Cumberland County:

- Dickinson Township
- South Middleton Township
- Southampton Township
- Borough of Mount Holly Springs

Within Franklin County:

- Quincy Township
- Borough of Mont Alto

Within York County:

- Conewago Township
- Franklin Township
- Monaghan Township
- Washington Township

3. *PPV Nursery Quarantine Area Standards and Restrictions.* The quarantine standards and restrictions to be followed by sellers and propagators of susceptible *Prunus* within the PPV Nursery Quarantine Area are as follows:

a. No *Prunus* within the PPV Nursery Quarantine Area shall be used as a source of propagative material (either rootstock or scion). Any propagator may contact the Department for approval of sites of budwood source

trees, if there is any question about their location in relation to the PPV Nursery Quarantine Area.

b. No *Prunus* nursery stock shall be planted in the ground in the PPV Nursery Quarantine Area. No *Prunus* growing within the PPV Nursery Quarantine Area may be dug and moved.

4. *Duration of Quarantine Restrictions.* The restrictions on propagation or movement of *Prunus* in the PPV Nursery Quarantine Area described in this Order shall remain in effect until this Order is amended or rescinded. It is the intention of the Department to keep these restrictions in place for approximately 3 years after it lifts the other PPV-related quarantine orders currently in place.

5. *Limited Statewide Quarantine.* No *Prunus* located within this Commonwealth shall be used as a source of propagative material (either rootstock or scion) unless it has been tested in the year of its intended use, and has tested negative for PPV using the protocol described for mother trees in the National PPV Surveillance Program. Testing will be done by the Department or by a laboratory approved by the Department.

6. *Monitoring and Enforcement.* The Department has the authority to do monitoring and auditing of records as it deems necessary to show that this Order is being followed. Failure to comply with this Order may result in the destruction of nursery stock produced from untested or unapproved sources, and destruction of all PPV-susceptible nursery stock within 500 meters of that nursery stock, with no compensation for costs of destruction or loss.

This quarantine is effective as of January 5, 2005, and shall remain in effect until terminated by subsequent order.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 05-150. Filed for public inspection January 21, 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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 11, 2005.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-10-05	First Resource Bank Exton Chester County	101 Marchwood Road Exton Chester County	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-5-05	Greater Delaware Valley Savings Bank d/b/a Alliance Bank Broomall Delaware County	82 East Lancaster Avenue Paoli Tredyffrin Township Chester County	Opened

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-10-05	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	Corner of Main Avenue and Luzerne Street Scranton Lackawanna County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-31-04	Northwest Savings Bank Warren Warren County	<i>Into:</i> 1265 West Chestnut Street Washington Canton Township Washington County  <i>From:</i> 125 West Beau Street Washington Washington County	Effective
1-4-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Consolidation of the following six branch offices:  <i>Into:</i> 6060 Ridge Avenue Philadelphia Philadelphia County  <i>From:</i> 4370 Main Street Philadelphia Philadelphia County  <i>Into:</i> 1201 Spring Garden Street Philadelphia Philadelphia County  <i>From:</i> 201 Spring Garden Street Philadelphia Philadelphia County  <i>Into:</i> 2039 East Lincoln Highway Langhorne Bucks County  <i>From:</i> U. S. Route 1 and Durham Road Pennel Bucks County  <i>Into:</i> 1502 West Chester Pike West Chester Chester County  <i>From:</i> 1522 West McDaniel Drive West Chester Chester County  <i>Into:</i> 402 South Main Street Greensburg Westmoreland County  <i>From:</i> 1 North Main Street Greensburg Westmoreland County  <i>Into:</i> 2841 Ligonier Street Latrobe Westmoreland County  <i>From:</i> Ligonier and Main Streets Latrobe Westmoreland County	Filed

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Conversion to Community Charter

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-10-05	St. Basil Parish Credit Union Pittsburgh Allegheny County	Pittsburgh	Effective

Conversion from associational to community charter will result in amendments to the credit union's Articles of Incorporation, Article 1, to reflect a change in corporate title to Basil Community Credit Union; and Article 8 to extend the field of membership of the credit union to include individuals who live, work, worship and/or gather regularly within the following described areas: the neighborhoods of Beechview (15216), Brookline (15226), Overbrook (15210) and Banksville (15220), within the City of Pittsburgh; the Municipality of Mt. Lebanon (15228 and 15234); the Township of Upper St. Clair (15241); the Boroughs of Brentwood (15227), Baldwin (15236), Castle Shannon (15234), Dormont (15216), Bethel Park (15102), Bridgeville (15017), Carnegie (15106), Crafton (15205) and Greentree (15242).

A. WILLIAM SCHENCK, III  
*Secretary*

[Pa.B. Doc. No. 05-151. Filed for public inspection January 21, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0044474	Genesis Eldercare 549 Baltimore Pike Glen Mills, PA 19342	Delaware County Concord Township	West Branch of Chester Creek	Y

*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>
PA-0061395-A1 Industrial Waste	Borough of Schuylkill Haven 12 West Main Street Schuylkill Haven, PA 17972-1900	North Manheim Township Schuylkill County	Tumbling Run 03A	Yes

*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 No.)</i>	<i>EPA Waived Y/N ?</i>
PA0083399 (Sewage)	Outdoor World Corporation— Gettysburg Farm Campground P. O. Box 447 Bushkill, PA 18324-0447	York County Dover Township	7F—W. Conewago Creek	Y
PA0246484 (Sewage-Transfer)	Little Washington Wastewater Company d/b/a Suburban Wastewater Co. 762 Lancaster Avenue Bryn Mawr, PA 19010	Adams County Mount Joy Township	Rock Creek—13-D	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 No.)</i>	<i>EPA Waived Y/N ?</i>
PA0033014	DCNR—Pymatuning State Park— Linesville Sewage Treatment Plant 2660 Williamsfield Road Jamestown, PA 16134	Pine Township Crawford County	Pymatuning Reservoir 20-A	Y

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

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

**PA0243965, Industrial Waste, SIC 3273, Silvi Concrete of Chester County, LLC, 355 Newbold Road, Fairless Hills, PA 19030.** This facility is located in Lower Oxford Township, **Chester County**.

Description of Proposed Activity: This application requests approval of a NPDES permit to discharge stormwater runoff from the site of a ready mix concrete batch plant located at 1824 Baltimore Pike, Oxford, PA.

The receiving stream, an UNT to West Branch Big Elk Creek, is in the State Water Plan watershed 7K and is classified for: HQ-TSF, MF, aquatic life, water supply and recreation.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Max Daily</i>	<i>Average Annual</i>	<i>Average Semi-Annual</i>	<i>Max Daily</i>	
Total Suspended Solids (Issuance through Year 2)			M/R	M/R	M/R	
Total Suspended Solids (Year 3 through expiration)			50	M/R	100	100
pH (STD) (Issuance through year 2)			M/R	M/R	M/R	
pH (STD) (Year 3 through expiration)			6.0 (Min)		9.0 (Max)	
Oil and Grease			M/R	M/R	M/R	
pH (Upstream)			M/R	M/R	M/R	
pH (Downstream)			M/R	M/R	M/R	

M/R = Monitor/Report

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

1. DMR to DEP
2. BAT/ELG Reopener
3. Change of Name or Ownership
4. Stormwater Outfall Requirements
5. Instream pH Monitoring

**PA0057584, IW,SIC 4612 Sunoco, Inc., Automotive Laboratory**, P. O. Box 1135, Marcus Hook, PA 19061. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Proposed Activity: A groundwater remediation system. Applicant requests an amendment to the permit to relocate the outfall and a corresponding revision to the effluent limits based on no measurable change.

The receiving stream, UNT to Culberton Run, is in the State Water Plan watershed 3H and is classified for: HQ-TSF and MF. The nearest downstream public water supply intake for future Downingtown water filtration plant is located on East Branch of Brandywine and is 7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 8,640 gpd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Benzene	Not Detectable	Not Detectable
Total BETX	Not Detectable	Not Detectable
Ethylbenzene	Not Detectable	Not Detectable
Toluene	Not Detectable	Not Detectable
Total Xylenes	Not Detectable	Not Detectable
Iron, Total	16	32
Naphthalene	Not Detectable	Not Detectable
Manganese	1.3	2.6
MTBE	Monitor/Report	Monitor/Report
Lead, Total	Not Detectable	Not Detectable
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Requirements:

1. Remedial Measures
2. Small Stream Discharge
3. Test Methods
4. Change of Ownership
5. Sludge Disposal
6. Air Stripper
7. Monitoring
8. 2/Month Monitoring
9. Data for TMDL
10. Groundwater Monitoring

The EPA Waiver is in effect

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

**PA0005061, Industrial Waste. Orion Power Midwest L.P., New Castle Plant**, 121 Champion Way, Canonsburg, PA 15317-5817. This proposed facility is located in Taylor Township, **Lawrence County**.

Description of Proposed Activity: existing discharge of noncontact cooling water, treated industrial waste, miscellaneous wastewaters and stormwater runoff.

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 Beaver Falls Municipal Authority—Eastvale plant on the Beaver River located approximately 16 miles below point of discharge.

The receiving stream, Beaver River (Outfalls 001—006, 009, 010 and 101), and McKee Run (Outfalls 007, 008 and 011—013), is in watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 139.3 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)	XX	XX			
(BAT) Total Residual Chlorine					0.2
(WQ-93) Temperature				** (mBtu/day Allowable H)	
January 1—31				49,096	
February 1—29				46,516	
March 1—31				41,096	
April 1—15				46,465	
April 16—30				41,959	
May 1—15				20,610	
May 16—30				38,334	
June 1—15				48,413	
June 16—30				39,078	
July 1—31				43,303	
August 1—15				35,490	
August 16—31				39,749	
September 1—15				38,451	
September 16—30				40,548	
October 1—15				43,866	
October 16—31				41,778	
November 1—15				44,114	
November 16—30				44,114	
December 1—31				42,367	
(BPJ) Copper (Interim)	XX	XX	0.026	0.052	0.065
(CH-16) Copper (Final)	10.4	22.0	0.009	0.019	0.024
(BPJ) Lead (Interim)	XX	XX	0.008	0.016	0.020
(CH-16) Lead (Final)	6.9	13.9	0.006	0.012	0.015
(CH-95) pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 101 based on a design flow of 0.006 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Oil and Gas	15	20	30
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002 based on a design flow of 0.42 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This discharge shall consist solely of intake screen backwash.			

The proposed effluent limits for Outfall 003 based on a design flow of 0.26 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Oil and Gas	15	20	30
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 004 based on a design flow of 1.0 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Oil and Gas	15	20	30
Iron	3.0	7.0	8.75
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 005 based on a design flow of 1.0 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Oil and Gas	15	20	30
Iron	3.0	7.0	8.75
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 006 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Oil and Gas	15	20	30
Dissolved Iron	XX		7
Any untreated overflow from facilities designed, constructed and operated to treat the ash pile runoff which results from a 10 year/24 hour rainfall event shall not be subject to the above Total Suspended Solids limitations.			
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 007 based on a design flow of 0.71 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Oil and Gas	15	20	30
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 008 based on a design flow of 0.08 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Any untreated overflow from facilities designed, constructed and operated to treat the ash pile runoff which results from a 10 year/24 hour rainfall event shall not be subject to the above Total Suspended Solids limitations.			
pH	6.0 to 9.0 standard units at all times		



The proposed effluent limits for Outfall 009 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX	
Total Suspended Solids	30	100	
Any untreated overflow from facilities designed, constructed and operated to treat the ash pile runoff which results from a 10 year/24 hour rainfall event shall not be subject to the above Total Suspended Solids limitations.			
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 010 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This discharge shall consist solely of stormwater runoff			
Area Contributing Stormwater Runoff: Outfall 010—No. 10 Building Drain			

The proposed effluent limits for Outfall 011 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This discharge shall consist solely of stormwater runoff			
Area Contributing Stormwater Runoff: Outfall 011—Coal Truck Parking Area			

The proposed effluent limits for Outfall 012 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This discharge shall consist solely of stormwater runoff			
Area Contributing Stormwater Runoff: Outfall 012—138 KV Substation Area			

The proposed effluent limits for Outfall 013 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This discharge shall consist solely of stormwater runoff			
Area Contributing Stormwater Runoff: Outfall 013—69 KV Substation Area			

XX—Monitor and report.

The EPA Waiver is not in effect.

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

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

**WQM Permit No. 3604418**, Sewerage, **Mount Joy Township Authority**, 157 Merts Drive, Elizabethtown, PA 17022. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Expansion of existing sanitary sewer pump station on Schwanger Road.

**WQM Permit No. 0102404**, Sewerage, **Little Washington Wastewater Company (d.b.a. Suburban Wastewater Company)**, 762 West Lancaster Avenue, Byrn Mawr, PA 19010. This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Transfer of permit.

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

**WQM Permit No. 1005401**, Sewerage, **Saxonburg Area Authority**, 420 West Main Street, Saxonburg, PA 16056-9517. This proposed facility is located in Saxonburg Borough, Clinton, Jefferson, Penn and Middlesex Townships, **Butler County** and Richland Township, **Allegheny County**.

Description of Proposed Action/Activity: This project is for a new 2.05 mgd regional sewage treatment facility and conveyance system to serve 6 municipalities in Butler and Allegheny Counties.

**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.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1504092	James DiGiuseppe James DiGiuseppe Subdivision 7743 Woodley Avenue Van Nuys, CA 91406	Chester	East Coventry Township	UNT Pigeon Creek (HQ-TSF)
PAI01 1504093	Kutz Builders, Inc. Walters Tract Lot 2 1001 Cadmus Road Pottstown, PA 19465	Chester	North Coventry Township	Schuylkill River (HQ)
PAI01 1504094	Faith Baptist Church and Christian School Access Driveway, Parking and Rec Fac 2111 Kuser Road Trenton, NJ 08690	Chester	London Grove Township	East Branch White Clay Creek (EV)
PAI01 1505001	The Cutler Group, Inc. The Ridings at West Vincent Subdivision Five Sentry Park West, Suite 100 Blue Bell, PA 19422	Chester	West Vincent Township	Tributary to FrenchCreek (HQ-TSF-MF)
PAI01 2304008	Brettford, LLC First Blackhawk PIO Boddx 467 Concordville, PA 19331-0467	Delaware	Middletown Township	Dismal Run (HQ-TSF)

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

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504031	Gearhart Properties, LLC 182 Blue Mtn. Lake East Stroudsburg, PA 18301	Monroe	Tobyhanna Township	Tobyhanna Creek, HQ-CWF
PAI024504032	Dina & Anna Catozzo 164 Konner Ave. Pine Brook, NJ 07058	Monroe	Barrett Township, Monroe County - and - Greene Township, Pike County	Leavitt Branch, HQ-CWF
PAI024504033	Greystone Enterprises, LLC 102 State Route 611 Bartonsville, PA 18321	Monroe	Pocono Township	Pocono Creek, HQ-CWF
PAI024504034	Kal-Tac Inc. P. O. Box 378 Brodheads ville, PA 18322	Monroe	Price Township	UNT Brodhead Creek, HQ-CWF

*Schuylkill County Conservation District: 1206 Ag Center Dr., R.R. 5, Box 5810, Pottsville, PA 17901.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025404004	Steven Cotler P. O. Box 279 St. Clair, PA 17970	Schuylkill	Ryan Township - and - Mahanoy Township	Cordonus Creek - and - Locust Creek to Little Schuylkill River, HQ-CWF

*Carbon County Conservation District: 5664 Interchange Road, Leighton, PA 18235-5114, (610) 377-4894.*

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI021304007	Jim Thorpe Area School District 140 West 10th St. Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Tributary to Robertson Run, HQ-CWF

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023904041	Frank Peluso Larkins Assoc. 71 West Park Ave. Vineland, NJ 08360	Lehigh	Upper Macungie Township	Little Lehigh Creek, HQ-CWF

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI-0328-04-004	Creative Investments 10715 Downsville Pike Suite 102 Hagerstown, MD 21740	Franklin	Antrim Township	Muddy Run/ HQ-CWF

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


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

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**MS4 Notices of Intent Received**

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG133561	Newberry Township 1915 Old Trail Road Etters, PA 17319	York County	Newberry Township	Fishing Creek/TSF Conewago Creek/WWF Bennet Run/WWF Susquehanna River/WWF Big Spring Run / TSF	Y

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## 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 may 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.*

**Permit No. 2204509**, Public Water Supply.  
 Applicant **United Water Pennsylvania**  
 Municipality Susquehanna Township  
 County **Dauphin**  
 Responsible Official John D Hollenbach, Vice President  
 4211 East Park Circle  
 Harrisburg, PA 17111-0151  
 Type of Facility Public Water Supply  
 Consulting Engineer Gary W. Snyder, P. E.  
 Black & Veatch  
 Curtis Center  
 Philadelphia, PA 19106  
 Application Received Date 12/17/2004  
 Description of Action Construction of three Infilco Degremont DensaDeg high-rate clarifier/thickener units to replace the existing Trident upflow clarifiers.

**Permit No. 3804504**, Public Water Supply.  
 Applicant **Plains LPG Services, LP**  
 Municipality Heidelberg Township  
 County **Lebanon**  
 Responsible Official Michael L Schaefer, Terminal Manager  
 P. O. Box 486  
 435 Rt. 501 South  
 Schaefferstown, PA 17088  
 Type of Facility Public Water Supply  
 Consulting Engineer Charles A Kehew II, P. E.  
 James R. Holley & Assoc., Inc.  
 18 South George St.  
 York, PA 17401  
 Application Received Date 12/27/2004  
 Description of Action Installation of nitrate treatment and UV disinfection.

## MINOR AMENDMENT

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

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

**Application No. PWSID 3480046**, Minor Amendment.  
 Applicant **Bethlehem Authority/City of Bethlehem**  
 Township or Borough City of Bethlehem

Responsible Official David L. Brong, Director of Water and Sewer Resources  
 10 East Church Street  
 Bethlehem, PA 18018  
 Type of Facility Water Treatment Plant  
 Consulting Engineer Boucher & James, Inc.  
 1456 Ferry Road, Bldg. 500  
 Doylestown, PA 18901  
 Application Received Date January 3, 2005  
 Description of Action Repainting the interior and exterior of a 0.5 mg finished water storage tank known as the South Mountain High Service Reservoir; with additional minor repairs including a freeze-proof vent, an air gap on the overflow pipe and replacing access hatch bolts and seals.

**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:

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

**Wirerope Works, Inc.**, City of Williamsport, **Lycoming County**, Civil & Environmental consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 has submitted a Notice of Intent to Remediate groundwater contaminated with carbon tetrachloride and soils contaminated with lead, arsenic, cadmium, PAGs, and TCE. This site is being remediated to meet a Site-Specific Standard.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users may 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

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

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

**48-399-049B: Alcan Packaging Pharmaceutical and Personal Care** (2400 Baglyos Circle, Bethlehem, PA 18020) for modification of a blister packaging operation at their facility in Bethlehem, **Northampton County**.

**54-318-016: Pleasant Valley Modular Homes, Inc.** (P. O. Box 88, Pine Grove, PA 17963) for modification of adhesive, sealant, and fugitive VOC emitting operations at their facility on PA route 443, Pine Grove Township, **Schuylkill County**.

**40-399-055: Cascades Tissue Group—Pennsylvania, Inc.** (901 Sathers Drive, Vogelbacher Industrial Park, Pittston, PA 18640) an application for a plant wide applicability limit (PAL Permit) including an emission reduction credit proposal (ERC) for their facility in Pittston Township, **Luzerne County**.

**40-00009B: Techneglas Inc.—Pittston Facility** (140 Industrial Drive, Pittston, PA 18640) submitted an Emission Reduction Credit Registry Application for their facility in Jenkins Township, **Luzerne County**.

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

**06-05005B: Eastern Industries, Inc.** (4400 Camp Meeting Road, Suite 200, Center Valley, Pa 18034-9454) for modification of a non-metallic mineral crushing plant controlled by wet suppression in Oley Township, **Berks County**. The modification involves the construction of additional screen and various conveyors. The source is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for New Stationary Sources.

**06-05104A: HB Mellott Estates, Inc.** (110 Mellott Drive, Suite 100, Warfordsburg, PA 17267) for construction of a non-metallic mineral crushing plant controlled by wet suppression in Maiden creek Township, **Berks County**. The source is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for New Stationary Sources.

**36-03152: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026) for construction of a soybean processing facility, West Donegal Township, **Lancaster County**.

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

**41-305-009E: Keystone Filler and Manufacturing Co.** (214 Railroad Street, Muncy, PA 17756) for construction of a rotary carbon products (coal) dryer (No. 5 dryer), associated process equipment and associated air cleaning devices (two fabric collectors) in Muncy Creek Township, **Lycoming County**.

**14-00031A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for installation of a replacement air cleaning device (a water spray dust suppression system) on a stone crushing and screening plant (Sandy Ridge Quarry) in Rush Township, **Centre County**.

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

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

**41-313-011C: Lonza, Inc.** (3500 Trenton Avenue, Williamsport, PA 17701) for installation of an alternate air cleaning device on an existing preservative manufacturing process (Glydant process) in the City of Williamsport, **Lycoming County**.

