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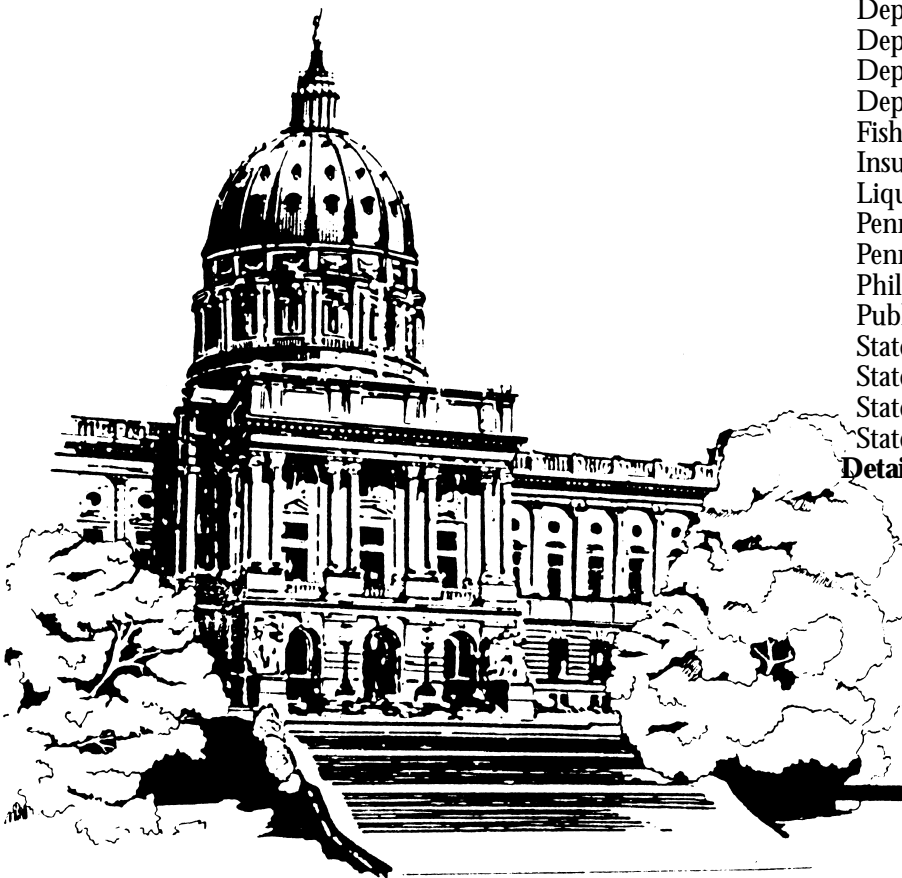
PENNSYLVANIA BULLETIN

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Department of Banking
Department of Conservation and
Natural Resources
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Department of General Services
Department of Health
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Fish and Boat Commission
Insurance Department
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Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Public School Employees' Retirement Board
State Board of Nursing
State Board of Optometry
State Employees' Retirement Board
State Ethics Commission

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

No. 346, September 2003

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PENNSYLVANIA INTEREST ON LAWYERS TRUST ACCOUNT BOARD

PART IX. ACCESS TO JUSTICE ACT REGULATIONS

[204 PA. CODE CH. 401]

Order Promulgating Access to Justice Act Regula- tions; No. 315 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 22nd day of August, 2003, upon the recommendation of the Pennsylvania Interest on Lawyers Trust Account Board, the proposal having been published before adoption at 33 Pa.B. 2468 (May 24, 2003);

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Access to Justice Act Regulations are promulgated in the following form.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IX. ACCESS TO JUSTICE ACT REGULATIONS

CHAPTER 401. ELIGIBILITY REGULATIONS APPLICABLE TO ACCESS TO JUSTICE ACT FUNDING

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401.9.	Priorities in Allocation of Resources.

§ 401.1. Definition of Terms.

“**Act**” means the Access to Justice Act, Title 42, Chapter 49 of the *Pennsylvania Consolidated Statutes*, and as it may be amended.

“**Applicant**” is the person who voluntarily requests legal assistance, or on whose behalf service is requested. The Applicant is the determining factor in defining “individual or family status” for eligibility determination purposes.

“**Fee-generating case**” means any case or matter which, if undertaken on behalf of a client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

“**Eligible Legal Services Provider**” is a not-for-profit entity incorporated in this Commonwealth, tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), or any

successor provision, which operates within this Commonwealth for the primary purpose of providing civil legal services without charge, and which operates to provide such civil legal services to eligible clients and victims of abuse under contract or subcontract with the Department of Public Welfare for the expenditure of funds appropriated by the General Assembly for the provision of legal services.