The Glydant process emits formaldehyde which is a hazardous air pollutant. These emissions are currently controlled by several small packed bed scrubbers. Lonza proposes to replace these small scrubbers with a single larger packed bed scrubber. The resultant formaldehyde emissions following the installation of the larger scrubber will be approximately .5 ton per year which is believed to be equivalent to the current formaldehyde emission rate from the process.

The Department of Environmental Protection's (Department) review of the information provided by Lonza, Incorporated indicates that the Glydant process will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the larger scrubber. Based on this finding, the Department proposes to issue plan approval for the installation of the respective scrubber.

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

1. The formaldehyde emissions from the Glydant process, including those from the associated 10,000 gallon formaldehyde solution storage tank (T503), shall be controlled by the packed bed scrubber at all times.
2. The total combined formaldehyde emissions from the Glydant process shall not exceed .5 ton in any 12 consecutive month period.
3. The formaldehyde concentration in the recirculating scrubber water shall not be allowed to exceed .02%, by

weight, at any time. Additionally, the recirculating scrubber water shall be replaced with fresh water no less frequently than once per month regardless of formaldehyde concentration. The date of each occasion of scrubber water replacement shall be recorded and these records shall be made available to the Department upon request.

4. The formaldehyde concentration in the recirculating scrubber water shall be determined no less frequently than once every 8 hours the scrubber operates. The date, time and results of each such determination shall be recorded and these records shall be made available to the Department upon request.

5. The scrubber shall not be operated at any time it is not needed for air contaminant emission control.

6. The concentration of formaldehyde outside of storage tank T503 shall be continuously monitored and shall not exceed 20 parts per million at any time. The permittee shall report any exceedance of the 20 part per million limit to the Department.

7. The liquid solution height in storage tank T503 shall be continuously monitored and shall not exceed 17 feet at any time. The permittee shall report any exceedance of the 17 foot limit to the Department.

8. The temperature in storage tank T503 shall be continuously monitored and shall not exceed 58° degrees C at any time. The permittee shall report any exceedance of the 58° C limit to the Department.

9. The air contaminant emissions from the manufacture of Natrulon HT shall also be controlled by the scrubber.

10. Within 180 days of the completion of installation of the scrubber, the permittee shall have simultaneous formaldehyde stack testing performed on the inlet and outlet of the scrubber. This testing shall be performed when the formaldehyde concentration in the recirculating scrubber water is as high as it will ever be allowed to go.

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

**S04-002: M.A. Bruder and Sons** (52nd and Grays Avenue, Philadelphia, PA 19143) for manufacturing of paint for retail and commercial sales in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one boiler, ball mills, let-down tanks, blend tanks and mixers. The facility's air emission control devices are baghouses.

The operating permit will be reissued under the 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 wishing 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.

**S04-002: M.A. Bruder and Sons** (52nd and Grays Avenue, Philadelphia, PA 19143) for manufacturing of paint for retail and commercial sales in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one boiler, ball mills, let-down tanks, blend tanks and mixers. The facility's air emission control devices are baghouses.

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#### 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.**

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

**28-05011: Waste Management Disposal Services of PA, Inc.** (9446 Letzburg Road, Greencastle, PA 17225-9317) for their Mountain View Reclamation facility in Antrim and Montgomery Townships, **Franklin County**. This action is a renewal of their Title V Operating Permit issued in 2000. The facility's major sources of emissions include fugitive particulate matter and landfill gasses. The primary emissions also include combustion products from the flare, used as a control device for the landfill gasses, which primarily emits NOx and CO from combustion of the landfill gasses as well as VOCs. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**44-05001: Standard Steel LLC** (500 N. Walnut Street, Burnham, PA 17009) for a Title V Operating Permit Renewal in Burnham Borough, **Mifflin County**. The facility's major sources of emissions include three electric arc furnaces, and natural gas or No. 2 oil fired furnaces, heaters and boilers. The sources primarily emit NOx. The EAFs are controlled with baghouse. The Title V operating permit renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all 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.**

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

**22-03028: Linda B. Corson/Dauphin Animal Crematory** (885 Allegheny Street, Dauphin, PA 17018) for

operation of an animal crematory in Middle Paxton Township, **Dauphin County**. This action is a renewal of the facility's State-only operating permit.

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

**42-00196: Catalyst Energy, Inc.** (State Route 59W and State Route 219N, Timbuck, PA 16738) for a Natural Minor operating permit for operation of their Swamp Angel natural gas processing plant in Lafayette Township, **McKean County**.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the

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

#### *Coal Applications Received*

#### *Effluent Limits*

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	6.0 mg/l	7.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>	greater than 6.0; less than 9.0		
alkalinity greater than acidity <sup>1</sup>			

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

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

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

**03990102 and NPDES Permit No. PA0202444. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal application for reclamation only of an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 58 acres. Receiving streams: Fagley Run to Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 5, 2005.

**63813210 and NPDES Permit No. PA0615129. Pennsylvania Coal Reclamation, Inc.** (P. O. Box 136, 619 Millers Run Road, Cuddy, PA 15031). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Deemston Borough, **Washington County**, affecting 51.3 acres. Receiving stream: UNT to Ten Mile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 6, 2005.

**04723003 and NPDES Permit No. PA0126764. Darlington Brick and Clay Products Co.** (P. O. Box 346, Darlington, PA 16115-0346). Renewal application for reclamation only of an existing bituminous surface mine, located in South Beaver Township, **Beaver County**, affecting 213.1 acres. Receiving streams: UNTs to Brush Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received January 7, 2005.

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

**54840209R4. Mazaika Coal Company**, (689 Fairview Street, Tamaqua, PA 18252), renewal of an existing coal refuse reprocessing operation in Rush Township, **Schuylkill County** affecting 24.0 acres, receiving stream: none. Application received December 30, 2004.

**54850201R4 and NPDES Permit No. PA0614351. Ginther Coal Company**, (P. O. Box 989, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Blythe and East Norwegian Townships, **Schuylkill County** affecting 31.0 acres, receiving stream: Schuylkill River. Application received January 3, 2005.

**5478320R4 and NPDES Permit No. PA0612219. Ginther Coal Company**, (P. O. Box 989, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in East Norwegian Township, **Schuylkill County** affecting 62.0 acres, receiving stream: Schuylkill River. Application received January 3, 2005.

#### *Noncoal Applications Returned*

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

**07030801. Ritchey Brothers**, P. O. Box 53, Curryville, PA 16631, commencement, operation and restoration of a small noncoal topsoil limestone mine in Taylor Township, **Blair County**, affecting 1.0 acre. Receiving stream: Cabbage Creek classified for the following use: wild trout stream. The first downstream potable water supply intake from the point of discharge is Roaring Spring. Application received August 25, 2003. Permit returned January 4, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommoda-



tion to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E48-356. Lower Mount Bethel Township**, P. O. Box 257, 2004 Hutchinson Avenue, Martins Creek, PA 18063, in Lower Mount Bethel Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximate 2,835 L.F. channel change in a tributary to the Delaware River (CWF) for the purpose of stabilizing an eroded water course. The project is located northeast of the intersection of Belvidere Road and Hillendale Road. (Bangor, PA Quadrangle N: 6.7 inches; W: 2.6 inches).

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

**E02-1488. Chapel Harbor at the Water Associates, L.P.**, 1650 Main Street, Pittsburgh, PA 15214. To construct a multi-purpose development in O'Hara Township, **Allegheny County**, Pittsburgh ACOE District. The applicant proposes to operate and maintain an existing mooring cell, subfacility 1) (Pittsburgh East, PA Quadrangle N: 19.9 inches; W: 1.2" and Latitude: 40° 29' 4"—Longitude: 79° 53' 1") and ice breaker wall, subfacility 2) (Pittsburgh East, PA Quadrangle N: 19.8 inches; W: .4" and Latitude: 40° 29' 3"—Longitude: 79° 52' 40"). Subfacility 3) (Pittsburgh, East, PA Quadrangle N: 20.1 inches; W: .6 inches and Latitude: 40° 29' 8"—Longitude: 79° 52' 46") to place and maintain fill in approximately 0.4 acre of an existing river inlet located along the right bank of the Allegheny River (WWF) near river mile 8.5 and along the right bank side of Squaw Run (WWF-HQ). (Subfacility 4) Two stormwater outfalls (Pittsburgh East,

PA Quadrangle N: 19.9 inches; W: 1.7 inches and Latitude: 40° 2' 4"—Longitude: 79° 53' 14") were previously authorized under General Permit 4 No. (GP040204202) for this development. The proposed activities are part of a proposed multi-purpose development known as Chapel Harbor at the Water. To mitigate for the proposed impacts the applicant proposed to construct and maintain an 8' wide littoral shelf located approximately 2' below the rivers normal pool, capped with 1" of river gravel. The proposed impact of this project is approximately 0.4 acre of fill in an existing river inlet.

**E26-322. Mountain Watershed Association, Inc.**, P. O. Box 408, Melcroft, PA 15462. Stream restoration project along Mill Run in Springfield Township, **Fayette County**, Pittsburgh ACOE District. (Mill Run, PA Quadrangle N: 14.3 inches; W: 11.5 inches and Latitude: 39° 58' 24"—Longitude: 79° 27' 19"). The applicant proposes to reconstruct, stabilize and maintain approximately 1,400 linear feet of the channel of Mill Run classified as a HQ-CWF located between SR 381 and Hampton Road. The project includes placement of fill in 0.014 acre of PEM wetlands.

**E63-567. Washington County Commissioners**, 100 West Beau Street, Suite 602, Washington, PA 15301-4432. Two dry fire hydrants intakes in Cross Creek and Hopewell Townships, **Washington County**, Pittsburgh ACOE District. The applicant proposes to construct and maintain two dry fire hydrant intakes: Site 1: (Avella, PA Quadrangle N: 1.2 inches; W: 3.6 inches and Latitude: 40° 15' 48"—Longitude: 80° 23' 50") in Cross Creek Township, and Site 2: (West Middletown, PA Quadrangle N: 22.2 inches; W: 5.9 inches and Latitude: 40° 14' 53"—Longitude: 80° 24' 57") in Hopewell Township. The applicant proposes to construct and maintain two dry fire hydrant intakes to be used by local fire companies.

**E65-863. Westmoreland County Airport Authority**, 200 Pleasant Unity Road, Suite 103, Latrobe, PA 15650. To place fill in wetlands in Unity Township, **Westmoreland County**, Pittsburgh ACOE District. The applicant proposes to place and maintain fill in 1.44 acres of wetlands for the purpose of improving the runway and navigation aids to enhance safety at Arnold Palmer Regional Airport. (Latrobe, PA Quadrangle N: 4.65 inches; W: 3.75 inches and Latitude: 40° 16' 32"—Longitude: 79° 24' 0").

**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.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA-0037290	Pennsylvania Utility Company 234 The Glen Tamiment, PA 18371	Lehman Township Pike	1D UNT to Little Bushkill Creek	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0083364 (Sewage)	Borough of Chambersburg P. O. Box 1009 Chambersburg, PA 17201	Franklin County Greene Township	Conococheague Creek/ 13-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0100200	Reynolds Disposal Co. 301 Arlington Drive Greenville, PA 16125-8214	Pymatuning Township Mercer County	UNT to Shenango River 20-A	Y
PA0102130	Evans City Borough 220 Wahl Avenue Evans City, PA 16033	Jackson Township Butler County	Likens Run 20-C	Y
PA0222852	West Fallowfield Township 6817 Main Street P. O. Box 157 Hartstown, PA 16131	West Fallowfield Township Crawford County	UNT Little Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0246611**, Sewage, **Borough of Strausstown**, P. O. Box 325, Strausstown, PA 19559. This proposed facility is located in Strausstown Borough, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of new STP.

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

**NPDES Permit No. PA0028223**, Sewage Amendment No. 1, **Municipal Authority of the City of Corry**, 36 West Main Street, Corry, PA 16407. This proposed facility is located in City of Corry, **Erie County**.

Description of Proposed Action/Activity: This project is to modify Corry's final TRC limits.

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

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

**WQM Permit No. 5204405**, Sewerage, **PA Utility Company**, 234 The Glen, Tamiment, PA 18371. This proposed facility (The Glen) is located in Lehman Township, **Pike 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. 0604410**, Sewerage, **Borough of Strausstown**, P. O. Box 325, Strausstown, PA 19559. This proposed facility is located in Strausstown Borough, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of a Sewage Treatment Plant to serve Strausstown Borough and Upper Tulpehocken Township.

**WQM Permit No. 3604416**, Sewerage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Sweetbriar Creek Pumping Station.

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

**WQM Permit No. WQG018325**, Sewerage, **Jennifer Tomczak**, 4538 Franklin Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

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

**WQM Permit No. WQG018335**, Sewerage, **Wilbur Hinkston**, 4501 East Stancliff Road, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

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

**WQM Permit No. WQG018348**, Sewerage, **Donald E. and Tina Koewacich**, 678 Thornton Avenue, Sharon, PA 16146-3575. This proposed facility is located in Kingsley Township, **Forest County**.

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

**WQM Permit No. WQG018332**, Sewerage, **Brian and April D. Renninger**, 2450 Fisher Road, Strattanville, PA 16258. This proposed facility is located in Clarion Township, **Clarion County**.

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

**WQM Permit No. WQG018336**, Sewerage, **Gene L. Habbyslaw**, 323 Crestview Road, Slippery Rock, PA 16057. This proposed facility is located in Slippery Rock Township, **Butler County**.

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

**WQM Permit No. WQG018328**, Sewerage, **Eugene Gazdak SFTF**, 50 Greenbrier Circle, Russell, PA 16345. This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve 3 homes.

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

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

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

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

#### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011503040	Forcine Concrete Construction Forcine Concrete Addition 2443 Yellow Springs Road Malvern, PA 19355-1411	Chester	Tredyffrin Township	UNT Valley Creek (EV)
PAI011504013	ACMEC of North America ACMEC Reconstruction P. O. Box 1485 Blue Bell, PA 19422	Chester	West Pikeland Township	UNT Pine Creek (HQ-TSF)
PAI011504080	Capital Specialities Building Addition 15 Commerce Boulevard West Grove, PA 19390	Chester	Penn Township	UNT East Branch Big Elk Creek (HQ-TSF, MF)

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

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504024	Pocono Mountain School District P. O. Box 200 Pocono Mountain School Rd. Swiftwater, PA 18370	Monroe	Paradise Township	Swiftwater Creek, HQ-CWF
PAI024504012	Dept. of Transportation Engineering Dist. 5-0 1713 Lehigh St. Allentown, PA 18103	Monroe	Paradise Township - and - Mount Pocono Borough	Forest Hills Run - and - Swiftwater Creek, HQ-CWF
PAI024503018	Better Homes & Properties, Inc. R. R. 5, Box 5199 East Stroudsburg, PA 18301	Monroe	Smithfield Township	Brodhead Creek - and - Marshalls Creek, TSF, MF and HQ-CWF
PAI024804026	Meadow View Homes, Inc. 619 East Lawn Rd. Nazareth, PA 18064	Northampton	Bushkill Township	Tributary to Bushkill Creek, HQ-CWF
PAS10Q182-R	Lehigh Valley Industrial Holdings, LP c/o J.G. Petrucci Co., Inc. 171 Route 173 Asbury, NJ 08802	Lehigh	Upper Macungie Township	Iron Run, HQ-CWF
PAI023904031	Polaris Iron Run, LP 7562 Penn Drive Allentown, PA 18106	Lehigh	Upper Macungie Township	Little Lehigh Creek, HQ-CWF
PAI023903034	Corrado Homes, Inc. P. O. Box 915 Blue bell, PA 18422	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF
PAS10Q177-R	Lehigh West Land Associates, LP One Saucon View Drive Bethlehem, PA 18017	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF

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


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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).

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


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

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedminster Township Bucks County	PAG2000904026	Robert Sigety Kulp Farm 103 Randts Mill Road Pipersville, PA 18974	UNT Deep Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000904121	Prime Properties Lot 7 Subdivision 1630 Meeting House Road Hartsville, PA 18974	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000903127	Merck Sharpe & Dome Federal Credit Union 1140 Welsh Road Suite 200 North Wales, PA 19454	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Bucks County	PAG2000904135	Solteck Equities, LLC Solteck Subdivision 703 West Market Street Perkasie, PA 18944	UNT Haycock Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Rockhill Township Bucks County	PAG2000904155	Hidden Meadows Assisted Independent Living, LLC Hidden Meadows on the Ridge 708 Lawn Avenue Sellersville, PA 18960	UNT East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chalfont Borough Bucks County	PAG2000904167	North Penn/North Wales Water Authority—Forest Park Treatment Plant Expansion 144 Park Avenue, Box 317 Chalfont, PA 18914	Pine Run/ Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Milford Township Bucks County	PAG2000904186	Robert Campbell 46 King Charles Lane Newtown, PA 18940	UNT Macoby Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Bucks County	PAG2000904143	Naceville Materials Naceville Materials Asphalt 2001 Ridge Road Sellersville, PA 18960	UNT Saucon Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904040	Midatlantic Real Estate, Inc. Proposed CVS Pharmacy 200 South Ithan Avenue Villanova, PA 19085	Morris Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904144	County Cork Builders James and Donna Baskin Sbdv 2188 Detwiler Road Harleysville, PA 19438	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Silverdale Borough Bucks County	PAG2000904154	Pennridge Area Senior Citizens Center 815 Chestnut Street Perkasie, PA 18944	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Quakertown Borough Richland Township Bucks County	PAG2000904191	Borough of Quakertown Water and Sewer Line Replace 35 North Third Street Quakertown, PA 18951	Licking Run Creek, Beaver Run and Tohickon Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
New Garden Township Chester County	PAG2001504102	Lang Limited Partnership 1263 Newark Road Toughkenamon, PA 19374	Trout Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Penn Township Chester County	PAG2001504113	Church in the Vineyard 111 Vineyard Way West Grove, PA 19390	UNT West Branch White Clay Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG2001504085	Bernard Partnership, LLC Peddlers Village 19A Christiana, DE 19702	East Branch White Clay Creek (CW)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAG2001504088	Cumberland Insurance Group 410 Boot Road Downingtown, PA 19355	Bucks Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden and Kennett Townships Chester County	PAG2001504014	Michael Phillips 1011 Kaolin Road, No. B Kennett Square, PA 19348	Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Parkesburg Borough Chester County	PAG2001504082	Harkins Property, LLC 242 Winged Foot Drive Blue Bell, PA 19422	Bucks run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAG2001504081	Gregory Vietri 980 Valley Road Coatesville, PA 19320	Suckers Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township Chester County	PAG2001504064	Valley Suburban Center 600 West Germantown Pike Plymouth Township, PA 19462	Rock Run, UNT West Branch Brandywine Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG2001504090	Don Henderson 201 Reeceville Road Coatesville, PA 19320-1542	Beaver Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Brandywine Township Chester County	PAG2001504057	Coatesville Area Regional Catholic Elementary School 605 East Lincoln Highway Coatesville, PA 19320	Beaver Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001504069	Louis Caputo 556 East South Street Kennett Square, PA 19348	West Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001504095	Gary Scheivert P. O. Box 577 Chadds Ford, PA 19317	UNT East Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Kennett Township Chester County	PAG2001504094	Frederick Stengel 810 East Baltimore Pike Kennett Square, PA 19348	East Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Oxford Township Chester County	PAG2001504078	James McLeod and John Highby P. O. Box 380 Oxford, PA 19363	Leech Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001503132	Rose Hollow, LP 2459 Creek Road Glenmoore, PA 19343-1512	UNT West Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nether Providence Township Delaware County	PAG2002304063	Jeffrey Young 23 Cardiff Road Ocean City, NJ 08226	UNT Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002304051	Concord Campus, LP 701 Marden Choice Lane Baltimore, MD 21208	West Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marple Township Delaware County	PAG2002304050	Katherine Davison 35 Central Park West Apartment 1TR New York, NY 10023	Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004604229	Heritage Building Group, Inc. Matz Tract aka Heritage Hunt 3326 Old York Road Suite A100 Furlong, PA 18925	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004603171	WB Homes, Inc. Preserve at Skippack 40 Sunneytown Pike North Wales, PA 19454	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG2004604211	Golfview Properties, LP 55 Lynn Avenue Oreland, PA 19075	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Washington Township, Northampton Co.	PAG2004804036	David Sell REEN Development Company, LLC 1348 Hamilton Blvd. Allentown, PA 18102	Martins Creek, TSF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Deer Lake Borough - and - West Brunswick Township Schuylkill Co.	PAG2005404039	Corrado Development LLC 965 Park Road Blandon, PA 19510-9458	Pine Creek, CWF	Schuylkill Co. Conservation District (570) 622-3742
Newton Township, Lackawanna Co.	PAG2003504030	James Comes Landview Properties, Inc. 205 Windsor Way Moscow, PA 18444	Keyser Creek/ Gardner Creek, CWF	Lackawanna Co. Conservation District (570) 281-9495

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Swatara Township, Dauphin County	PAG2-0022-04-056	BW Partnership 2697 Fulling Mill Rd Middletown, PA 17057	UNT Laurel Run and UNT Susquehanna River	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
York Township York County	PAG2-0067-04-091	Carriage Crossings Phase II Cornerstone at Carriage Crossings, LP 300 Bailey Drive Suite 106 Stewartstown, PA 17363	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manheim Township York County	PAG2-0067-04-054	Bruce Ruhlman Lake Point Assoc. 65 Mussleman Rd. Hanover, PA 17331	East Branch Codus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAG2-0067-03-127	R & D Properties Thistle Hill Drive only 302 Forge Court Spring Grove, PA 17362	Codus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Township York County	PAG2-0067-03-107-1	West Manheim Housing Michael Stoner Lutheran Social Services 1050 Penn Ave. York, PA 17404	Indian Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2-0067-04-101	CVS Pharmacy LMS Commercial Real Estate 120 N. Point Blvd. Lancaster, PA 17601	Codus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Columbia County Scott Township	PAG2001904011	Columbia County Housing Corp. 700 Sawmill Road Bloomsburg, PA 17815	Susquehanna River Tributaries WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Northumberland County Delaware Township	PAG2004904011	Sher Express 4335 Paradise Rd. Watsonstown, PA 17777	UNT Muddy Run WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114x4
Northumberland County Point Township	PAG2004904012	Mirkwood Subdivision R. R. 2, Rt. 49049 Northumberland, PA 17857	UNT Susquehanna River	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114x4
Washington County North Franklin Township	PAG2006304033	Mark Tarbuck 325 Elm Street Washington, PA 15301	UNT to Chartiers Creek (WWF)	Washington County CD (724) 228-6774



<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>
Butler County Forward Township	PAG2-0010-04-025	Frank Shipley Frank Shipley Subdivision 8037 Rowan Road Cranberry Township	UNT To Connoquenessing Creek-WWF	Butler Conservation District (724) 284-5270
Clarion County Monroe Township	PAG2-0616-03-005	Timothy Reddinger Clarion Trinity Dev. Co. LP P. O. Box 445 Clarion PA 16214	Tributary to Brush Run-CWF	DEP Northwest Regional Office (814) 332-6942
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lehigh Township Northampton County	PAR602228	M & R Motors 4516 W. Mountain Back Rd. Walnutport, PA 18088	Unnamed feeder to Bertsch Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Pittston Township Luzerne County	PAR802224	United Parcel Service Inc. (UPS—Pittston) 1821 S. 19th Street Harrisburg, PA 17104	Mill Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Pottsville City Schuylkill County	PAR802222	United Parcel Service Inc. (UPS—Pottsville) 1821 S. 19th Street Harrisburg, PA 17104	Mill Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Scranton City Lackawanna County	PAR802223	United Parcel Service Inc. (UPS—Scranton) 1821 S. 19th Street Harrisburg, PA 17104	Keyser Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Dauphin County Londonderry Township	PAR803645 (transfer)	DHL Express USA, Inc.— Middletown Facility 1200 South Pine Island Road Plantation, FL 33324	Swatara Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR803594 (transfer)	Lancaster Preferred Partners, LLC—East Hempfield 2919 Old Tree Drive Lancaster, PA 17603-4026	Brubaker Run/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Paint and Elk Townships, Clarion County	PAR808370	Clarion County Airport Authority 395 Airport Road Shipperville, PA 16254	UNT to Deer Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugarcreek Borough, Venango County	PAR608330	Eakin Auto	Patchel Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

Sugarcreek Borough,  
Venango County

*Permit No.*

PAR608344

*Applicant Name &  
Address*

Eakin Auto  
230 Patchel Run Road  
Franklin, PA 16323

*Receiving  
Water/Use*

Sugar Creek

*Contact Office &  
Phone No.*

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

Fairview Township,  
Erie County

*Permit No.*

PAG049018

*Applicant Name &  
Address*

Jennifer Tomczak  
4538 Franklin Road  
Fairview, PA 16415

*Receiving  
Water/Use*

Trout Run

*Contact Office &  
Phone No.*

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

McKean Township,  
Erie County

PAG049128

Wilbur Hinkston  
4501 East Stancliff Road  
McKean, PA 16426

UNT to Lamson Run

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Conneaut Township,  
Erie County

PAG048622

David W and Terrie A. Kuhn  
11635 Crouch Road  
Albion, PA 16401

UNT to Conneaut  
Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Kingsley Township,  
Forest County

PAG049140

Donald E. and Tina Koewacich  
678 Thornton Avenue  
Sharon, PA 16146-3575

UNT to Tionesta  
Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Clarion Township,  
Clarion County

PAG049125

Brian and April D. Renninger  
2450 Fisher Road  
Strattanville, PA 16258

UNT to Millcreek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Slippery Rock  
Township,  
Butler County

PAG049129

Gene L. Habbyshaw

Slippery Rock Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Otter Creek  
Township,  
Mercer County

PAG048378

Gregory F. Shaw  
44 Callahan Road  
Greenville, PA 16125-9633

UNT to Mathay Run

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Pleasant Township  
Warren County

PAG049121

Eugene Gazdak  
50 Greenbrier Circle  
Russell, PA 16345

Allegheny River

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

*General Permit Type—PAG-5**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>
Karns City Borough Butler County	PAG058362	Rothman's Service 300 Willow Road Karns City, PA 16041	South Branch Bear Creek 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

#### **Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 2804507 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Antrim Township Municipal Authority</b>
Municipality	Antrim Township
County	<b>Franklin</b>

Type of Facility	Construction of a new 515,000-gallon finished water storage tank to serve the Cedarbrook Development.
Consulting Engineer	Keith Moore, P. E. Frederick, Seibert & Associates 10 W. Baltimore Street Greencastle, PA 17225
Permit to Construct Issued:	12/20/2004
<b>Permit No. 0704501 MA, Minor Amendment, Public Water Supply.</b>	
Applicant	<b>Altoona City Authority</b>
Municipality	Logan Township
County	<b>Blair</b>
Type of Facility	Installation 7,325 feet of 12-inch and 16-inch ductile iron waterline and required appurtenances to serve the proposed Logantown Development.
Consulting Engineer	Mark V Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475
Permit to Construct Issued:	12/17/2004

**Operations Permit** issued to: **Guilford Water Authority**, 7280038, Greene Township, **Franklin County** on 12/10/2004 for the operation of facilities approved under Construction Permit No. 2802501.

**Operations Permit** issued to: **Evitt Creek Water Company**, Cumberland Valley Township, **Bedford County** on 12/16/2004 for the operation of facilities approved under Construction Permit No. 0504504 MA.

**Operations Permit** issued to: **Washington Township Municipal Authority**, Washington Township, **Franklin County** on 12/23/2004 for the operation of facilities approved under Construction Permit No. 2804505.

**Operations Permit** issued to: **Mont Alto Municipal Authority**, 7280040, Quincy Township, **Franklin County** on 11/22/2004 for the operation of facilities approved under Construction Permit No. 2803502.

**Operations Permit** issued to: **Columbia Water Company**, 7360123, Columbia Borough, **Lancaster County** on 12/10/2004 for the operation of facilities approved under Construction Permit No. 3603514.

**Operations Permit** issued to: **Gus's Keystone Family Restaurant**, 7360344, Mount Joy Borough,

**Lancaster County** on 1/5/2005 for the operation of facilities approved under Construction Permit No. 3604501.

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

**Permit No. 1704502—Construction** Public Water Supply.

**Applicant** Clearfield Municipal Authority  
**Township or Borough** Lawrence Township  
**County** Clearfield  
**Responsible Official** Jeffery Williams, Manager  
 Clearfield Municipal Authority  
 107 East Market Street  
 Clearfield, PA 16830  
**Type of Facility** Public Water Supply—Construction  
**Consulting Engineer** James Potopa  
 Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602  
**Permit Issued Date** 9/21/04  
**Description of Action** Construction of the tank, pump station and extension of the waterline in the Fire Tower area.

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

**Applicant** Wellsboro Municipal Authority  
**Township or Borough** Wellsboro Borough  
**County** Tioga  
**Responsible Official** Susan Stephens, Secretary  
 Wellsboro Municipal Authority  
 28 Crafton Street  
 Wellsboro, PA 16901  
**Type of Facility** Public Water Supply—Operation  
**Consulting Engineer** William S. Bray, P. E.  
 P. O. Box 535  
 Wellsboro, PA 16901  
**Permit Issued Date** 1/6/05  
**Description of Action** Operation of slow sand filter No. 2, following the recent replacement of the support gravel and sand.

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

**Permit No. 3419-Ti-MA1, Minor Amendment**

**Applicant** Pennsylvania American Water Co.  
**Borough or Township** Clarion Township  
**County** Clarion County  
**Type of Facility** PWS  
**Permit to Construct Issued** 01/07/2004

**Operations Permit** issued to: **West Hickory Water Company**, P. O. Box 397, Reno, PA 16343, PWSID 6270007, Hickory Township, **Forest County**, on January 4, 2005, for the operation of the chlorine contact pipe, corrosion control treatment and other improvements, as approved under Construction Permit No. 363W8-T2-MA1.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tremont Borough	P. O. Box 55 Tremont, PA 17981	Schuylkill
Tremont Township	166 Molleystown Road Pine Grove, PA 17963	Schuylkill
Frailey Township	23 Maryland Street Donaldson, PA 17981	Schuylkill
Tremont Municipal Authority	423 West Main Street Tremont, PA 17981	Schuylkill

*Plan Description:* The Plan provides for repair and rehabilitation of the public gravity sanitary sewage collection system serving Tremont Borough (Phase 1), along with upgrade improvements to the Maple Street Pumping Station, and upgrade and expansion of the existing Tremont Municipal Authority wastewater treatment plant (Phase 2). The existing wastewater treatment plant is hydraulically overloaded, currently permitted at 0.330 mgd. The Plan calls for addition of a new extended aeration system with chemical phosphorous treatment, and expansion of up to a maximum average daily flow of 0.500 mgd, predicated on success of the Phase 1 sewer rehabilitation project. The Department's review has not identified any significant environmental impacts resulting from this proposal. The approved project will require an NPDES Permit for the proposed increased effluent discharge and a Water Quality Management Permit for the construction and operation of the proposed sewage facilities. The permit applications must be submitted in the name of the municipality or authority, as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Amity Township	2004 Weavertown Road, Douglassville PA 19518	Berks

*Plan Description:* The approved plan provides for the adoption and implementation of an onlot sewage disposal system management ordinance, the extension of public sewers to serve Bel Air Estates and Valley Road via the proposed Monocacy Interceptor and the expansion and rerating of the Amity Township wastewater treatment facility to a design flow of 2.2 mgd. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

**Agway Curryville Property**, North Woodbury Township, **Blair County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9307, on behalf of Agway, Inc., P. O. Box 4741, Syracuse, NY 13221-4741, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with inorganics, pesticides and herbicides. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-specific standards.

**Dayton Parts, LLC**, Harrisburg City, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg PA 17109, on behalf of Dayton Parts, LLC, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with

chlorinated solvents, fuel oils Nos. 2, 4, 5 and 6, inorganics, lead, other organics, and PAHs, and groundwater contaminated with chlorinated solvents and inorganics. The combined report is intended to document remediation of the site to a combination of the Statewide Health and Site-specific standards.

**Former Carlisle Shoe**, Swatara Township, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Eshenaur's Fuel Inc., 2900 Herr Street, Harrisburg, PA 17103, submitted a Final Report concerning remediation of site soils contaminated by fuel oil from an underground storage tank. The report is intended to document remediation of the site to a Statewide Health standard.

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

**Former Sunshine Textile Services, Inc.**, Town of Bloomsburg, **Columbia County**. Curtis Herman, Austin James Associates, Inc., Rts. 423 and 940, P. O. Box U, Pocono Pines, PA 18350, has submitted a Final Report concerning soil and groundwater contaminated with chlorinated solvents. This Final Report is intended to demonstrate attainment of 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:

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

**McCleary Oil Company at the Luben Burkholder Farm**, Hamilton Township, **Franklin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of McCleary Oil Company, 19 West King Street, Chambersburg, PA 17201, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with benzene, toluene, ethylbenzene and xylenes (BTEX). The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on December 29, 2004.

**Former Carlisle Shoe**, Swatara Township, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Eshenaur's Fuel Inc., 2900 Herr Street, Harrisburg, PA 17103, submitted a Final Report concerning remediation of site soils contaminated by fuel oil from an underground storage tank. The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on January 10, 2005.

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

**PADOT Columbia Co. Maintenance Facility**, Town of Bloomsburg, **Columbia County**, Apex Environmental, Inc. 269 Great Valley Parkway, Malvern, PA 19355 has submitted a Final Report concerning soil contaminated with BTEX, MTBE, cumene, naphthalene and pyrene and groundwater contaminated with lead, BTEX and MTBE. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 3, 2005.

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

**Highland Group Ind Sheffield Property**, Sheffield Township, **Warren County**. Karen Souza, Civil and Environmental Consultants, 333 Baldwin Rd., Pittsburgh PA 15205 on behalf of Robert Weber, Highland Group Ind., 31200 Solon Rd, Solon OH 44139 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The Final Report was approved by the Department on December 23, 2004.

## HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Draft permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.**

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

**PAD981737109. Safety-Kleen Systems, Inc.**, 600 Stewart Road, Hanover Industrial Estates, Wilkes-Barre, PA 18706. A permit renewing the term of Safety-Kleen's permit for the receipt and temporary storage of approved hazardous and residual waste at this hazardous waste storage facility, located in Hanover Township, **Luzerne County**, prior to their off-site disposal or other off-site disposition at a permitted facility. The wastes are stored inside secondary containments. The permit was issued in the Regional Office on January 3, 2005; and it will expire on January 3, 2015.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 101470. United States Recycling, Inc.**, 6101 Tacony Street, Philadelphia PA 19135-2998, City of Philadelphia. Ten-year permit renewal for the United States Recycling, Inc. transfer station located in the City of Philadelphia. This renewal action also approved a Radiation Protection Action Plan, which was pending under a separate application. The permit was issued by the Southeast Regional Office on January 5, 2005.

## AIR QUALITY

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

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

**GP2-06-05064B: Sunoco Partners Marketing and Terminals LP** (525 Fritztown Road, Sinking Spring, PA 19608) on January 7, 2005, for Storage Tanks for Volatile Organic Liquors under GP2 in Spring Township, **Berks County**.

**GP3-21-03067: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on January 4, 2005, for Portable Nonmetallic Mineral Processing Plants under GP3 in Penn Township, **Cumberland County**.

**GP3-67-03130: The Berg Corporation** (2519 Wilkens Avenue, Baltimore, MD 21223) on January 3, 2005, for Portable Nonmetallic Mineral Processing Plants under GP3 in the City of York, **York County**.

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

**GP5-32-00381: Linn Operating, LLC** (395 Airport Road, Indiana, PA 15701) on January 6, 2005, to operate their natural gas production facility in Green Township, **Indiana County**.

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**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.**

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

**46-0037U: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on January 7, 2005, to operate a new attritor mill in Douglass Township, **Montgomery County**.

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

**39-309-061: Lafarge North America Incorporated** (5160 Main Street, Whitehall, PA 18052) on January 4, 2005, to install an air cleaning device on the H5/H6 homogenizing silos at their Whitehall Plant in Whitehall Township, **Lehigh County**.

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

**06-05002E: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522) on January 6, 2005, to install a mid-kiln air injection system on the No. 1 Portland Cement Kiln at their facility in Maiden Creek Township, **Berks County**.

**22-03017A: Hoover Funeral Homes and Crematory, Inc.** (6011 Linglestown Road, Harrisburg, PA 17112) on January 7, 2005, to construct a pet crematory in Lower Paxton Township, **Dauphin County**.

**67-03122: Key Plastics, LLC.** (3350-3390 Farmstrail Road, York, PA 17402) on January 4, 2005, to install three automated paint lines controlled by dry filters and a regenerative thermal oxidizer in Manchester Township, **York County**.

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

**32-00379A: Amerikohl Mining Inc.** (202 Sunset Drive, Butler, PA 16001) on January 4, 2005, to allow the construction and operation of a coal preparation plant at their Stiles Surface Mine in Buffington Township, **Indiana County**.

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

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

**36-05079B: Chester County Solid Waste Authority** (P. O. Box 476, Honey Brook, PA 19344) on January 1, 2005, to construct an enclosed ground flare to combust landfill gas generated at their Lanchester Landfill in Caernarvon Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. This plan approval was extended.

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

**49-311-003: The Quikrete Companies, Inc.** (R. R. 1 Box 312, Paxinos, PA 17860) on December 30, 2004, to construct various pieces of dry redi-mix concrete batching and packaging equipment, and to operate various other pieces of dry redi-mix concrete batching and packaging equipment on a temporary basis, until April 29, 2005, in Shamokin Township, **Northumberland County**. The plan approval has been extended.

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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.*

**44-05002: CNH America LLC** (P. O. Box 868, Belleville, PA 17004) on January 7, 2005, to operate a farm equipment manufacturing facility in Union Township, **Mifflin County**.

**67-05033: Gichner Shelter Systems** (490 East Locust Street, P. O. Box 481, Dallastown, PA 17313) to operate their portable metal building manufacturing facility in York Township, **York County**. This is a renewal of the Title V operating permit.

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

**36-03002: High Concrete Structures, Inc.** (125 Denver Road, Denver, PA 17517) on January 5, 2005, to operate a sandblasting booth and storage silos at their concrete batch plant in East Cocalico Township, **Lancaster County**.

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

**GP5-32-00381: Linn Operating, LLC** (395 Airport Road, Indiana, PA 15701) on January 5, 2005, to operate their gas production station in Green Township, **Indiana County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**09-00106: Univar USA, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) on January 6, 2005, for a Minor Modification to their State-Only (Synthetic Minor) Operating Permit No. SMOP-09-00106 in Falls Township, **Bucks County**. The Minor Modification incorporates RFD No. 09-A01-963 into the State Only Operating Permit, and replaces the previously permitted emergency generator (Source ID 101). The following changes have been addressed in the modified State Only Operating Permit:

Source ID 031, 102, FML02, FML04, S01, and S03 have been renamed to provide clarification.

The following source, fuel material location and emission point, along with corresponding source throughputs, permit map, compliance schedule, conditions and emission restrictions, have been removed: Source ID: 101, FML03, S02

Description: Emergency Generator, Emergency Generator Diesel Fuel Tank, Emergency Generator Stack

The following source, fuel material location and emission point, along with corresponding source throughputs, permit map, compliance schedule, conditions and emission restrictions, have been added:

Source ID: 103, FML05, S05

Description: Cummins Emergency Generator, Cummins Emergency Gen Diesel Fuel Tank, Cummins Emergency Generator Stack

An accidental release program/Risk Management Plan requirement has been added.

The Department telephone number at which to report a malfunction has been changed to (484) 250-5920.

Minor Modification of State Only Operating Permit No. SMOP-09-00106 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

**23-00001: Sunoco, Inc.** (Delaware Avenue and Green Street, Marcus Hook, PA 19061-0426) on January 7, 2005, this amendment to address opening the permit for cause by the Department concerning an EPA waiver for Source 115 (marine vessel loading), which is regulated by 40 CFR 61, Subpart BB and 40 CFR 60, Subparts NNN and RRR. These permit changes will not result in any increase of emissions in Marcus Hook Borough, **Delaware County**. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**46-00137: Oehlert Brothers Inc.** (P. O. Box 699, Royersford, PA 19468) on December 29, 2004, to operate a natural minor operating permit in Limerick Township, **Montgomery County**.

**46-00128: Verizon, Inc.** (966 South Matlack Street, West Chester, PA 19382) on December 29, 2004, to operate a synthetic minor operating permit in Jenkintown Borough, **Montgomery County**.

**15-00067: Herr Foods Incorporated** (P. O. Box 300, Nottingham, PA 19362) on December 29, 2004, to amend the operation of a Synthetic Minor Operating Permit in West Nottingham Township, **Chester County**.

**46-00213: Cremation Society of Pennsylvania** (4100 Jonestown Road, Harrisburg, PA 17109) on January 4, 2005, to operate a Natural Minor Operating Permit in Upper Merion Township, **Montgomery County**.

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

**25-00961: Allegheny Wood Works, Inc.** (10003 Railroad Street, Lake City, PA 16423) on December 22, 2004, an Administrative Amendment of their Synthetic Minor Operating Permit, to incorporate the change of name and address of their facility due to change of ownership. The previous name of the facility was Loger Industries. The facility is in Lake City Borough, **Erie County**.

**16-00131: Allegheny Wood Products, Inc.** (Highway 208, Marble, PA 16334) on December 22, 2004, an Administrative Amendment of the Synthetic Minor Operating Permit, to incorporate the change of name of the facility due to change of ownership. The previous name of the facility was Georgia Pacific Corporation. The facility is in Washington Township, **Clarion County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-7100.*

**11031301. NPDES Permit No. PA0235539, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Madison Mine in Jackson Township, **Cambria County** to add surface activity site acres to install ventilation boreholes. Surface Acres Proposed 4.4. No additional discharges. Permit issued January 4, 2005.

**56951301. NPDES Permit No. PA0214850, RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Augustus Mine in Shade Township, **Somerset County** to add acreage to the existing surface facility site to utilize an existing haul road. Surface Acres Proposed 7.6. No additional discharges. Permit issued January 4, 2005.

### Noncoal Permits Actions

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

**32030103 and NPDES Permit No. PA0249408. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a noncoal-sandstone mine in Center Township, **Indiana County**, affecting 226.9 acres. Receiving streams: Tearing Run and UNT to Yellow Creek to Two Lick to Blacklick



Creek to Conemaugh River classified for the following uses: CWF (all). There are no potable water supply intakes within 10 miles downstream. Application received February 13, 2003. Permit issued: January 5, 2005.