“Emancipated Minor”

(a) An emancipated minor is a person under 21 years of age (irrespective of whether he/she is receiving services designed for adults or children) who either:

(1) is married, whether he/she lives within, or away from, his/her parent’s household; or

(2) has left the parental household or has established himself/herself as a separate entity within the parental household; and

(i) is acting for himself/herself independent of control by his/her parents, or persons acting as loco parentis; and

(ii) is financially independent of his/her parents, although he/she may be receiving financial assistance or benefits to which he/she is entitled in his/her own right.

(b) An unmarried minor who, after living outside the parental household, returns to live with his/her parents or someone acting in loco parentis, is no longer considered emancipated unless he/she remains independent of control by his/her parents or someone acting in loco parentis, and is financially independent of them although he/she may be receiving financial assistance or benefits in his/her own right.

“Family”

(a) A family is one or more adults and unemancipated minor children, if any, who are related by blood or law, and who reside in the same household.

A Family includes:

(1) one person and his/her unemancipated minor children (natural and adoptive) who reside in the same household;

(2) two persons in a marriage or common law relationship who reside in the same household;

(3) two persons in a marriage or common law relationship and their joint unemancipated minor children (natural and adoptive) who reside in the same household;

(4) two persons in a marriage or common law relationship and their joint unemancipated minor children (natural and adoptive) and the unemancipated minor children (natural and adoptive) of either/both persons who reside in the same household.

(5) two persons who are residing together with a child(ren) in common.

(b) A pregnant woman shall be counted as one person in the determination of family size.

(c) A man and woman who are legally free to marry, who agree to live together as husband and wife without benefit of a marriage license, and both publicly and privately consider themselves married are regarded as living in a common law relationship.

(d) A person defined as "Individual" is not included in a family grouping.

(e) A person may choose to count as a family member any other person(s) residing in the same household who is claimed by that person as a tax dependent.

"Criminal proceeding" means the adversary judicial process initiated by a formal complaint, information, or indictment charging a person with an offense denominated "criminal" by applicable law and punishable by death, imprisonment, a jail sentence, or a fine.

"Individual" is any of the following:

- (a) an emancipated minor;
- (b) an unemancipated minor living with persons other than his/her natural or adoptive parents;
- (c) an unemancipated minor living in a residential facility serving dependent and delinquent children;
- (d) an adult who resides alone;
- (e) an adult who resides with another related or unrelated adult, other than persons who are married including those living in a common law relationship.

"Legal Assistance" means the provisions of any legal services consistent with the Rules of Professional Conduct of the Supreme Court of Pennsylvania and with the purposes and provisions of the Act.

"Lobbying Activities" are any efforts to influence Federal, State or local legislative or administrative action, including, but not limited to, activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the introduction, amendment, passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body.

"Recipient" means an eligible Legal Services Provider that receives a grant of funds derived from the Act.

"Telephone Advice and Brief Service" means civil legal assistance provided to eligible Applicants by Recipients through a telephone service system which provides legal advice, information and brief services at or near the time an eligible Applicant contacts the Recipient. Such telephone service systems are often referred to as "helplines" or "hotlines." Legal assistance provided through these systems is limited to advice and counsel, brief services, and referral after legal assessments when such activities are likely to address the problem without the need for in-person initial contact and within a short time from the contact by the eligible Applicant.

§ 401.2. Application for Legal Assistance.

(a) An individual eligibility determination requires completion of a dated application form containing information which enables the Recipient to determine an Applicant's eligibility to receive the requested service.

(b) A written application is not required for general non-legal information and referral service.

(c) Application forms for extended services and in-person advice and brief services must be signed by the Applicant. The application form need not be signed by the Applicant for telephone advice and brief services.

(d) The application form must be completed by the Recipient from the information given by the Applicant, his/her authorized representative, or, by someone, includ-

ing Recipient's staff, acting responsibly for the Applicant if he/she is physically incapable of completing an application form, or in an emergency situation.

(e) The Recipient shall ensure that the Applicant, or the person responsible for giving the information, receives all the help necessary to provide accurate and complete information. Arrangements must be made for an interpreter to assist non-English speaking, deaf, and visually handicapped Applicants, on an as-needed basis in those individual cases for whom no alternative methods for communication can be substituted effectively.

(f) Individual eligibility determinations are made using the declaration method. The declaration method is the acceptance of an Applicant's statements that he/she meets the applicable eligibility criteria. This does not preclude the requirement to obtain documentation when needed to comply with requirements of funding sources of the grant Recipient organization. Documentation also can be required and obtained if there is substantial reason to doubt the accuracy or completeness of the information provided by the Applicant, but such documentation must be obtained in a manner that promotes the development of trust between the attorney and client.

§ 401.3. Eligibility Criteria.

Those financially eligible for civil legal assistance are:

(a) applicants whose family monthly gross income does not exceed 125% of the Federal Poverty Guidelines, as published annually in the *Federal Register* by the Department of Health and Human Services, adjusted according to family size.