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

**08040810. Donald E. Johnson, Jr.** (R. R. 2, Box 284, Towanda, PA 18848). Commencement, operation and restoration of a small industrial mineral (flagstone) permit in Asylum Township, **Bradford County** affecting 5 acres. Receiving streams: UNT, tributary to Bennetts Branch. Application received: September 29, 2004. Permit issued: December 21, 2004.

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

**6476SM10T and NPDES Permit No. PA0224391. Pennsy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), transfer of an existing quarry operation and add discharge of treated mine drainage in Jenkins Township, **Luzerne County** affecting 128.58 acres, receiving stream: Lampblack Creek. Application received March 23, 2004. Transfer issued December 28, 2004.

**40970302T. Pennsy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), transfer of an existing quarry operation in Jenkins Township, **Luzerne County** affecting 51.51 acres, receiving stream: none. Application received March 23, 2004. Transfer issued December 28, 2004.

**58042805. Custom Stoneworks, Inc.** (2213 Long Creek Road, Apalachin, NY 13732), commencement, operation and restoration of a bluestone quarry operation in Silver Lake Township, **Susquehanna County** affecting 2.0 acres. Receiving stream: Choconut Creek. Application received September 13, 2004. Permit issued January 5, 2005.

**58040853. Mike Andzulis** (P. O. Box 133, Clifford, PA 18413), commencement, operation and restoration of a quarry operation in Clifford Township, **Susquehanna County** affecting 5.0 acres. Receiving streams: Tinker Creek and Dundaff Creek. Application received August 18, 2004. Permit issued January 5, 2005.

**58040864. Lynn McLaughlin** (R. R. 2 Box 79-C, Union Dale, PA 18470), commencement, operation and restoration of a bluestone quarry operation in Gibson Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Bear Swamp Creek. Application received October 19, 2004. Permit issued January 6, 2005.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

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

**05054001. Guelich Explosives Company**, 456 Stouffer Hill Road, Friedens, PA 15541. Foundation excavation—Todd Johnson Trucking in Colerain Township, **Bedford County**. Duration of blasting is 10 days. Permit Issued January 6, 2005.

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

**67044110. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for West Manheim Township Area Sewer System in West Manheim Township, **York County** with an expiration date of December 30, 2005. Permit issued January 6, 2005.

**22054101. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Cedar Shopping Centers, Inc. in South Hanover Township, **Dauphin County** with an expiration date of January 30, 2006. Permit issued January 6, 2005.

**15054101. Horst Drilling & Blasting, Inc.**, (141 Rancks Church Road, New Holland, PA 17557), construction blasting for Providence Hill in East Fallowfield Township, **Chester County** with an expiration date of January 30, 2006. Permit issued January 6, 2005.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E40-639. Andrew Stone**, 1405 Meetinghouse Road, North Wales, PA 19454-3693. Slocum Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a private floating dock, extending approximately 150 feet from the shoreline, in Mud Pond (CWF). The total area of the dock is approximately 550 square feet. The project is located along the southern shoreline of Mud Pond, at 1372 Slocum Road (Nanticoke, PA Quadrangle N: 5.7 inches; W: 1.2 inches). (Subbasin: 5B)

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

**E18-378. Gerard L. Banfill**, 290 Fairpoint Road, Mill Hall, PA 17751. Monsey Drive Paving in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 5.0 inches; W: 12.3 inches).

To obtain a permit to place and maintain 97 cubic yards of asphalt in the left 100-year floodway of the West Branch Susquehanna River as a 3-inch lift over 1,100 linear feet by 9.5 feet wide of an existing gravel road known as Monsey Drive located 0.2 mile southeast of the intersection of Water Valley Road and Monsey Drive. This permit was issued under Section 105.13(e) "Small Projects."

**E53-405. Harrison Township**, P. O. Box 92, Harrison Valley, PA 16729. T-479 Bridge Replacement Across Cowanesque River, Harrison Township, **Potter County**, ACOE Baltimore District (Harrison Valley, PA Quadrangle N: 11.7 inches; W: 3.3 inches).

To remove an existing bridge and to construct, operate and maintain a single span prestressed concrete box beam bridge that will carry T-479 across the Cowanesque River. The single span T-479 Bridge shall be constructed with a minimum span of 90 feet, underclearance of 6.15 feet and skew of 55°. All in-stream bridge appurtenances shall be constructed during stream low flow. Since the Cowanesque River is a stock trout fishery, no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without prior written permission from the Pennsylvania Fish and Boat Commission. The project is located along the eastern right-of-way of SR 0049 approximately 500 feet east of T-429 and SR 0049 intersection. This permit also authorizes construction, operation, maintenance and removal of temporary roadway, cofferdams and/or stream diversions. If any altered or added design element is proposed for the temporary structures that were reviewed and approved for issuing this permit, then the permittee shall submit those proposed design revisions to the Department for review and written approval prior to any design changes being made to the temporary structures. Construction of the T-479 Bridge permanently impacts .046 acres of

wetland that the Department has deemed as de minimus. As de minus wetland impacts, the permittee shall not be required to mitigate the wetland impacts with replacement wetlands.

**E60-167. Ervin N. Hoover**, 742 Dice Road, Mifflinburg, PA 17844. Hoover Drive, in Limestone Township, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 1.75 inches; W: 3.98 inches).

To: 1) remove an existing twin culvert crossing; 2) construct and maintain a flatbed trailer bridge with a 25-foot clear span and a maximum underclearance of 5 feet over Sweitzers Run; 3) place stone/riprap on the banks of the Run at the inlet and outlet of the bridge, located 0.8 mile up Dice Road from SR 304. The project will indirectly impact 24 feet of Sweitzers Run that is a Cold Water Fishery without temporary or permanent wetland impacts. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E10-393. John Volkar and Matthew Volkar**, 454 Mower Drive, Apt. A, Pittsburgh, PA 15239. Bridge Over Glade Run, in Adams Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 14.65 inches; W: 15.9 inches).

The applicant proposes to construct and maintain a single span prestressed concrete beam bridge having a clear span of approximately 35 feet and an underclearance of 3.85 feet across Glade Run (Valencia, PA Quadrangle N: 14.65 inches; W: 15.9 inches) approximately 1,000 feet NW of the intersection of Huch Road and Three Degree Road. Project is in support of two single family residences and includes a direct impact of 0.07 acre of PEM wetland for driveway construction and onsite replacement of 0.15 acre of PEM wetland. Glade Run is a perennial stream classified as WWF. The project proposes to directly affect 0.07 acre of PEM wetlands and approximately 30 feet of stream.

**E20-533. Anderson Property Association**, 601 Park Avenue, Cinnaminson, NJ 08077. Lakeshore Stabilization, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 19.6 inches; W: 7.6 inches).

The applicant proposes to construct and maintain an aluminumized steel sheet pile retaining wall immediately in front of an existing deteriorated railroad tie retaining wall having a length of approximately 386 feet at a point along Conneaut Lake (HQ-WWF) shore just north of Fireman's Beach (Conneaut Lake, PA Quadrangle N: 19.6 inches; W: 7.6 inches) in Sadsbury Township, Crawford County.

**E25-678. Norfolk Southern Railway Company**, 99 Spring Street, Building 142, Atlanta, GA 30303. Norfolk Southern Railway Company Bridges B-110.39 and B-113.23, in Springfield Township, **Erie County**, ACOE Pittsburgh District.

The applicant proposes to conduct the following activities on the existing Norfolk Southern Railway Company line traversing Erie County north of Interstate 90 in Springfield Township:

1. To remove deteriorated concrete, install a new concrete floor slab, extend the wingwalls and maintain the existing 58-foot long structure having a span of 16 feet and an underclearance of approximately 18 feet across Raccoon Creek at 110.39 approximately 300 feet down-

stream of S.R. 5. (East Springfield, PA Quadrangle N: 16.4 inches; W: 11.6 inches).

2. To install and maintain a 70-foot long, 65-inch wide by 40-inch high steel pipe arch culvert inside the existing concrete box culvert and a 70-foot long, 6-foot diameter steel pipe parallel to the existing box culvert in a tributary to Turkey Creek at 113.23 approximately 2,000 feet downstream of S.R. 20 and 1 mile west of S.R. 5 (Conneaut, OH Quadrangle N: 14.0 inches; W: 1.5 inches).

**E42-311, DCNR Bureau of State Parks**, P. O. Box 8451, Harrisburg, PA 17105-8451. Kinzua Bridge State Park Viaduct Site, in Hamlin & Keating Townships, **McKean County**, ACOE Pittsburgh District (Cyclone, PA Quadrangle N: 2.3 inches; W: 12.1 inches).

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

**E43-310, Orion Development RA XLVIII, LLC**, 4125 Freedom Way, Weirton, WV 26062. Eckerd Store 8720 R, in the City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharpsville, PA Quadrangle N: 1.2 inches; W: 10.5 inches).

The applicant proposes to construct a commercial development consisting of an Eckerd Store No. 8702R (14,735 square feet) (Sharpsville, PA Quadrangle N: 1.2 inches; W: 10.5 inches) at the SE corner of the intersection of SR 18 and SR 3020 (Lamor Road) in the City of Hermitage, Mercer County involving the channel realignment and reconstruction of an UNT to Pine Hollow Run involving 1) to construct and maintain a 42-foot long, precast concrete box culvert having a 7-foot wide by 4-foot high waterway opening on the upstream end of the project site, 2) to construct and maintain a 193 foot long, 4-foot diameter HDPE plastic pipe stream enclosure having a slope tapered inlet and connecting to the existing PADOT culvert under SR 18 and 3) to reconstruct 150 feet of open stream channel. The project also involves the construction and maintenance of an outfall having a 1.5-foot diameter HDPE stormwater pipe and a utility line stream crossing by a 1.5 foot diameter HDPE stormwater pipe. The project proposes to directly approximately 400 linear feet of stream. The UNT Pine Hollow Run is a perennial stream classified as a WWF.

**E62-401, Sugar Grove Area Sewage Authority**, Sugar Grove Sewer Pipeline, in Sugar Grove Borough and Sugar Grove Township, **Warren County**, ACOE Pittsburgh District (Sugar Grove, PA-NY, PA Quadrangle N: 18.3 inches; W: 14.9 inches).

The applicant proposes to construct and maintain a wastewater treatment plant and conveyance systems within the Borough of Sugar Grove and Sugar Grove Township. Project includes installing lines having diameters of 1.5-inches, 2-inches, 2.5-inches, 3-inches, 4-inches, 6-inches, 8-inches and 10-inches (approximately 65,000 lineal feet of gravity sewer line and 80,000 lineal feet of pressure sewer line) involving 1) to construct and maintain a 10-inch diameter PVC plastic sewage treat-

ment plant effluent outfall pipe discharging to Stillwater Creek, 2) to temporarily affect 0.456 acre of nonexceptional value wetland and 0.207 acre of exceptional value wetland with 21 crossings by sewer lines as described in the application, and 3) to temporarily affect Stillwater Creek (CWF), UNTs to Stillwater Creek (CWF), Jackson Run (CWF), and unnamed tributaries to Jackson Run with 43 crossings by sewer lines as described in the application.

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## SPECIAL NOTICES

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### Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC-generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets.

However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This ERC registry report, ERC Registry application and instructions are located at [www.dep.state.pa.us](http://www.dep.state.pa.us); select Subjects, Air Quality, Business, Permits, Emission Reduction Credits.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick Telephone Number: (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick Telephone Number: (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 3/28/2013 to 1/9/2014	Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Karl Henschel Telephone Number: (570) 742-6644	NOx VOCs	24.45 12.88	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller Telephone Number: (412) 762-5263	VOCs	41.70	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess Telephone Number: (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald Telephone Number: (717) 771-7346	VOCs VOCs	12.20 2.70	06/01/2006 10/01/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle Telephone Number: (610) 916-4248	NOx	9.42	11/22/2005	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg Telephone Number: (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard Telephone Number: (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr. Telephone Number: (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock Telephone Number: (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod Telephone Number: (609) 584-3000	NOx	5.20		Trading
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Keith Nagel Telephone Number: (330) 659-9165	VOCs	473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Kerry A. Wrobel Telephone Number: (610) 866-4600	NOx	1,054.00	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACtac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens Telephone Number: (330) 688-1111	VOCs	75.00	6/30/2008	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 & 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy Telephone Number: (814) 875-2427	VOCs	2.60 1.80	12/31/2005 12/31/2006	Internal Use/ Trading
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr Telephone Number: (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler Telephone Number: (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: Lars Lundin Telephone Number: (570) 833-3545	NOx VOCs	136.00 237.67	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 & Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman Telephone Number: (724) 983-6464	NOx VOCs	36.73 12.07	08/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: William L. West Telephone Number: (216) 642-7178	NOx VOCs	1,663.00 373.00	2/28/2008	Trading

## NOTICES

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth Telephone Number: (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine, Whiteley Township County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton Telephone Number: (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx	158.68		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Ozone nonattainment status: Severe Contact Person: Steve Martini Telephone Number: (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Ozone nonattainment status: Moderate Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
ISG Steelton, Inc. Source: Rail Heat Treating & Quenching Source Location: Steelton Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: James R. Hernjak Telephone Number: (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Ozone nonattainment status: Moderate Contact Person: Mark D. Restifo Telephone Number: (814) 875-5406	NOx VOCs	280.90 1.70	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone Nonattainment Status: Severe Contact Person: Jeff Muffat Telephone Number: (651) 778-4450	VOCs VOCs	607.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Ozone nonattainment status: Moderate Contact Person: Amarjit Gill Telephone Number: (713) 653-8554	NOx VOCs	910.00 26.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Ozone nonattainment status: Moderate Contact Person: Peter M. Guzanick Telephone Number: (412) 517-7217	NOx VOCs	17.05 1.87	8/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Ozone Nonattainment Status: Severe Contact Person: Donald Boisselle Telephone Number: (336) 410-7263	VOCs	24.40	9/1/2007	Trading
Recipient/Holder of ERC: Cypress Energy, Inc. ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: Gary Stephenson Telephone Number: (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: David Oppenheimer Telephone Number: (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Ozone nonattainment status: Moderate Contact Person: Dennis Lencioni Telephone Number: (214) 589-8141	VOCs	61.65	10/31/2010	Trading



<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Rohm and Haas Company	VOCs	1.15	10/30/2010	Trading
Source Location: Bristol Township County: Bristol	VOCs	0.32	1/30/2011	
Ozone nonattainment status: Severe Contact Person: Lloyd Davis Telephone Number: (215) 785-8871				
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania	VOCs	43.00	1/31/2012	Traded
ERC Generating Facility: The Worthington Steel Company				
Source Location: Malvern, East Whiteland County: Chester				
Ozone nonattainment status: Severe Contact Person: Eli Brill Telephone Number: (215) 269-2111				
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc.	VOCs	70.00	1/31/2012	Traded
ERC Generating Facility: The Worthington Steel Company				
Source Location: Malvern, East Whiteland County: Chester				
Ozone nonattainment status: Severe Contact Person: Eli Brill Telephone Number: (215) 269-2111				
PPL Inc.	NOx	3,521.09	4/29/2009	Trading
Source Location: Holtwood Station County: Lancaster	VOCs	9.70		
Ozone nonattainment status: Moderate Contact Person: Linda A. Boyer Telephone Number: (610) 774-5410				
North American Refractories Company	NOx	5.11	12/15/2010	Trading
Source Location: Womelsdorf	NOx	62.57	9/30/2008	
County: Lebanon	VOCs	0.25	9/30/2008	
Ozone Nonattainment Status: Moderate Contact Person: Rhonda Vete Telephone Number: (412) 469-6122				
The Quaker Oats Company	NOx	4.00	Varies from	Trading
Source Location: Shiremanstown Plant County: Cumberland	VOCs	1.68	4/3/2010 to 7/15/2011	
Ozone nonattainment status: Moderate Contact Person: Richard C. Pitzer Telephone Number: (717) 731-3334				
Glasgow, Inc.	NOx	2.72	12/31/2010	Trading
Source Location: Plymouth Meeting	VOCs	0.21	12/31/2010	
County: Montgomery	NOx	6.54	06/01/2010	
Ozone nonattainment status: Severe Contact Person: Brian Chabak Telephone Number: (215) 884-8800	VOCs	0.52	06/01/2010	
Scranton-Altoona Terminals Corporation	VOCs	9.19	4/1/2009	Trading
Source Location: East Freedom Terminal County: Cumberland County				
Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466				
SLI Lighting Inc.	VOCs	5.70	6/3/2010	Trading
Source Location: Ellwood City County: Lawrence				
Ozone nonattainment status: Moderate Contact Person: Tim Haubach Telephone Number: (724) 752-6493				

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Town County: Venango Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Allan B. Currie, Jr. Telephone Number: (517) 787-5181	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Trevor Woods Telephone Number: (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery County Ozone nonattainment status: Severe Contact Person: Michael Masington Telephone Number: (215) 875-2649	NOx	50.00	2/28/2007	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Ozone Nonattainment Status: Moderate Contact Person: John M. Cigan Telephone Number: (610) 826-8719	NOx VOCs	30.80 53.80	5/31/2006	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Ozone nonattainment status: Moderate Contact Person: Kevin S. Barnett Telephone Number: (412) 553-2094	NOx VOCs	48.86 736.43	Varies from 9/29/2010 to 5/1/2012	Trading
Rohm and Haas Source Location: Richmond Street County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank Jackson Telephone Number: (215) 537-4000	NOx	50.10	6/13/2005	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Ozone nonattainment status: Moderate Contact Person: Glenn Shaffer Telephone Number: (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	VOCs	42.61	3/29/2012	Trading

## NOTICES

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson County Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	122.80 2.10	7/1/2005	Trading
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Ozone Nonattainment Status: Moderate Contact Person: Terrie Blackburn Telephone Number: (918) 573-9766	NOx	794.60	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Ozone nonattainment status: Moderate Contact Person: Daniel R. Chapman Telephone Number: (814) 678-4602	NOx VOCs	89.80 2.38	5/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Ozone nonattainment status: Severe Contact Person: Frank J. Brandauer Telephone Number: (626) 398-2773	VOCs	3.13	6/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Ozone nonattainment status: Moderate Contact Person: David J. Jablonowski Telephone Number: (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Allan J. Goss Telephone Number: (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Ozone nonattainment status: Moderate Contact Person: Carl Russo Telephone Number: (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: James Rowlett Telephone Number: (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Ozone nonattainment status: Moderate Contact Person: David J. Neal Telephone Number: (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Ozone nonattainment status: Severe Contact Person: Benjamin Breskman Telephone Number: (610) 522-1900	VOCs	3.56	4/30/2013	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Ozone nonattainment status: Moderate Contact Person: Julie L. Smith Telephone Number: (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Ozone Nonattainment Status: Moderate Contact Person: Gary Morrow Telephone Number: (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Ozone Nonattainment Status: Moderate Contact Person: Gary Morrow Telephone Number: (814) 870-6782	NOx VOCs	1,235.00 943.00	9/30/2012	Trading
Crompton Corporation Formally known as Witco Corporation Source Location: Petrolia Facility County: Butler Ozone Nonattainment Status: Moderate Contact Person: R. G. Fleeger Telephone Number: (412) 756-2210	NOx	2.65	5/31/2005	Trading
Corning Incorporated Source Location: College Township County: Centre Ozone nonattainment status: Moderate Contact Person: Douglas A. Wolf Telephone Number: (607) 974-4267	NOx	1,400.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th and Wharton St. County: Philadelphia Ozone nonattainment status: Severe Contact Person: Mark Gardiner Telephone Number: (215) 468-7255	VOCs	12.50	3/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Ozone nonattainment status: Moderate Contact Person: Mark Zeffiro Telephone Number: (814) 231-5267	NOx	74.98	4/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Ozone nonattainment status: Moderate Contact Person: Mark Zeffiro Telephone Number: (814) 231-5267	VOCs	43.72	4/05/2012	Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Ozone nonattainment status: Moderate Contact Person: Jeffrey L. Ressler Telephone Number: (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Ozone nonattainment status: Moderate Contact Person: Thomas M. Sauer Telephone Number: (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets / Trading
CMS Gilbreth Packaging Systems Source: Impaxx Label and Packaging Network County: Bucks Ozone nonattainment status: Severe Contact Person: Patricia M Henry Unrath Telephone Number: (610) 789-2277	VOC	17.40	05/31/2008	Trading

### SUMMARY OF ERC TRANSACTION

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

#### ERC Holder/Generating Facility Information

ERC Generating Facility Name: PPL Holtwood LLC  
Location of Source: Martic Township, Lancaster County, PA  
Certified ERCs (tpy): 4,031 tpy of NOx and 9.7 tpy of VOCs  
Amount of ERCs traded to Purchaser/Recipient: 181 tpy of NOx  
Date of ERCs Transfer: 10/19/2004  
ERCs available for future use: 3,521.09 tpy of NOx and 9.7 tpy of VOCs

#### Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: First Quality Tissue, LLC  
Location of Source: Castanea Township, Clinton County  
Permit Number: 18-315-001  
NOx credits used: 106.02 tpy  
NOx credits available for future use: 74.98 tpy

#### ERC Holder/Generating Facility Information

ERC Generating Facility Name: Alcoa, Inc.  
Location of Source: Lebanon Township, Lebanon County, PA  
Certified ERCs (tpy): 882.43 tpy of VOCs and 48.86 tpy of NOx  
Amount of ERCs traded to Purchaser/Recipient: 146 tpy of VOCs  
Date of ERCs Transfer: 10/19/2004  
ERCs available for future use: 736.43 tpy of VOCs and 48.86 tpy of NOx

#### Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: First Quality Tissue, LLC  
Location of Source: Castanea Township, Clinton County, PA  
Permit Number: 18-315-001  
VOC credits used: 102.28 tpy  
VOC credits available for future use: 43.72 tpy

#### ERC Generating Facility Information

ERC Generating Facility Name: Sherwin-Williams Company  
Location of Source: 1354 Old Post Road, Havre de Grace, Maryland  
Certified ERCs (tpy): 28 tons per year of VOCs  
Amount of ERCs traded to Purchaser/Recipient: 28 tons per year of VOCs  
Date of ERCs Transfer: 11/08/2004  
ERCs available for future use: 0

#### Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Waste Management Disposal Services of Pennsylvania, Inc.  
Location of Source: GROWS Landfill, Bucks County, PA  
ERCs available for future use: 28 tpy of VOC

**ERC Generating Facility Information**

ERC Generating Facility Name: Worthington Steel Industries  
 Location of Source: 45 North Morehall Road, Malvern, PA 19355  
 Certified ERCs (tpy): 113 of VOC  
 Amount of ERCs traded: 113 tpy of VOC  
 Date of ERCs transfer: 12/06/2004  
 ERCs available for future use: 0 tpy

**Purchaser/Recipient of ERCS**

Recipient of ERCs: Waste Management of Pennsylvania, Inc.  
 Mailing Address: Waste Management, 448 Lincoln Highway, Fairless Hills, PA 19030  
 Amount of ERCs received: 70 tpy of VOC  
 VOC credits available for future use: 70 tpy

**Purchaser/Recipient of ERCS**

Recipient of ERCs: Waste Management Disposal Services of Pennsylvania, Inc.  
 Mailing Address: Waste Management, 448 Lincoln Highway, Fairless Hills, PA 19030  
 Amount of ERCs received: 43 tpy of VOC  
 VOCs credits available for future use: 43

**Abandoned Mine Reclamation; Mayfield Borough, Lackawanna County**

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. PBF 35940101.1, Mayfield Borough, Lackawanna County, 3.5 acres.

Letters of interest must be received by Roger J. Hornberger, District Mining Manager, District Mining Operations, Department of Environmental Protection, 5 West Laurel Boulevard, Pottsville, PA 17901, no later than March 3, 2005, to be considered. Telephone inquiries should be directed to Roger Hornberger at (570) 621-3118.

[Pa.B. Doc. No. 05-152. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Availability of Technical Guidance**

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

*Final Guidance—Minor Revision:*

DEP ID: 383-3130-208 Title: New Source Sampling Requirements for Groundwater Sources for Community

and Nontransient Noncommunity Water Systems. Description: The guidance contained in this document provides Departmental staff with guidance and procedures to direct and support the implementation of new source sampling activities under the Commonwealth's drinking water management programs. It was issued on September 1, 1997, under the authority of Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) and regulations at 25 Pa. Code Chapter 109 (relating to safe drinking water). Changes were made to the guidance to reflect recent regulatory amendments to Chapter 109, which were codified at 34 Pa.B. 1762 (April 3, 2004). Those changes include the addition of uranium as a regulated primary contaminant for which initial testing must be completed and a change that requires community water systems to monitor for the primary contaminants Radium-226 and Radium-228 as a routine compliance monitoring requirement. Additional changes were also made to the guidance to clarify that monitoring for Radium-226 and Radium-228 is required for noncommunity water systems that exceed 5pCi/L of Gross Alpha particle activity. Based upon the regulatory authority provided at 25 Pa Code §§ 109.302(f)(1) and 109.503-(a)(1)(iii)(B)(XIII) (relating to special monitoring requirements; and public water system construction permits) monitoring for turbidity was also added to the guidance as another contaminant of interest for groundwater sources. Contact: Jeff Gordon, Drinking Water Management Division, (717) 772-4018 or [jegordon@state.pa.us](mailto:jegordon@state.pa.us). Effective Date: January 22, 2005.

KATHLEEN A. MCGINTY,  
 Secretary

[Pa.B. Doc. No. 05-153. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Governor's Energy Advisory Board Meeting

The Department of Environmental Protection (Department) will hold the next meeting of the Governor's Energy Advisory Board (Board) on February 2, 2005, from 10 a.m. to 2 p.m. in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board will meet to discuss the implementation of Pennsylvania's Alternative Energy Portfolio Standards Act (Act 213).

Questions concerning the meeting may be directed to Gary Obleski at (717) 783-8727 or gobleski@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at the previously mentioned number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-154. Filed for public inspection January 21, 2005, 9:00 a.m.]

### No<sub>x</sub> Budget Trading Program; New Source Set-Aside 2005 Proposed Allocations

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment regarding the proposed allowance allocations from the new source set-aside for the 2005 control period. The new source set-aside contains 2,542 allowances, 1,945 of which are available for new sources after allocation corrections. For each NO<sub>x</sub> budget unit, Table 1 lists the following: the allowances applied for under the "request" column; the maximum potential number of allowances authorized by the regulation under the "maximum" column; and the final, pro-rata allocation under the "allocation" column. Each unit received approximately 34% of its requested 2005 NO<sub>x</sub> allowance allocation.

New source operators are advised that this allocation is for one control period only. To receive allocations from the new source set-aside for future control periods, source operators must submit new requests by January 1 each year.

#### *Written Comments*

Written comments on the proposed allowance allocations from the new source set-aside for the 2005 control period should be sent to the Department of Environmental Protection, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department must receive written comments by February 7, 2005. Questions concerning this notice should be directed to Randy Bordner, Division of Air Resource Management at (717) 772-3423.

*Table 1—2005 New Source Set-Aside Allocations*

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
AES Ironwood, LLC	55337	1	92	92	31
AES Ironwood, LLC	55337	2	92	92	31
PEI power (archbald)	50279	2	84	84	29
Allegheny Energy 1	55196	1	42	42	14
Allegheny Energy 2	55196	2	42	42	14
Allegheny Energy 3	55710	1	38	38	13
Allegheny Energy 4	55710	2	38	38	13
Allegheny Energy 8	55377	8	52	52	18
Allegheny Energy 9	55377	9	52	52	18
Allegheny Energy 12	55654	12	51	51	17
Allegheny Energy 13	55654	13	51	51	17
UGI Hunlock	31760	4	38	38	13
Connectiv Bethlehem	55690	1	26	26	9
Connectiv Bethlehem	55690	2	26	26	9
Connectiv Bethlehem	55690	3	26	26	9
Connectiv Bethlehem	55690	5	26	26	9
Connectiv Bethlehem	55690	6	26	26	9
Connectiv Bethlehem	55690	7	26	26	9
Grays Ferry	54785	2	311	311	107
Grays Ferry	54785	25	205	205	70
Williams Hazelton	10870	2	39	39	13
Williams Hazelton	10870	3	39	39	13
Williams Hazelton	10870	4	39	39	13
Armstrong Energy LLC	55347	1	278	278	95
Armstrong Energy LLC	55347	2	278	278	95

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Armstrong Energy LLC	55347	3	278	278	95
Armstrong Energy LLC	55347	4	278	278	95
Fairless Energy, LLC	555298	1A	39	39	13
Fairless Energy, LLC	555298	1B	39	39	13
Fairless Energy, LLC	555298	2A	39	39	13
Fairless Energy, LLC	555298	2B	39	39	13
PPL Mt Bethel	55667	1	49	49	17
PPL Mt Bethel	55667	2	49	49	17
Merck Turbine No. 3	52149	40	36	36	12
Liberty Elec. Pwr (reliant)	55231	1	76	76	26
Liberty Elec. Pwr (reliant)	55231	2	76	76	26
Reliant (Seward)	313	CFB1	697	697	238
Reliant (Seward)	313	CFB2	697	697	238
Hunterstown LLC (reliant)	31100	CT101	52	52	18
Hunterstown LLC (reliant)	31100	CT201	52	52	18
Hunterstown LLC (reliant)	31100	CT301	52	52	18
Duke Energy Armaugh	880071	31301	52	52	18
Duke Entriken compressor	880072	31601	53	53	18
Duke Fayette Energy	55516	U1	43	43	15
Duke Fayette Energy	55516	U2	43	43	15
Ontelaunee Energy Center (calpine Eastern corp)	55193	CT1	27	27	9
	55193	CT2	27	27	9
FPL	55801	CT1	54	54	18
FPL	55801	CT2	54	54	18
FPL	55801	CT3	54	54	18
FPL	55801	AB1	43	43	15
FPL	55801	AB2	43	43	15
FPL	55801	AB3	43	43	15
FPL	55801	AB4	43	43	15
Handsome Lake Energy	55233	EUZ1A	55	55	19
Handsome Lake Energy	55233	EUZ1B	55	55	19
Handsome Lake Energy	55233	EUZ2A	55	55	19
Handsome Lake Energy	55233	EUZ2B	55	55	19
Handsome Lake Energy	55233	EUZ3A	55	55	19
Handsome Lake Energy	55233	EUZ3B	55	55	19
Handsome Lake Energy	55233	EUZ4A	55	55	19
Handsome Lake Energy	55233	EUZ4B	55	55	19
Handsome Lake Energy	55233	EUZ5A	55	55	19
Handsome Lake Energy	55233	EUZ5B	55	55	19
		Totals	5,694	5,694	1,945

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 05-155. Filed for public inspection January 21, 2005, 9:00 a.m.]

### NO<sub>x</sub> Budget Trading Program; Proposed NO<sub>x</sub> Allowance Allocations for 2008 to 2012

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment during a 15-day comment period regarding the proposed NO<sub>x</sub> allowance allocations made for the 2008 to 2012 control periods. These allocations must be published in the *Pennsylvania Bulletin* by April 1, 2005, as required by 25 Pa. Code § 145.41(b) (relating to timing requirements for NO<sub>x</sub> allowance allocations). NO<sub>x</sub> allowances are

allocated in accordance with 25 Pa. Code § 145.42(a)—(c) (relating to NO<sub>x</sub> allowance allocations).

The NO<sub>x</sub> budget for electric generating units (EGUs) is 47,224 allowances, 95% of which are available for allocation to EGUs during each year from 2008 to 2012 for units subject to 25 Pa. Code § 145.4(a)(1) (relating to applicability). The NO<sub>x</sub> budget for nonelectric generating units (non-EGUs) is 3,619 allowances, 95% of which are available for allocation to non-EGUs during each year from 2008 to 2012 for units subject to 25 Pa. Code § 145.4(a)(2).



Action at the Federal or State level could affect these allocations. For example, the Environmental Protection Agency could promulgate a new annual NO<sub>x</sub> Budget Program, leading to revisions of the Commonwealth's NO<sub>x</sub> Budget Program. Consequently, it is possible that NO<sub>x</sub> allowances allocated for 2008 to 2012 would be terminated, limited or otherwise affected. In 25 Pa. Code § 145.2 (relating to definitions), a "NO<sub>x</sub> allowance" is defined as: "An authorization by the Department under the NO<sub>x</sub> Budget Trading Program to emit up to 1 ton of NO<sub>x</sub> during the control period of the specified year or of any year thereafter, except as provided under § 145.54(f) (relating to compliance). No provision of the NO<sub>x</sub> Budget Trading Program, any permit, or an exemption under § 145.4(b) or § 145.5 and no provision of law will be construed to limit the authority of the Department or the Administrator to terminate or limit the authorization, which does not constitute a property right. For purposes of all sections of this subchapter except §§ 145.41—145.43 and 145.88, NO<sub>x</sub> allowance also includes an authorization to emit up to 1 ton of NO<sub>x</sub> during the control period of the specified year or of any year thereafter by the Department or the Administrator."

Shenango (Oris Code 54532) has filed a request to transfer ERCs from its Boilers 9 and 10 to non-NO<sub>x</sub> budget units as of April 31, 2004. Per 25 Pa. Code § 145.90(c)(3) (relating to emission reduction credit provisions), allocations for NO<sub>x</sub> allowance control periods following 2002 to a NO<sub>x</sub> ERC source may not include allowances equivalent to that portion of the non-NO<sub>x</sub> budget units' NO<sub>x</sub> control period allowable emissions provided for by the NO<sub>x</sub> ERCs. In accordance with the requirements of 25 Pa. Code § 145.40(b) (relating to State Trading Program budget) and § 145.90(c), the ERC transfer will permanently retire 45 NO<sub>x</sub> allowances from the non-EGU budget. The difference between Shenango's 2008 to 2012 NO<sub>x</sub> adjusted allowance allocations and its ERC transfer is 1 allowance per year. Thus, Boiler 9 will be allocated one allowance during each of these control periods. Shenango will also be required to retire 45 allowances for each control period from 2004 to 2007.

The Naval Surface Warfare Center's (Oris Code 880009) Unit 99, exempted under the provisions of 25 Pa. Code § 145.4(b), the 25-ton exemption rule, is allocated at a heat input of zero in accordance with 25 Pa. Code § 145.42(a)(2)(ii). The Naval Warfare Center will need to purchase allowances and deposit them in their General Account for each control period.

Units that were previously included in the 2003 to 2007 allocation under 25 Pa. Code § 145.42(a)(1)(i) that have heat input data to average for the 2002 to 2004 control periods are listed in the allocation table under "Miscellaneous" as "Existing Unit." Average heat input for these units is calculated based upon the requirements of 25 Pa. Code § 145.42(a)(1)(ii).

Units in the New Source Set Aside under 25 Pa. Code § 145.42(d) that have two or more complete control periods of heat input data for 2002 through 2004 and that would lose their new source status after 2007 were allocated NO<sub>x</sub> allowances for each control period from

2008 to 2012. These units are listed as "New Unit" under "Miscellaneous" in the allocation table. The average heat input for new units with three complete control periods of heat input data for 2002 to 2004 is calculated based upon the requirements of 25 Pa. Code § 145.42(a)(1)(ii). The average heat input for units with two complete control periods of heat input data for 2002 to 2004 is calculated based upon the requirements of 25 Pa. Code § 145.42(e).

Units in the New Source Set Aside that had one complete control period of data (2004 only) and requested to be included in the 2008 to 2012 NO<sub>x</sub> allowance allocation are listed as "New Units (1)" in the allocation table. The average heat input for units with one complete control period of heat input data for 2002 to 2004 is calculated based upon the requirements of 25 Pa. Code § 145.42(e).

The following units had one complete control period of heat input data but did not request to be allocated for the 2008 to 2012 control periods and will remain in the New Source Set Aside under 25 Pa. Code § 145.42(d) until 2013:

- FPL—(Oris Code: 55801) Unit—AB01
- FPL—(Oris Code: 55801) Unit—AB02
- FPL—(Oris Code: 55801) Unit—AB03
- FPL—(Oris Code: 55801) Unit—AB04
- Seward—(Oris Code: 3130) Unit—1
- Seward—(Oris Code: 3130) Unit—2

The following Units did not have a complete control period of heat input data and could not be allocated for the 2008 to 2012 control periods. These units will remain in the new source set aside under 25 Pa. Code § 145.42(d) until 2013:

- FPL— (Oris Code: 55801) Unit—CT01
- FPL— (Oris Code: 55801) Unit—CT02
- FPL— (Oris Code: 55801) Unit—CT03

The table lists the following: "Miscellaneous" for miscellaneous information, the units' average "Heat Input," the "Name" of each facility, the "Oris Code," "Unit Number," "Allocation" and the "Adjusted Allocation" prorated to fit within the Commonwealth's NO<sub>x</sub> Budget. Slight differences in the adjusted allocation for the same allocation total are a result of heat input differences and rounding errors. The proposed allowance allocations listed in the table are subject to change if comments reveal the need for corrections to heat input averages and/or other relevant data.

*Written Comments*

Written comments on the proposed NO<sub>x</sub> allowance allocations made for the 2008 to 2012 control periods should be sent to the Department of Environmental Protection, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department must receive written comments by February 7, 2005. Questions concerning this notice should be directed to Randy Bordner, Division of Air Resource Management at (717) 772-3423.

KATHLEEN A. MCGINTY,  
*Secretary*

**NO<sub>x</sub> Allowance Allocations for the 2008 through 2012 Control Periods**

Name	Oris Code	Unit Number	Heat Input	Unadjusted Allocation	EGU/NEGU	Adjusted Allocation	Miscellaneous
AES Beaver Valley Pa	10676	32	1566537	117	EGU	101	Existing Unit
AES Beaver Valley Pa	10676	33	1525937	114	EGU	99	Existing Unit

<i>Name</i>	<i>Oris Code</i>	<i>Unit Number</i>	<i>Heat Input</i>	<i>Unadjusted Allocation</i>	<i>EGU/NEGU</i>	<i>Adjusted Allocation</i>	<i>Miscellaneous</i>
AES Beaver Valley Pa	10676	34	1393160	104	EGU	90	Existing Unit
AES Beaver Valley Pa	10676	35	718572	54	EGU	47	Existing Unit
AES Ironwood	55337	1	3011440	226	EGU	195	New Unit
AES Ironwood	55337	2	3006137	225	EGU	195	New Unit
Allegheny Energy Uni	55196	1	185122	14	EGU	12	New Unit
Allegheny Energy Uni	55196	2	185565	14	EGU	12	New Unit
Allegheny Energy Uni	55710	3	672599	50	EGU	44	New Unit (1)
Allegheny Energy Uni	55710	4	747287	56	EGU	48	New Unit (1)
Allegheny Energy Uni	55377	8	153919	12	EGU	10	New Unit
Allegheny Energy Uni	55377	9	157447	12	EGU	10	New Unit
Chambersburg Units 12 (AE)	55654	12	263783	20	EGU	17	New Unit
Chambersburg Units 13 (AE)	55654	13	260284	20	EGU	17	New Unit
Armstrong Energy Ltd	55347	1	430265	32	EGU	28	New Unit
Armstrong Energy Ltd	55347	2	172295	13	EGU	11	New Unit
Armstrong Energy Ltd	55347	3	399251	30	EGU	26	New Unit
Armstrong Energy Ltd	55347	4	442445	33	EGU	29	New Unit
Armstrong Power Stat	3178	1	3936295	295	EGU	255	Existing Unit
Armstrong Power Stat	3178	2	3863138	290	EGU	250	Existing Unit
Bruce Mansfield	6094	1	21452852	1609	EGU	1388	Existing Unit
Bruce Mansfield	6094	2	24870057	1865	EGU	1610	Existing Unit
Bruce Mansfield	6094	3	23784864	1784	EGU	1539	Existing Unit
Bruce Mansfield	6094	MS1A	10596984	795	EGU	686	Existing Unit
Bruce Mansfield	6094	MS1B	10855912	814	EGU	703	Existing Unit
Bruce Mansfield	6094	MS2A	12396075	930	EGU	802	Existing Unit
Bruce Mansfield	6094	MS2B	12473981	936	EGU	807	Existing Unit
Bruce Mansfield	6094	MS3A	12017804	901	EGU	778	Existing Unit
Bruce Mansfield	6094	MS3B	11767054	883	EGU	762	Existing Unit
Brunner Island	3140	1	6905462	518	EGU	447	Existing Unit
Brunner Island	3140	2	8747271	656	EGU	566	Existing Unit
Brunner Island	3140	3	18503151	1388	EGU	1197	Existing Unit
Brunner Island	3140	CS102	15652732	1174	EGU	1013	Existing Unit
Brunot Island Power	3096	1A	13358	1	EGU	1	Existing Unit
Brunot Island Power	3096	1B	12582	1	EGU	1	Existing Unit
Brunot Island Power	3096	1C	13254	1	EGU	1	Existing Unit
Brunot Island Power	3096	2A	365710	27	EGU	24	Existing Unit
Brunot Island Power	3096	2B	551016	41	EGU	36	Existing Unit
Brunot Island Power	3096	3	347295	26	EGU	22	Existing Unit
Cambria Cogen	10641	1	1941337	146	EGU	126	Existing Unit
Cambria Cogen	10641	2	1884270	141	EGU	122	Existing Unit
Cheswick (Orion Power)	8226	1	12984267	974	EGU	840	Existing Unit
Colver Power Project	10143	AAB01	4126507	309	EGU	267	Existing Unit
Conemaugh	3118	1	25778172	1933	EGU	1668	Existing Unit
Conemaugh	3118	2	23650515	1774	EGU	1531	Existing Unit
Cromby	3159	1	4211553	316	EGU	273	Existing Unit
Cromby	3159	2	1188544	89	EGU	77	Existing Unit
Croydon Generating S	8012	11	2906	0	EGU	0	Existing Unit
Croydon Generating S	8012	12	47188	4	EGU	3	Existing Unit
Croydon Generating S	8012	21	38085	3	EGU	2	Existing Unit
Croydon Generating S	8012	22	21553	2	EGU	1	Existing Unit
Croydon Generating S	8012	31	46104	3	EGU	3	Existing Unit
Croydon Generating S	8012	32	42126	3	EGU	3	Existing Unit
Croydon Generating S	8012	41	37909	3	EGU	2	Existing Unit
Croydon Generating S	8012	42	24506	2	EGU	2	Existing Unit
Delaware	3160	71	304375	23	EGU	20	Existing Unit
Delaware	3160	81	325118	24	EGU	21	Existing Unit
Delaware	3160	9	4195	0	EGU	0	Existing Unit
Ebensburg Power Comp	10603	31	2129452	160	EGU	138	Existing Unit
Eddystone	3161	1	8389544	629	EGU	543	Existing Unit
Eddystone	3161	2	7801335	585	EGU	505	Existing Unit
Eddystone	3161	3	2108597	158	EGU	136	Existing Unit
Eddystone	3161	30	2881	0	EGU	0	Existing Unit
Eddystone	3161	4	1613723	121	EGU	104	Existing Unit
Eddystone	3161	40	2450	0	EGU	0	Existing Unit
Eddystone	3161	CS034	3722316	279	EGU	241	Existing Unit
Elrama	3098	1	1655243	124	EGU	107	Existing Unit
Elrama	3098	2	2054289	154	EGU	133	Existing Unit
Elrama	3098	3	2155083	162	EGU	139	Existing Unit

<i>Name</i>	<i>Oris Code</i>	<i>Unit Number</i>	<i>Heat Input</i>	<i>Unadjusted Allocation</i>	<i>EGU/NEGU</i>	<i>Adjusted Allocation</i>	<i>Miscellaneous</i>
Elrama	3098	4	4891495	367	EGU	317	Existing Unit
Elrama	3098	CS001	10769039	808	EGU	697	Existing Unit
Fairless Energy, LLC	55298	1A	2406211	180	EGU	156	New Unit (1)
Fairless Energy, LLC	55298	1B	2233348	168	EGU	145	New Unit (1)
Fairless Energy, LLC	55298	2A	2143933	161	EGU	139	New Unit (1)
Fairless Energy, LLC	55298	2B	2321773	174	EGU	150	New Unit (1)
Fayette Energy Facil	55516	CTG1	653863	49	EGU	42	New Unit
Fayette Energy Facil	55516	CTG2	662905	50	EGU	43	New Unit
Gilberton Power Comp	10113	31	1831510	137	EGU	119	Existing Unit
Gilberton Power Comp	10113	32	1820622	137	EGU	118	Existing Unit
Gilberton Power Comp	10113	CS001	3652112	274	EGU	236	Existing Unit
Grays Ferry Cogen Pa	54785	2	3602171	270	EGU	233	New Unit
Grays Ferry Cogen Pa	54785	25	651100	49	EGU	42	New Unit
Handsome Lake Energy	55233	EU-1A	21109	2	EGU	1	New Unit
Handsome Lake Energy	55233	EU-1B	21258	2	EGU	1	New Unit
Handsome Lake Energy	55233	EU-2A	20742	2	EGU	1	New Unit
Handsome Lake Energy	55233	EU-2B	20807	2	EGU	1	New Unit
Handsome Lake Energy	55233	EU-3A	19500	1	EGU	1	New Unit
Handsome Lake Energy	55233	EU-3B	19571	1	EGU	1	New Unit
Handsome Lake Energy	55233	EU-4A	18249	1	EGU	1	New Unit
Handsome Lake Energy	55233	EU-4B	18133	1	EGU	1	New Unit
Handsome Lake Energy	55233	EU-5A	17393	1	EGU	1	New Unit
Handsome Lake Energy	55233	EU-5B	17381	1	EGU	1	New Unit
Hatfields Ferry Powe	3179	1	9986343	749	EGU	646	Existing Unit
Hatfields Ferry Powe	3179	2	8042440	603	EGU	520	Existing Unit
Hatfields Ferry Powe	3179	3	8263749	620	EGU	535	Existing Unit
Hatfields Ferry Powe	3179	CS001	19755213	1482	EGU	1279	Existing Unit
Hatfields Ferry Powe	3179	CS002	17683943	1326	EGU	1144	Existing Unit
Homer City	3122	1	16755974	1257	EGU	1084	Existing Unit
Homer City	3122	2	16274970	1221	EGU	1053	Existing Unit
Homer City	3122	3	19541717	1466	EGU	1265	Existing Unit
Hunlock Power Statio	3176	4	251002	19	EGU	16	New Unit
Hunlock Power Statio	3176	6	1310511	98	EGU	85	Existing Unit
Hunterstown	3110	31	92782	7	EGU	6	Existing Unit
Hunterstown	3110	32	82519	6	EGU	5	Existing Unit
Hunterstown	3110	33	84692	6	EGU	5	Existing Unit
Hunterstown	3110	CT101	474469	36	EGU	31	New Unit
Hunterstown	3110	CT201	653060	49	EGU	42	New Unit
Hunterstown	3110	CT301	680476	51	EGU	44	New Unit
Keystone	3136	1	26913973	2019	EGU	1742	Existing Unit
Keystone	3136	2	24048486	1804	EGU	1556	Existing Unit
Liberty Electric Pow	55231	1	2363739	177	EGU	153	New Unit
Liberty Electric Pow	55231	2	2423962	182	EGU	157	New Unit
Lower Mount Bethel E	55667	CT01	1444095	108	EGU	93	New Unit (1)
Lower Mount Bethel E	55667	CT02	1559048	117	EGU	101	New Unit (1)
Martins Creek	3148	1	2379115	178	EGU	154	Existing Unit
Martins Creek	3148	2	2322174	174	EGU	150	Existing Unit
Martins Creek	3148	3	5244004	393	EGU	339	Existing Unit
Martins Creek	3148	4	3567532	268	EGU	231	Existing Unit
Martins Creek	3148	CS102	4701286	353	EGU	304	Existing Unit
Martins Creek	3148	CT1	10325	1	EGU	1	Existing Unit
Martins Creek	3148	CT2	8575	1	EGU	1	Existing Unit
Martins Creek	3148	CT3	9135	1	EGU	1	Existing Unit
Martins Creek	3148	CT4	9135	1	EGU	1	Existing Unit
Mitchell Power Stati	3181	1	50243	4	EGU	3	Existing Unit
Mitchell Power Stati	3181	2	62063	5	EGU	4	Existing Unit
Mitchell Power Stati	3181	3	14390	1	EGU	1	Existing Unit
Mitchell Power Stati	3181	33	5287291	397	EGU	342	Existing Unit
Montour	3149	1	20339544	1525	EGU	1316	Existing Unit
Montour	3149	2	20400140	1530	EGU	1320	Existing Unit
Montour	3149	AUX1	41812	3	EGU	3	Existing Unit
Montour	3149	AUX2	81939	6	EGU	5	Existing Unit
Mountain	3111	31	42364	3	EGU	3	Existing Unit
Mountain	3111	32	40584	3	EGU	3	Existing Unit
New Castle	3138	3	2067400	155	EGU	134	Existing Unit
New Castle	3138	4	1994744	150	EGU	129	Existing Unit
New Castle	3138	5	2633149	197	EGU	170	Existing Unit

<i>Name</i>	<i>Oris Code</i>	<i>Unit Number</i>	<i>Heat Input</i>	<i>Unadjusted Allocation</i>	<i>EGU/NEGU</i>	<i>Adjusted Allocation</i>	<i>Miscellaneous</i>
North East Cogenerat	54571	1	86767	7	EGU	6	Existing Unit
North East Cogenerat	54571	2	71654	5	EGU	5	Existing Unit
Northampton Generati	50888	NGC01	4133929	310	EGU	268	Existing Unit
Northeastern Power C	50039	31	2448046	184	EGU	158	Existing Unit
Ontelaunee Energy Ce	55193	CT1	2050928	154	EGU	133	New Unit
Ontelaunee Energy Ce	55193	CT2	2110086	158	EGU	137	New Unit
Panther Creek Energy	50776	1	1362846	102	EGU	88	Existing Unit
Panther Creek Energy	50776	2	1388471	104	EGU	90	Existing Unit
PEI Power Power Corp	50279	31	489189	37	EGU	32	Existing Unit
PEI Power Power Corp	50279	2	242869	18	EGU	16	New Unit
Piney Creek Power Pl	54144	31	1320359	99	EGU	85	Existing Unit
Portland	3113	33	12291	1	EGU	1	Existing Unit
Portland	3113	34	28266	2	EGU	2	Existing Unit
Portland	3113	1	3720066	279	EGU	241	Existing Unit
Portland	3113	2	4791124	359	EGU	310	Existing Unit
Portland	3113	5	280506	21	EGU	18	Existing Unit
Schuykill	3169	1	427014	32	EGU	28	Existing Unit
Schuykill	3169	11	6409	0	EGU	0	Existing Unit
Scrubgrass Generation	50974	1	1995382	150	EGU	129	Existing Unit
Scrubgrass Generation	50974	2	2054121	154	EGU	133	Existing Unit
Shawville	3131	1	2290026	172	EGU	148	Existing Unit
Shawville	3131	2	2714953	204	EGU	176	Existing Unit
Shawville	3131	3	3330525	250	EGU	216	Existing Unit
Shawville	3131	4	3739119	280	EGU	242	Existing Unit
Shawville	3131	CS1	7069729	530	EGU	458	Existing Unit
St. Nicholas Cogener	54634	1	3842117	288	EGU	249	Existing Unit
Sunbury	3152	1A	1200724	90	EGU	78	Existing Unit
Sunbury	3152	1B	954311	72	EGU	62	Existing Unit
Sunbury	3152	2A	1139601	85	EGU	74	Existing Unit
Sunbury	3152	2B	1180635	89	EGU	76	Existing Unit
Sunbury	3152	3	2204552	165	EGU	143	Existing Unit
Sunbury	3152	4	2665106	200	EGU	172	Existing Unit
Sunbury	3152	CS1	2155027	162	EGU	139	Existing Unit
Sunbury	3152	CS2	2320232	174	EGU	150	Existing Unit
Sunbury	3152	CT1	17478	1	EGU	1	Existing Unit
Sunbury	3152	CT2	17679	1	EGU	1	Existing Unit
Titus	3115	34	7941	1	EGU	1	Existing Unit
Titus	3115	35	8561	1	EGU	1	Existing Unit
Titus	3115	1	1871646	140	EGU	121	Existing Unit
Titus	3115	2	1703482	128	EGU	110	Existing Unit
Titus	3115	3	1821409	137	EGU	118	Existing Unit
Tolna	3116	31	56384	4	EGU	4	Existing Unit
Tolna	3116	32	202093	15	EGU	13	Existing Unit
Trigen Energy—Schu	50607	23	43011	3	EGU	3	Existing Unit
Trigen Energy—Schu	50607	24	58423	4	EGU	4	Existing Unit
Trigen Energy—Schu	50607	26	24351	2	EGU	2	Existing Unit
Trigen Energy Corpor	880006	1	70434	5	EGU	5	Existing Unit
Trigen Energy Corpor	880006	2	72036	5	EGU	5	Existing Unit
Trigen Energy Corpor	880006	3	113763	9	EGU	7	Existing Unit
Trigen Energy Corpor	880006	4	141306	11	EGU	9	Existing Unit
Warren	3132	5	152380	11	EGU	10	Existing Unit
Warren	3132	1	454201	34	EGU	29	Existing Unit
Warren	3132	2	327698	25	EGU	21	Existing Unit
Warren	3132	3	329537	25	EGU	21	Existing Unit
Warren	3132	4	295784	22	EGU	19	Existing Unit
Warren	3132	CS3	1407139	106	EGU	91	Existing Unit
Wayne	3134	31	17983	1	EGU	1	Existing Unit
Westwood	50611	31	1391571	104	EGU	90	Existing Unit
Wheelabrator—Frack	50879	GEN1	1946914	146	EGU	126	Existing Unit
Bethlehem Power Plan	55690	1	727475	55	EGU	47	New Unit
Bethlehem Power Plan	55690	2	710767	53	EGU	46	New Unit
Bethlehem Power Plan	55690	3	663879	50	EGU	43	New Unit
Bethlehem Power Plan	55690	5	560594	42	EGU	36	New Unit
Bethlehem Power Plan	55690	6	739825	55	EGU	48	New Unit
Bethlehem Power Plan	55690	7	756543	57	EGU	49	New Unit
Williams Generation	10870	TURB2	12058	1	EGU	1	New Unit
Williams Generation	10870	TURB3	14573	1	EGU	1	New Unit

Name	Oris Code	Unit Number	Heat Input	Unadjusted Allocation	EGU/NEGU	Adjusted Allocation	Miscellaneous
Williams Generation	10870	TURB4	15051	1	EGU	1	New Unit
Williams Generation	10870	TURBIN	19869	1	EGU	1	New Unit
Richmond	3168	91	35097	3	EGU	2	Existing Unit
Richmond	3168	92	36515	3	EGU	2	Existing Unit
Armagh Compressor St	880071	31301	365	0	NEGU	0	New Unit
ConocoPhillips Co.,	880025	32	541934	46	NEGU	47	Existing Unit
ConocoPhillips Co.,	880025	33	781323	66	NEGU	67	Existing Unit
Entriken Compressor	880072	31601	2607	0	NEGU	0	New Unit
Fairless Hills Gener	7701	PHBLR3	14722	1	NEGU	1	Existing Unit
Fairless Hills Gener	7701	PHBLR4	669278	57	NEGU	58	Existing Unit
Fairless Hills Gener	7701	PHBLR5	561926	48	NEGU	48	Existing Unit
FPL Energy MH50	50074	1	750217	64	NEGU	65	Existing Unit
G F Weaton	50074	34	1413793	120	NEGU	122	Existing Unit
G F Weaton	50074	35	1442872	123	NEGU	124	Existing Unit
Kimberly-Clark Tissu	50410	34	18430	2	NEGU	2	Existing Unit
Kimberly-Clark Tissu	50410	35	2640648	224	NEGU	227	Existing Unit
Merck & Company—We	50410	39	931075	79	NEGU	80	Existing Unit
Merck & Company—We	52149	40	1639474	139	NEGU	141	New Unit
Mt. Carmel Cogenerat	10343	SG-101	2089067	178	NEGU	180	Existing Unit
P H Glatfelter Compa	50397	33	42686	4	NEGU	4	Existing Unit
P H Glatfelter Compa	50397	34	1343543	114	NEGU	116	Existing Unit
P H Glatfelter Compa	50397	35	1100159	94	NEGU	95	Existing Unit
P H Glatfelter Compa	50397	36	1990676	169	NEGU	171	Existing Unit
P H Glatfelter Compa	50397	CS134	2486387	211	NEGU	214	Existing Unit
Philadelphia Refiner (Sunoco)	52106	150137	250420	21	NEGU	22	Existing Unit
Philadelphia Refiner (Sunoco)	52106	150138	298938	25	NEGU	26	Existing Unit
Philadelphia Refiner (Sunoco)	52106	150139	235526	20	NEGU	20	Existing Unit
Philadelphia Refiner (Sunoco)	52106	150140	502932	43	NEGU	43	Existing Unit
Philadelphia Refiner (Sunoco)	52106	CS0001	3512711	299	NEGU	302	Existing Unit
Philadelphia Refiner (Sunoco)	52106	CS0002	1463594	124	NEGU	126	Existing Unit
Procter & Gamble Pap	50463	328001	1578607	134	NEGU	136	Existing Unit
Sunoco (R&M)—Marcu	880020	88	389070	33	NEGU	33	Existing Unit
Sunoco (R&M)—Marcu	880020	89	543290	46	NEGU	47	Existing Unit
Sunoco Chemicals Fra	880007	52	786512	67	NEGU	68	Existing Unit
US Steel (Clariton C	50729	CLBLR1	1512684	129	NEGU	130	Existing Unit
US Steel (Clariton C	50729	CLBLR2	1354165	115	NEGU	117	Existing Unit
US Steel (Edgar Thomas)	50732	ETBLR1	1319370	112	NEGU	114	Existing Unit
US Steel (Edgar Thomas)	50732	ETBLR2	1477941	126	NEGU	127	Existing Unit
US Steel (Edgar Thomas)	50732	ETBLR3	1336596	114	NEGU	115	Existing Unit
Willamette Industries	54638	40	406265	35	NEGU	35	Existing Unit
Willamette Industries	54638	41	415208	35	NEGU	36	Existing Unit
Willamette Industries	54638	CS1	1573028	134	NEGU	135	Existing Unit
Shenango	54532	9	316069	27	NEGU	1	ERC Transfer/ Existing Unit
Shenango	54532	10	220032	19	NEGU	0	ERC Transfer/ Existing Unit
Naval Surface Warfare	880009	99	384	0	NEGU	0	25—Ton Exemption / Existing Unit

[Pa.B. Doc. No. 05-156. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Public Hearing and Request for Comment on the Mid-Course Review of Progress Toward Attainment for the Philadelphia One-Hour Ozone Nonattainment Area

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Department of Environmental Protection (Department) is seeking public comment on the Department's Mid-Course Review of Progress Toward Attainment of the National Ambient Air Quality Standard for the Philadelphia one-hour Ozone Nonattainment Area (Mid-Course

Review). This Mid-Course Review is to satisfy the requirements of 40 CFR 52.2037(j)(3).

The Philadelphia 1-hour ozone nonattainment area was defined shortly after adoption of the 1990 Clean Air Act (CAA) Amendments. The nonattainment area is comprised of 14 counties: 5 from Pennsylvania, 2 from Delaware, 1 from Maryland and 6 from New Jersey. The CAA mandated certain emission control requirements and specified that other measures be adopted to assure that the nonattainment area achieve the 1-hour ozone standard not later than 2005.

In a Notice of Proposed Rulemaking (NPR) published on December 16, 1999 (64 FR 70428), the United States Environmental Protection Agency (EPA) proposed that

additional measures are needed to support the attainment test for the Philadelphia-Wilmington-Trenton ozone nonattainment area. Specifically, in 64 FR 70428, the EPA determined that the Philadelphia-Wilmington-Trenton nonattainment area would fall short of its attainment emission level target by amounts equal to 4.5% of the 1990 baseline emission inventory for VOC and 0.3% of the 1990 baseline emission inventory for NOx. The Mid-Course Review confirms the Commonwealth's progress toward implementation of the additional measures required to achieve the emission reductions necessary to support the attainment demonstration.

The Commonwealth has implemented all emission control programs mandated by the 1990 CAA in the five-county Commonwealth portion of the Philadelphia 1-hour ozone nonattainment area. Additional control measures have been adopted to address the ozone emission reduction shortfall identified by the EPA. All volatile organic compound (VOC) emission reduction strategies required to address the shortfall have been adopted by the Commonwealth and the strategies have been submitted to the EPA as revisions to the State Implementation Plan (SIP). The Environmental Quality Board adopted final-form rulemaking for the small sources of NOx, stationary internal combustion engines and cement kilns requirements. The final-form rulemaking was published at 34 Pa.B. 6509 (December 11, 2004). The Commonwealth will submit this strategy to the EPA as a revision to the SIP.

The Department has prepared a Mid-Course Review that details the emission reduction strategies and other factors relating to the attainment of the 1-hour ozone standard in the Philadelphia Ozone Nonattainment Area.

The Department will hold a public hearing to receive comments on the Mid-Course Review on Thursday, February 24, 2005, at 1 p.m. at the Department of Environmental Protection's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

Persons who wish to present testimony at the hearing should contact Susan Ferree, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, sferree@state.pa.us to reserve a time. Persons who do not reserve a time will be able to testify after preregistrants. Witnesses should keep testimony to 10 minutes and should also provide two written copies of their testimony at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Department at the telephone number listed previously. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

*Written Comments:*

Written or e-mail comments on the Department's Mid-Course Review should be sent to J. Wick Havens, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, jhavens@state.pa.us. The Department must receive written or e-mail comments by 4 p.m. on February 24, 2005.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-157. Filed for public inspection January 21, 2005, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Altoona Regional Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Altoona Regional Health System has requested an exception to the requirements of 28 Pa. Code §§ 107.2, 107.26(b)(2) and 107.32 (relating to medical staff membership; additional committees; and meetings and attendance).

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

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address 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 numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-158. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of Center for Reproductive Surgery, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Center for Reproductive Surgery, LLC 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.

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 the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980,

V/TT (717) 783-6154 for speech and/or hearing impaired persons 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. 05-159. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of Doylestown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Doylestown Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 10.15.A2 (relating to rehab patient rooms).

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, dditlow@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 the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons 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. 05-160. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of Ephrata Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address 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 the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons 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. 05-161. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of Healthsouth Nittany Valley Rehab Hospital for Exception

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

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

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address 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 numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-162. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center 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.

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 numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-163. Filed for public inspection January 21, 2005, 9:00 a.m.]

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### Application of Moses Taylor Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Moses Taylor Hospital has requested an exception to the requirements of 28 Pa. Code § 139.17 (relating to neonatal intensive care units (Levels II and III)).

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

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address 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 numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-164. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of Roxborough Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Roxborough Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to meetings and attendance).

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

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address 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 numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-165. Filed for public inspection January 21, 2005, 9:00 a.m.]

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### Application of The Good Samaritan Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Good Samaritan Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2.B10 (relating to examination/treatment rooms).

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, dditlow@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 the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons 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. 05-166. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.7.A1 (relating to general operating rooms).

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, dditlow@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 the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons 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. 05-167. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Application of Wilkes-Barre General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wilkes-Barre General Hospital has requested an exception to the requirements of 28 Pa. Code § 137.21(b)(9) (relating to policies and procedures).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address 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 numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-168. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Availability of Title V Funds through Mini-Grants to Support Elimination of Barriers to Community Inclusion for Children/Youth With Special Health Care Needs

The Bureau of Family Health (Bureau) is accepting mini-grant applications up to \$3,000 related to eliminating barriers to inclusion of children and youth with special health care needs in communities of this Commonwealth. Mini-grants are available to support activities which directly address physical, environmental and informational barriers allowing community organizations, businesses, places of worship and schools to be more inclusive of children with special health care needs. This project is an extension of the Bureau's Building Inclusive Communities for Children/Youth With Special Health Care Needs Mini-Grant Initiative (BIC) which offers financial support for educational endeavors addressing community inclusion. Barrier Elimination Project (BE) funds will be used to advance this work by financially supporting the elimination of tangible barriers to inclusion.

For purposes of this funding opportunity, "children with special health care needs" are defined as those aged birth to 21 years of age who have a chronic physical, developmental, behavioral or emotional condition requiring services of a type or amount beyond that required by children generally.

The degree to which communities are healthy can be partly gauged by the degree to which children/youth with special health care needs are provided a full complement of services, civic engagement and social interaction. The BE is designed to empower communities by providing financial support for activities that either remove or significantly reduce obstacles that children and youth with special health care needs and their families confront as they seek to participate fully and productively in their communities. These include barriers to self-care, activities of daily living, receptive/expressive communication, learning, mobility, access to service, recreation, academics, spiritual practice, volunteerism, hobby exploration, employment, voting and economic self-sufficiency. The ultimate goal of the project is to build social capital by assisting communities to be fully accessible and inclusive

and, consequently, allow for the full integration of the children of this Commonwealth with special health care needs in all aspects of community life. Project funds must be used to reimburse purchases and activities occurring prior to June 30, 2005.

Eligible applicants are public and private organizations of this Commonwealth, foundations or community-based agencies as recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However, no applicant may take a profit from these funds.

Applicants may include but are not limited to:

- Day care centers and child care providers
- Educational providers
- Community planners
- Community groups/Civic clubs
- Potential employers/businesses
- Libraries
- Travel/tourism providers
- Bankers/lenders
- Minority groups
- Medical/dental providers
- Youth groups
- Places of worship/congregations
- Entertainment/recreation/play providers
- Professional associations/organizations
- Voting/polling providers
- Park/forest/campground staff
- Retailers

Applicants may apply for funding for reimbursement of multiple purchases or activities. However, the maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$3,000 per fiscal year when combined with any funding awards received through BIC or the Pennsylvania Breastfeeding Awareness and Support Program for the current fiscal year. In all cases, Department of Health (Department) funds should be used as payer of last resort. Grant funds may not supplant existing funds. Grant funds may be used for reimbursement of one time purchases only, after which time the grantee becomes sole owner of the purchased property. Eligible expenses fall within the following categories: equipment, assistive technology/communication devices, site/facility improvements, environment/curriculum and technology, as described in the application materials. Ineligible costs include: administrative/indirect costs, purchases/activities mandated by the Americans With Disabilities Act; staffing/personnel; one-time consumables such as event tickets; and other costs not otherwise in compliance with the limitations of the Maternal and Child Health Block Grant. Application materials provide greater detail about ineligible expenses.

To apply for funding, seven copies of a complete application must be received by the Department no later than 4:30 p.m., January 28, 2005. Applications may be mailed or hand delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason. The Bureau expects to notify all applicants of award status within 8 weeks of the submission due date. It is

anticipated that 16 to 25 awards of \$3,000 or less will be made. This is a reimbursement program. Grantees must spend their own funds first and then be reimbursed by the Department.

All funding decisions are contingent upon the availability of 04/05 fiscal year funds and Department approval by means of a proposal review panel. The approval will be based upon a common set of preestablished criteria, including:

1. The justifiable need for elimination of the proposed barriers to advance the inclusion of young people with disabilities, as justified by the applicant.
2. The number of young people with special needs who will ultimately benefit from elimination of the barrier;
3. The likelihood that the activities proposed will be of ongoing, systemic benefit to the community.
4. The reasonableness of proposed expenditures/purchases.

Those applicants proposing activities serving a greater number of young people with special health care needs in nonsegregated environments will be rated higher comparatively.

Application materials can be downloaded from the Department's website: [www.health.state.pa.us](http://www.health.state.pa.us) (search word: barrier elimination). Individuals may also request application materials or additional information related to this initiative by contacting Candace Johndrow at (717) 783-6536 or [cjohndrow@state.pa.us](mailto:cjohndrow@state.pa.us). Persons with a disability who require an alternative format of this notice, or need an application in alternative formats, should contact Candace Johndrow at the previously mentioned phone number or for speech and/or hearing impaired persons, V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service, (800) 634-5984 [TT].

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

[Pa.B. Doc. No. 05-169. Filed for public inspection January 21, 2005, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

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

The Mennonite Home  
1520 Harrisburg Pike  
Lancaster, PA 17601  
FAC ID 132102

Saunders House  
100 Lancaster Avenue  
Wynnewood, PA 19096  
FAC ID 190402

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code §§ 201.18(e) and 205.6(a) (relating to management; and function of building):

West Shore Health and Rehabilitation Center  
770 Poplar Church Road  
Camp Hill, PA 17011

Heartland Health Care Center  
550 South Negley Avenue  
Pittsburgh, PA 15232

Sky Vue Terrace  
2170 Rhine Street  
Pittsburgh, PA 15212

The Shadyside Nursing and Rehabilitation Center  
5609 Fifth Avenue  
Pittsburgh, PA 15232

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a)(c) (relating to resident bedrooms):

Pennswood Village  
1382 Newtown Langhorne Road  
Newtown, PA 18940  
FAC ID 164002

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 numbers 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.

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

[Pa.B. Doc. No. 05-170. Filed for public inspection January 21, 2005, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

#### Lebanon County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to construct SR 0000, Section BR, the City of Lebanon Bridge Over Norfolk Southern Project (Project), two bridges, one on 9th Street and one on 10th Street, which would carry the PA 72 traffic over the Norfolk Southern rail lines in downtown Lebanon.

The purpose of this project is to improve emergency access, traffic flow and safety in the City of Lebanon by providing an improved crossing of the Norfolk Southern Railroad Line.

The selected alternative for the Project is Option B—Dual 9th and 10th Street Shifted Alternative (Option B). Option B will consist of two, two-lane bridges extending over the Norfolk Southern railroad tracks. Shoulders and sidewalks will be constructed on one side of each of the bridges. The bridge on 9th Street will be shifted slightly west in relation to the existing roadway and will extend from a point near Church Street to the bridge over the Quittapahilla Creek. The bridge on 10th Street will be shifted slightly east in relation to the existing roadway and will extend from a point between Church and Lehman Streets to the bridge over the Quittapahilla Creek. Minor deck reconstruction work will be required on both Quittapahilla bridges. Route 72 would be signed as is, with 9th Street carrying two lanes northbound and 10th Street carrying two lanes southbound.

Option B will also include improvements to Scull Street, which extends parallel to and north of the Norfolk Southern lines. To provide access for remaining properties on 9th and 10th Street, Scull Street will cross under the proposed 10th Street Bridge, then extend parallel to the rail lines to an intersection with 12th Street. Scull Street will feature two-way traffic between 10th and 12th Streets. No additional property displacements other than minor right-of-way acquisitions would result from the Scull Street extension.

In addition, Option B will include a minor widening of Gannon Street north of the intersection with C and L Streets. This widening is necessary to facilitate access to J. J. Brandt Moving & Storage. Minor property acquisitions, but no additional displacements, would be required.

Option B will also include the construction of a roadway just south of the parking lot for Covenant United Methodist Church to provide access for the residential properties remaining on 9th Street. This one-way roadway will extend between 9th Street and Gannon Street and will accommodate on-street parking.

The at-grade railroad crossings will be removed from 9th Street, Partridge Street and 10th Street.

Alternatives were evaluated through an Environmental Impact Statement as required by the National Environmental Policy Act and Section 2002 of Act 120. Both options studied in the Environmental Impact Statement satisfied the needs of the project; however, Option B results in the least impact to the social, cultural and natural environment in the project area. Option B results in the fewest residential displacements and the fewest number of contributing elements acquired from the North Lebanon Historic District.

Option B will impact 51 contributing elements to the North Lebanon Historic District, a Section 2002 resource eligible for listing on the National Register of Historic Places. Under Section 106 of the National Historic Preservation Act, it has been determined that the construction of Option B will have an adverse effect on this Section 2002 resource. The effects will be mitigated through commitments detailed in an executed Programmatic Agreement between the Federal Highway Administration and the Pennsylvania State Historic Preservation Officer and concurred with by the Department and the City of Lebanon.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other

effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 05-171. Filed for public inspection January 21, 2005, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Hazardous Waste Facilities Plan Adoption

At its October 19, 2004, meeting, the Environmental Quality Board (Board) adopted an update to the Hazardous Waste Facilities Plan (Plan). The update is necessary to satisfy the requirements of the Solid Waste Management Act (act) (35 P. S. §§ 6018.101—6018.1003) to provide for the future planning and regulation of hazardous waste in this Commonwealth. Plan updates must be developed as necessary, but not less than every 5 years. The first Plan was developed in 1986, followed by updates in 1992 and 1998. This Plan is the third update and replaces the last version dated 1998.

The objective of the Plan is to determine whether additional treatment and disposal capacity is needed in this Commonwealth to properly manage hazardous waste generated in the State. The Plan is required to address criteria and standards for the siting of hazardous waste treatment and disposal facilities; sources of hazardous waste concentration and current hazardous waste practices; future hazardous waste facility needs; and source reduction. The Plan also plays a role in the establishment of new hazardous waste management facilities in this Commonwealth if a Certificate of Public Necessity (CPN) is required. The Board is empowered by the act to issue a CPN, which overrides zoning and other local restrictions.

The draft of the Plan was approved by the Board for public comment on April 20, 2004. Notice of its availability was published at 34 Pa.B. 2514 (May 8, 2004), with provisions for a 60-day public comment period, one public meeting and one public hearing. The Board did not receive any comments on the Plan during the public comment period.

In the Plan, the Department of Environmental Protection (Department) documents that the amount of hazardous waste sent to commercial management facilities from generators in this Commonwealth has continued to steadily decline over the last decade. In addition, the Department contends that adequate technology exists to reduce or eliminate hazardous waste generation and that hazardous waste generators have adequate access to commercial recovery, treatment and disposal facilities. The Department concludes in the Plan that the issuance of a CPN is not necessary to provide additional hazardous waste management options to generators in this Commonwealth since that issuance would be contrary to the goal of eliminating hazardous waste generation in this Commonwealth.

#### Availability of the Plan

The final Plan is available on the Department's website at [www.dep.state.pa.us/dep/subject/eqb/HWastePlan/](http://www.dep.state.pa.us/dep/subject/eqb/HWastePlan/)

PaHazardousWasteFacilitiesPlan.pdf and may also be obtained by contacting Thomas Hyatt, Division of Waste Minimization and Planning, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382 or [thyatt@state.pa.us](mailto:thyatt@state.pa.us).

KATHLEEN A. MCGINTY,  
Chairperson

[Pa.B. Doc. No. 05-172. Filed for public inspection January 21, 2005, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2005

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2005 total allowable commercial catch for walleye from the Commonwealth waters of Lake Erie is 5,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 5,000 pounds of walleye probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2005 total allowable commercial catch for yellow perch from the Commonwealth waters of Lake Erie is 35,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 35,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

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

[Pa.B. Doc. No. 05-173. Filed for public inspection January 21, 2005, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Public Hearing Opinions

The Human Relations Commission (Commission), under section 7(o) of the Pennsylvania Human Relations Act (act) (43 P. S. § 957(o)), announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)) in the following cases:

*Wilmer J. Baker v. Frog Switch & Manufacturing Co.; PHRC Case No. 199800386, Doc. No. E-88319DAH (Pennsylvania Human Relations Commission, December 21, 2004)*

Case involving suspension and discharge in retaliation for having opposed practices forbidden by the act.

Ruling for Complainant, 7-0 decision and 1 abstention 30 pages

*Thomas J. Beck, Sr. v. DeGovanni's Collision, Martin and Loretta DeGovanni; PHRC Case No. 200125671 (Pennsylvania Human Relations Commission, December 21, 2004)*

Case involving a perceived disability termination (heart condition).

Ruling for Respondent, 7-0 decision and 1 abstention  
28 pages

*Omar Bronson v. Masso Detective Agency; PHRC Case No. 200200713 (Pennsylvania Human Relations Commission, November 23, 2004)*

Case involving verbal harassment so pervasive and regular that the complainant was constructively discharged. (A constructive discharge occurs when the employee is forced to quit/resign because of the employer's discriminatory restrictions, constraints or intolerable working conditions.)

Ruling for Complainant, 8-0 decision  
27 pages

*James Leggett and Linda Leggett v. Philadelphia Management; PHRC Case No. 199927632 (H-8017) and PHRC Case No. 199927633 (H-8018) (Pennsylvania Human Relations Commission, November 23, 2004)*

Case involving refusal to make necessary improvements to the complainants' building because they had previously filed complaints with the Commission.

Ruling for Respondent, 6-2 decision  
28 pages

*Nicole Matthews, Administratrix and Michelle L. Matthews, Administratrix, Administrators of the Estate of George A. Matthews, Jr. v. Commonwealth of Pennsylvania, Department of Corrections, State Correctional Institution at Dallas; PHRC Case No. 199504361; Doc. No. E-78141D (Pennsylvania Human Relations Commission, November 23, 2004)*

Case regarding promotion denial because of race, White.

Ruling for Respondent, 8-0 decision  
28 pages

*Charlotte Sellers v. County of Bucks, Neshaminy Manor Home; PHRC Case No. 199825554; Doc. No. E-89905A (Pennsylvania Human Relations Commission, December 21, 2004)*

Case involving failure to promote due to age.

Ruling for Respondent, 7-0 decision and 1 abstention  
24 pages

*Bradley Seymour; on behalf of his minor children, Kyle and Kent Seymour v. Penn Township, York County, and Jeffrey R. Garvick, Township Manager; PHRC Case No. 199804130; Doc. No. H-7709 (Pennsylvania Human Relations Commission, November 23, 2004)*

Case involving failure to make a reasonable accommodation and disconnection of water service because of race, Black and/or the disabilities of his two minor sons.

Ruling for Respondent, 7-0 decision and 1 abstention  
14 pages

The final orders in the previously listed cases are subject to appeal to Commonwealth Court and if appealed are subject to being affirmed, reversed or modified, in whole or part.

A copy of an opinion listed in this notice may be obtained by mailing a request indicating the opinion

desired, accompanied by a check or money order in the amount of 15¢ per page, to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Pennsylvania Place, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania." Copies are also available under the Legal section at [www.phrc.state.pa.us](http://www.phrc.state.pa.us).

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 05-174. Filed for public inspection January 21, 2005, 9:00 a.m.]

### **Increase in the Accident Surcharge Dollar Threshold (Cap) to \$1,150; No. 2005-01**

Insurers writing private passenger automobile insurance in this Commonwealth may not, by law, penalize their policyholders (such as, apply rate surcharges or otherwise increase premiums) whose aggregate claim cost over a 3-year period does not exceed a certain threshold (cap). This threshold (cap) applies to any person injured or property damaged, and is measured in excess of any deductible or self-insured retention. Effective July 1, 2005, the Insurance Department (Department) has increased the threshold (cap) to \$1,150.

Section 19(a) of Act 6 of 1990 (75 Pa.C.S. § 1799.3 (relating to limit on cancellations, refusals to renew, refusals to write, surcharges, rate penalties and point assignments) does not allow an insurer to, "cancel or refuse to renew a policy or apply any surcharge, rate penalty or driver record point assignment" when the threshold (cap) is not exceeded.

By law, the Department is required to adjust the amount of the threshold (cap) at least once every 3 years. Section 19(e) of Act 6 of 1990 stipulates the adjustment be made relative to changes in the Consumer Price Index for medical care and automobile maintenance and repair costs. The previous adjustment to the threshold (cap) was effective July 1, 2002, when the threshold (cap) increased to \$1,050.

Each individual insurer, ISO, AIPSO and MSO should file the previously mentioned change for prior approval by April 1, 2005, and specify an effective date of no later than July 1, 2005.

Questions regarding this notice may be directed to Michael McKenney, Actuarial Review Division, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 705-0166, or [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-175. Filed for public inspection January 21, 2005, 9:00 a.m.]

## **PENNSYLVANIA COUNCIL ON AGING**

### **Meeting Change**

The Pennsylvania Council on Aging (Council) meeting scheduled for February 1, 2005, at 1 p.m. has been

rescheduled and will now be held on Thursday, February 3, 2005, at 9 a.m. in the Fifth Floor Conference Room, Department of Aging, 555 Walnut Street, Harrisburg, PA.

Persons with a disability who wish to attend the previously listed meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Michele Bell, Administrative Officer at (717) 783-1924 to discuss how the Council may best accommodate their needs.

ELLEN KRAMER ADLER,  
*Executive Director*

[Pa.B. Doc. No. 05-176. Filed for public inspection January 21, 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 February 14, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.**

**A-00121372. Thomas A. Riley** (208 Goat Hill Road, Peach Bottom, Lancaster County, PA 17563)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

**A-00121371. Eugene and Ruth Summers, Tenants by Entirety** (50 Buck Hill Road, Kinzer, Lancaster County, PA 17535)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster and within an airline distance of 20 statute miles of the limits thereof.

**A-00121378. Leo G. Peters** (3760 Cresson Street, City and County of Philadelphia, PA 19127)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the City and County of Philadelphia and the County of Montgomery, and from points in said territory, to points in Pennsylvania, and return.

#### **Applications 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 each application.**

**A-00121377. Limos by George, Inc.** (1078 2nd Street Pike, P. O. Box 5, Richboro Bucks County, PA 18954), a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00121377 to Unlimited Limo by George, Inc., subject to the same limitations and conditions. *Attorney:* Albert Ominsky, Four Penn Center Plaza, Suite 1050, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103.

**A-00121368. B. M. Enterprises, Inc.** (1167 Newport News Drive, Bensalem, Bucks County, PA 19007), a corporation of the Commonwealth—to transport by motor vehicle, persons, upon call or demand, in the Borough of Bristol, Bucks County; the Township of Bristol, Bucks County and the Township of Bensalem, Bucks County, which is a transfer of all of the call or demand rights of A & G Taxi, Inc. at A-00106845 and A-00106845, F. 1, Am-A. *Attorney:* Kathleen Herzog Larkin, 215 Darby Road, Paoli, PA 19301.

#### **Application of the following for approval of the *additional right* and privilege of operating motor vehicles as *common carriers* for transportation of *persons* as described under the application.**

**A-00119031, Folder 2. Paul Liberati, t/d/b/a An Exceptional Limousine** (3117 Woodbridge Drive, Pittsburgh, Allegheny County, PA 15227)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver: (1) between points in the County of Washington, and from points in the County of Washington, to points in Pennsylvania, and return; and (2) from points in the County of Allegheny, to points in Pennsylvania, and return. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

#### **Applications of the following for *amendment* to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-00092876, F. 5. Sam C. Lobrutto, t/a SLB Enterprises** (1095 Pittston By-Pass, Pittston, Luzerne County, PA 18640)—for the right a certificate of public convenience to abandon/discontinue the right to transport, as a common carrier, by motor vehicle; persons on schedule, between the City of Pittston and the Borough of Yatesville, Luzerne County, over a specified route. (Folder 1); group and party service from that portion Jenkins Township which lies east of the Boroughs of Yatesville and Laffin, Luzerne County, and persons in group and party service, from the City of Pittston, Luzerne County, and within 5 miles by the usually traveled highways of the limits of said city to points and places within 50 miles of the usually traveled highways of the limits of said city. (Folder 2); person on schedule between the City of Pittston and the Borough of Hughestown, Luzerne County, over a specified route: Beginning at the intersection of Main and Williams Streets in the City of Pittston, thence via Young's store and Rock Street to Hughestown (Folder 3); persons on schedule, from the terminal facilities of Yatesville Bus Co., at the Pittston By-Pass, Jenkins Township, Luzerne County, to the Pennsylvania Power and Light Co. facilities in the Township of Salem,

Luzerne County, over a specified route. (Folder 4); persons on schedule, from points in the County of Luzerne to the Tobyhanna Army Depot facility in Coolbaugh Township, Monroe County, and vice versa over a specified route.

**A-00119046, F. 1, Am-A. Maybelline Limousine, Inc.** (626 Lackawanna Avenue, Scranton, Lackawanna County, PA 18503)—for the right a certificate of public convenience to abandon/discontinue the right to transport, as a common carrier, by motor vehicle; persons in paratransit service, between points in Pennsylvania.

**A-00114063, F. 2. Fayetteville Volunteer Fire Department, Inc.** (101 West Main Street, Fayetteville, Franklin County, PA 17222)—certificate of public convenience to abandon/discontinue persons in paratransit service, between points in the Counties of Cumberland, Franklin and Adams, and from points in said counties to points in Pennsylvania, provided that service may be operated only in specifically modified vehicles with wheelchairs ramps, lifts or tie downs for the transportation of non-ambulatory persons which is held at A-00114063.

**A-00116314, F. 2. Wayne Memorial Hospital.** ( 601 Park Street , Honesdale, Wayne County, PA 18431)—for a certificate of public convenience to abandon/discontinue the right to transport, as a common carrier, by motor vehicle; persons in paratransit service, between points in the Counties of Wayne, Pike and Lackawanna, and from points in said counties to points in Pennsylvania, and vice versa.

### **Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Finster Courier Incorporated, t/a Elite Express; Doc. No. A-00118351C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Finster Courier Incorporated, t/a Elite Express, respondent, maintains its principal place of business at P. O. Box 1342, Newton, PA 18940.
2. That respondent was issued a certificate of public convenience by this Commission on November 1, 2001, at Application Docket No. A-00118351.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00118351.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

### **Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Glenn Trucking, Inc.; Doc. No. A-00099892C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Glenn Trucking, Inc., respondent, maintains its principal place of business at 30 Roxbury Road, Pittsburgh, PA 15221.

2. That respondent was issued a certificate of public convenience by this Commission on December 06, 1976, at Docket No. A-00099892.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$303.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$303.00.

4. That respondent has an outstanding assessment of \$303.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. W. M. D. Corp., Inc. t/a Sprint Courier Service; Doc. No. A-00100708C*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That W. M. D. Corp., Inc., t/a Sprint Courier Service, respondent, maintains its principal place of business at P. O. Box 20386, Lehigh Valley, PA 18002-0386.

2. That respondent was issued a certificate of public convenience by this Commission on August 15, 1978, at Docket No. A-00100708.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$936.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$936.00.

4. That respondent has an outstanding assessment of \$936.00.



5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. King Distribution & Transfer, Inc.; Doc. No. A-00112689C*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That King Distribution & Transfer, Inc., respondent, maintains its principal place of business at 90 Graham Street, McKees Rocks, PA 15136.

2. That respondent was issued a certificate of public convenience by this Commission on May 28, 1996, at Docket No. A-00112689.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$955.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$955.00.

4. That respondent has an outstanding assessment of \$955.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. P. C. Express Pick-Up & Del Serv; Doc. No. A-00113756C*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That P. C. Express Pick-Up & Del Serv, respondent, maintains its principal place of business at 1770 Wheatfield Court, Middletown, PA 17057.

2. That respondent was issued a certificate of public convenience by this Commission on May 09, 1997, at Docket No. A-00113756.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$55.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$55.00.

4. That respondent has an outstanding assessment of \$55.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Blair America, Inc.; Doc. No. A-00114055C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Blair America, Inc., respondent, maintains its principal place of business at 3436 Route 764, Duncansville, PA 16635-7803.

2. That respondent was issued a certificate of public convenience by this Commission on August 01, 1997, at Docket No. A-00114055.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$189.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$189.00.

4. That respondent has an outstanding assessment of \$189.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Danis Transportation, Inc.; Doc. No. A-00114521C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That, Danis Transportation, Inc., respondent, maintains its principal place of business at 60 Industrial Drive, Cumberland, RI 02864.

2. That respondent was issued a certificate of public convenience by this Commission on May 6, 1998, at Docket No. A-00114521.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$2,621.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$2,621.00.

4. That respondent has an outstanding assessment of \$2,621.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

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**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Superior Transportation Serv., Inc. t/a Superior Limousine Service; Doc. No. A-00114596C*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Superior Transportation Serv., Inc. t/a Superior Limousine Service, respondent, maintains its principal place of business at 600 Nissley Drive, Middletown, PA 17057.

2. That respondent was issued a certificate of public convenience by this Commission on August 12, 1998, at Docket No. A-00114596.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$141.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$141.00.

4. That respondent has an outstanding assessment of \$141.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. P. M. Express Lines, Inc.; Doc. No. A-00115695C*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That P. M. Express Lines, Inc., respondent, maintains its principal place of business at 805 Red Lion Road, B-18, Philadelphia, PA 19115.

2. That respondent was issued a certificate of public convenience by this Commission on April 13, 1999, at Docket No. A-00115695.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$171.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$171.00.

4. That respondent has an outstanding assessment of \$171.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

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James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or

any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

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#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Alexa Cab Co.; Doc. No. A-00116054C*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Alexa Cab Co., respondent, maintains its principal place of business at 7 Mallard Pond Circle, Newtown, PA 18940.

2. That respondent was issued a certificate of public convenience by this Commission on October 14, 1999, at Docket No. A-00116054.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$1,668.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$1,668.00.

4. That respondent has an outstanding assessment of \$1,668.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety

Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Colon, Maria Jacqueline Disen t/a Rainy Day Taxi; Doc. No. A-00117324C*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Colon, Maria Jacqueline Disen t/a Rainy Day Taxi, respondent, maintains her principal place of business at P. O. Box 407, Mount Pocono, PA 18344.

2. That respondent was issued a certificate of public convenience by this Commission on April 03, 2001, at Docket No. A-00117324.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$140.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$140.00.

4. That respondent has an outstanding assessment of \$140.00. Furthermore, respondent owes an unpaid fine of \$100 at A-00117324C0302.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

## VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment and fine within twenty (20) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance and fine payments must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Frick, Don t/a Frick, Don Trucking; Doc. No. A-00117695C*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Frick, Don t/a Frick, Don Trucking, respondent, maintains his principal place of business at 1215 Wheeler Ave., Dunmore, PA 18510.

2. That respondent was issued a certificate of public convenience by this Commission on April 18, 2001, at Docket No. A-00117695.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$227.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$227.00.

4. That respondent has an outstanding assessment of \$227.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is



the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

### **Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Thunder Transport, Inc.; Doc. No. A-00117760C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Thunder Transport, Inc., respondent, maintains its principal place of business at 1741 Langhorne-Yardley Rd., Langhorne, PA 19047.

2. That respondent was issued a certificate of public convenience by this Commission on July 05, 2001, at Docket No. A-00117760.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$219.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$219.00.

4. That respondent has an outstanding assessment of \$219.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20)

days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B).

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Friendly Express Limousine, Inc.; Doc. No. A-00119214C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Friendly Express Limousine, Inc., respondent, maintains its principal place of business at 1810 Byberry Rd., Suite C, Bensalem, PA 19020.

2. That respondent was issued a certificate of public convenience by this Commission on August 06, 2003, at Docket No. A-00119214.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$11.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$11.00.

4. That respondent has an outstanding assessment of \$11.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. P M Express Lines, Inc.; Doc. No. A-00115695C0401*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That P M Express Lines, Inc., respondent, maintains a principal place of business at 805 Red Lion Road, B-18, Philadelphia, PA 19115.
2. That respondent was issued a Certificate of Public Convenience by this Commission on April 13, 1999, at Application Docket No. A-00115695.
3. That respondent has failed to maintain evidence of cargo insurance on file with this Commission.
4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00115695, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and

must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Travel With Comfort, Inc.; Doc. No. A-00115561C0401 F. 3*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Travel With Comfort, Inc., respondent, maintains a principal place of business at P. O. Box 23105, Philadelphia, PA 19124.
2. That respondent was issued a Certificate of Public Convenience by this Commission on July 8, 2003, at Application Docket No. A-00115561, F. 3.

3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00115561, F. 3, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this

Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Finster Courier Incorporated t/a Elite Express; Doc. No. A-00118351C0401*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Finster Courier, Inc., t/a Elite Express, respondent, maintains a principal place of business at P. O. Box 1342, Newtown, PA 18940.

2. That respondent was issued a Certificate of Public Convenience by this Commission on November 1 2001, at Application Docket No. A-00118351.

3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00118351, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. **ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Todd W. Callahan t/a Interstate Airport Shuttle; Doc. No. A-00118692C0401*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Todd W. Callahan, t/a Interstate Airport Shuttle, respondent, maintains a principal place of business at 405 North Wade Avenue, Washington PA 15301.

2. That respondent was issued a Certificate of Public Convenience by this Commission on June 12, 2002, at Application Docket No. A-00118692.

3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00118692, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and

must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

### **Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. J. R. Butler, Inc.; Doc. No. A-00087078C0301, F. 2*

### **COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That J. R. Butler Inc., respondent, maintains a principal place of business at 5950 Fisher Road, E. Syracuse, NY 13057.

2. That respondent was issued a Certificate of Public Convenience by this Commission on May 16, 1960, at Application Docket No. A-00087078, F. 2.

3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00087078, F. 2, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### **VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

### **NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this

Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. **ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Maria Jacqueline Disen Colon t/a Rainy Day Taxi; Doc. No. A-00117324C0401*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Maria Jacqueline Disen Colon, t/a Rainy Day Taxi, respondent, maintains a principal place of business at P. O. Box 407, Mount Pocono, PA 18344.

2. That respondent was issued a Certificate of Public Convenience by this Commission on April 3, 2001, at Application Docket No. A-00117324.

3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00117324, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, Contract Carrier Permit, or Brokerage license, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. **ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Pronto Emergency Freight, Inc.; Doc. No. A-00111975C*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Pronto Emergency Freight, Inc., respondent, maintains its principal place of business at P. O. Box 938, Toledo, OH 43697.

2. That respondent was issued a certificate of public convenience by this Commission on May 17, 1995, at Application Docket No. A-00111975.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2002, 2003 and 2004.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00111975.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-177. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Telecommunications**

**A-311087F7001. Verizon North Inc. and PaCLEC Corporation.** Joint petition of Verizon North Inc. and PaCLEC Corporation for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and PaCLEC Corporation, by its counsel, filed on December 14, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and PaCLEC Corporation joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-178. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Telecommunications**

**A-311335F7000. Verizon Pennsylvania Inc. and Expedient Carrier Services, LLC.** Joint petition of Verizon Pennsylvania Inc. and Expedient Carrier Services, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.



Verizon Pennsylvania Inc. and Expedient Carrier Services, LLC, by its counsel, filed on December 8, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Expedient Carrier Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-179. Filed for public inspection January 21, 2005, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Odette Charles d/b/a Expressive Images; Doc. No. 33071-45-00

On August 26, 2004, Odette Charles, d/b/a Expressive Images, unlicensed, of Philadelphia, Philadelphia County, was assessed a civil penalty in the amount of \$500 for maintaining an unlicensed shop.

Persons may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeal is the named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 05-180. Filed for public inspection January 21, 2005, 9:00 a.m.]

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### Bureau of Professional and Occupational Affairs v. Michele K. Childs; Doc. No. 0191-45-04

On December 8, 2004, Michele K. Childs, license no. CO-220309-L, of Wallingford, Delaware County, was assessed a civil penalty of \$250 based on practicing cosmetology on a lapsed license.

Persons may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeal is the named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 05-181. Filed for public inspection January 21, 2005, 9:00 a.m.]

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### Bureau of Professional and Occupational Affairs v. James L. Moore; Doc. No. 0519-45-02

On October 21, 2004, James L. Moore, license no. CO-2131630-L, of Johnstown, Cambria County, was suspended due to nonpayment of a civil penalty in the amount of \$250 due to practicing cosmetology on a lapsed license.

Persons may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeal is the named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 05-182. Filed for public inspection January 21, 2005, 9:00 a.m.]

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### Bureau of Professional and Occupational Affairs v. Premier Salons International, Inc.; Doc. No. 34003-45-02

On October 5, 2004, Premier Salons International, Inc., license no. CB-095988-L, of Langhorne, Bucks County, was assessed a civil penalty in the amount of \$550 for operating a shop without a manager, unsanitary use of supplies and insufficient physical requirements for a beauty shop.

Persons may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in

accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeal is the named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 05-183. Filed for public inspection January 21, 2005, 9:00 a.m.]

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**Bureau of Professional and Occupational Affairs v.  
Lorriann Redfield; Doc. No. 0193-45-04**

On October 21, 2004, Lorriann Redfield, license no. CO-203277-L, of New Castle, DE, was suspended due to nonpayment of a civil penalty in the amount of \$250 due to practicing cosmetology on an expired license.

Persons may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeal is the named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 05-184. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Young Hee Shin; Doc. No. 0648-45-01**

On August 26, 2004, Young Hee Shin, unlicensed, of Philadelphia, Philadelphia County, was assessed a civil penalty in the amount of \$1,000 for practicing cosmetology without a license.

Persons may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeal is the named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 05-185. Filed for public inspection January 21, 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

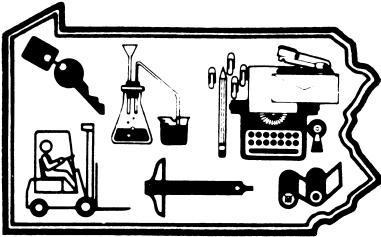
- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, 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

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,  
*State Treasurer*



### Commodities

**12936-04** Exterior and Interior Doors for New Construction Project located at SCI-Muncy. All doors must be Security Hollow Metal to meet HHMA specifications #863. Obtain copy of Invitation to Bid before going to site visit. A site visit is required for bidding. Site Visit is scheduled for January 27th, 2005, at 9:00 A.M. Vendor must call Institution two days prior before site visit so proper clearances can be done. Please call: Rob Harding, 570-546-3171, ext: 350 for scheduling.

**Department:** Corrections  
**Location:** State Correctional Institution at Muncy, Route 405, P. O. Box 180, Muncy, PA 17756  
**Duration:** 4-6 months  
**Contact:** Cindy Lyons, (570) 546-3171, ext. 373

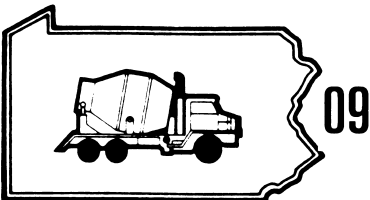
**ADV-233** Indiana University of Pennsylvania (IUP), a member of PA State System of Higher Education, will be seeking bids for an Altec Model AT37G Bucket Truck, or Approved Equal, for our Grounds Dept. Requests for copies of bid packages should be made in writing referencing Advertisement #ADV-233 and directed to Mrs. Roxie M. Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670, Email: rmjohnsn@iup.edu. Requests for bid packages will be accepted until January 31, 2005. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Contact:** Roxie M. Johnson, (724) 357-3077

**1605** Scotchman Hydraulic Ironworker #6509-24M, 208 volt, 3 phase, with work light (no substitutes) 026274-Rod shear (up to 1" square or 1 1/4") (no substitutes). Economy fabricated package, 24" press brake, 48" material back gauge, oversized miter table for shear station, tool table extension with punch and die storage rack and 14 sets of #40 and #82 round punches and dies: 11/32; 13/32; 15/32; 17/32; 19/32; 11/16; 3/4; 13/16; 7/8; 15/16; 1; 1 1/16; 1 1/8; and 1 1/4. Installation of machine and training of employees, minimum of 4 hours.

**Department:** Transportation  
**Location:** 1712 Lehigh Street, Allentown, PA 18103  
**Contact:** Nancy Zauck, (610) 798-4280, ext. 112

## SERVICES



### Construction & Construction Maintenance

**SU-2004/5** Invitation To Bid - Shippensburg University SU-2004/5: Lackhove & Kieffer Bathroom Renovations. Shippensburg University of the PA State System of Higher Education invites General, HVAC, Plumbing and Electrical Contractors to request bid documents for this project. Work includes all work necessary to renovate bathrooms to include shower upgrades, ceiling replacement, door replacement, painting, room renovations, kitchenette replacement, unit ventilator and rooftop exhaust fan, plumbing upgrades, VCT replacement, electrical upgrades and light fixtures replacement. Prospective Bidders may obtain project plans for a non refundable fee of \$75.00, check made payable to Borton-Lawson Architecture, 613 Baltimore Drive, Suite 300, Wilkes-Barre, PA 18702-7903, ATTN: Jane Thomas at Tel: 570-821-1999. Pre-Bid meeting with site visit immediately to follow will be held on February 1, 2005 at 10:00 a.m. in the Reed Operations Center Conference Room at Shippensburg University. Bids Due: February 16, 2005 at 4:00 p.m., Old Main Room 300. Public Bid Opening: February 17, 2005 at 2:00 p.m., Old Main Room 203A. Contracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Work shall be completed by August 5, 2005  
**Contact:** Deborah K. Martin, (717) 477-1121

**MI-947 Palmer/Bishop Parking Lot** PROJECT TITLE: MI-947 Palmer / Bishop Parking Lot. BRIEF Remove existing asphalt, stone base, sod, topsoil, concrete curb, etc. Provide new asphalt paving, concrete pad, walks, curbs, steps, and ramp; below grade storm sewer and below grade sanitary sewer connection to existing manhole. ESTIMATED RANGE: \$100,000 TO \$500,000. Paving Construction. PRE-BID/SITE VISIT: 1/26/05, 10:00 a.m. Palmer Building, Conference Room. OPENING: 2/15/05, 11:00 a.m. Room 203 Dilworth. BIDDING DOCUMENTS: Request bid packets on-line at: [http://muweb.millersville.edu/~purchase/current\\_bid\\_opportunities.html](http://muweb.millersville.edu/~purchase/current_bid_opportunities.html).

**Department:** State System of Higher Education  
**Location:** <http://muweb.millersville.edu/muonline/direction.html>  
**Duration:** 90 Calendar days from the date of the Notice to Proceed  
**Contact:** Jill M. Coleman, (717) 872-3730

**SU-2004/10** Invitation To Bid - Shippensburg University SU-2004/10: Harley/Kieffer Quad Walkway Lighting. Shippensburg University of the PA State System of Higher Education invites Electrical Contractors to request bid documents for this project. Work includes all work necessary to provide walkway lighting luminaries and incidental related construction. Prospective Bidders may obtain project plans for a non refundable fee of \$50.00, check made payable to Entech Engineering, 4 South Fourth Street, P. O. Box 32, Reading, PA 19603-0032 at Tel: 610-373-6667 or FAX 610-373-7537. Pre-Bid meeting with site visit immediately to follow will be held on February 8, 2005 at 10:00 a.m. in the Reed Operations Center Conference Room at Shippensburg University. Bids Due: February 23, 2005 at 4:00 p.m., Old Main Room 300. Public Bid Opening: February 24, 2005 at 2:00 p.m., Old Main Room 203A. Contracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Work shall be completed by August 5, 2005  
**Contact:** Deborah K. Martin, (717) 477-1121



Personnel, Temporary

**ITQ #2005-01** The Pennsylvania State System of Higher Education, Office of the Chancellor (PASSHE) is soliciting proposals from temporary staffing agencies to provide temporary staff for a range of clerical, administrative, and general labor positions on an as needed basis at the Dixon University Center and at SyTEC, PASSHE's System Technology Consortium center. This ITQ will result in a multiple participation award contract, which is the first step in a two-step procurement process. Successful placement on the award list provides eligible agencies with the ability to provide services on an as needed basis only. Award is not a guarantee that PASSHE will request the agency to provide the services. Agencies currently in contract with PASSHE are required to re-submit proposals if interested in re-qualifying to continue to provide temporary personnel services. For a copy of ITQ #2005-01, please contact the issuing office at [lveneri@passhe.edu](mailto:lveneri@passhe.edu) or go to: <http://www.passhe.edu/content/?/office/finance/procurement/opportunities/2005-01>. Proposals are due at the issuing office by 2:00 p.m. on March 2, 2005.

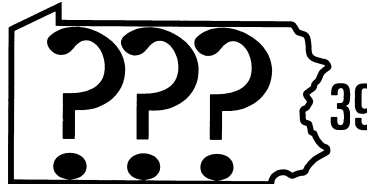
**Department:** State System of Higher Education  
**Duration:** 3 Years  
**Contact:** Linda Venneri, (717) 720-4135



Firefighting Services

**09931** The contractor will provide testing, preventative maintenance, inspection and cleaning to the institution's network fire alarm system.

**Department:** Corrections  
**Location:** State Correctional Institution at Forest, P. O. Box 307, One Woodland Drive, Marienville, PA 16239-0307  
**Duration:** Date contract is fully executed till 6/30/2006 with a two-year option.  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 732-2115



Miscellaneous

**RFP 06-04** The Office of Administration, Bureau of Financial Operations, Third Party Liability Division is seeking proposals for services relating to supplemental data exchanges, recovery actions and third party coverage verifications required for administering Pennsylvania's Medicaid Program, known as the Medical Assistance Program. Prospective vendors must register with the Integrated Enterprise System (IES) at: [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). Proposals must be received no later than February 15, 2005 at 2 p.m. Please check back often to this site. Updates will be posted as they occur.

**Department:** Public Welfare  
**Location:** Harrisburg Area - This RFP requires the contractor to provide on site staff. The TPL Division will provide work space for the contractor's staff. Location of contractor systems/service staff will be dependent on the award.  
**Duration:** Anticipated June 1, 2005 through May 31, 2007 with possibility of renewal for three additional 12 month periods.  
**Contact:** Gloria Wilbur, (717) 214-7529

[Pa.B. Doc. No. 05-186. Filed for public inspection January 21, 2005, 9:00 a.m.]



Medical Services

**CN00012619** Contractor to provide Ambulance Service for Warren State Hospital.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 7/01/05 - 6/30/06  
**Contact:** B. Muntz, PA III, (814) 726-4496

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*