(b) The Commonwealth of Pennsylvania authorizes the issuance of medical assistance based upon the combination of income and certain public policy circumstances. When an Applicant has a current medical access card for a category for which eligibility is based upon 125% of poverty income, no additional eligibility determination is needed for legal assistance.

(c) The Applicant must be a resident of Pennsylvania. No requirements as to citizenship or length of residence in the State may be imposed as a condition of eligibility. Temporary absences from Pennsylvania, with subsequent returns, or with a plan to return when the purpose of the absence, such as a trip or a visit, has been accomplished, do not interrupt residence. Out-of-State students and foreign students who are living in Pennsylvania while attending an education or job-training institution in Pennsylvania are considered residents of Pennsylvania. Migrant workers who are seasonally employed or seeking seasonal employment in Pennsylvania are considered residents of Pennsylvania.

(d) Legal assistance may be provided without regard to income when the Applicant is in need of protective services under the Protection from Abuse Act.

(e) Authorized Exceptions to Income Eligibility. The governing body of the recipient may adopt policies for the provision of legal assistance under the Act to an applicant whose family, monthly gross income, does not exceed 150 percent of the 125% of poverty eligibility income level (i.e. 187.5% of poverty income level). The determination of family, monthly gross income shall be made pursuant to the income inclusions and exclusions defined within Sections 401.4 and 401.5 except that the definition of medical expenses is modified as included below in (f)(2). When a recipient's policies provide for authorized exceptions to income eligibility, legal assistance can be provided when:

(1) The Applicant's circumstances require that eligibility should be allowed on the basis of one or more of the factors set forth in Section 401.3(f); or

(2) The person is seeking legal assistance to secure benefits provided by a governmental program for the poor.

In the event that a recipient determines to serve a person whose family, monthly gross income exceeds 125% of poverty, the factual basis for the decision shall be documented and retained by the recipient.

(f) Factors which shall be used in the determination of the eligibility of clients over the 125% of poverty income level shall include:

(1) Current income prospects, taking into account seasonal variations in income;

(2) Medical expenses, and in exceptional instances, with the prior, written approval of the Recipient's project director based on written documentation received by the recipient and available for review, if an Applicant's family, monthly gross income is primarily committed to medical or nursing home expenses, a person may be served even if that person's gross income exceeds 187.5 percent of the poverty income eligibility level;

(3) Fixed debts and obligations, including unpaid Federal, state and local taxes from prior years;

(4) Child care, transportation, and other expenses necessary for employment;

(5) Expenses associated with age or physical infirmity of resident family members; and

(6) Other significant factors related to financial inability to afford legal assistance.

(g) A Recipient may provide legal assistance to a group, non-profit corporation, association or other entity if the Recipient has determined that the group, non-profit corporation or association or other entity lacks and has not practical means of obtaining private counsel in the matter for which representation is sought and:

(1) at least a majority of the group's members are financially eligible for legal assistance; or

(2) for a non-membership group, at least a majority of the individuals who are forming or operating the group are financially eligible for legal assistance; or

(3) the group has as its principal function or activity the delivery of services to those persons in the community who would be financially eligible for legal assistance; or

(4) the group has as its principal function or activity the furtherance of the interests of those persons in the community who would be financially eligible for legal assistance and the representation sought relates to such function or activity.

In order to make a determination that a group, non-profit corporation, association or other entity is eligible for legal services as required by paragraph (a) of this section, a recipient shall collect information that reasonably demonstrates that the group, corporation, association or other entity meets the eligibility requirements set forth herein.

§ 401.4. Income Inclusions.

The sources of income to be included in determining the total monthly gross income are:

(a) money wages or salary earned by individuals 14 years of age or older before deductions for taxes, social

security, bonds, pensions, union dues, health insurance, and similar purposes for work performed as an employee including commissions, tips, piece-rate payments, and cash bonuses;

(b) Armed Forces pay which includes base pay plus cash housing and/or subsistence allowances, but does not include the value of rent-free quarters;

(c) voluntary or court-ordered spousal and/or child support received by a present or former spouse;

(d) voluntary or court-ordered child support;

(e) net income from non-farm self employment, defined as gross receipts minus expenses from one's own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and service rendered. Business expenses include costs of goods purchased, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (no personal income taxes), and similar expenses. Inventory changes may be considered in determining net income only when they are documented by income tax returns or other official records which reflect inventory changes. The value of marketable merchandise consumed by the proprietors of retail stores is not included as part of net income;

(f) net income from farm self-employment, defined as gross receipts minus operating expenses from the operation of a farm by a person on his/her own account, as an owner, renter, or share-cropper. Gross receipts include the value of all products sold, government subsidies—crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand gravel and similar items. Operating expenses include the cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farm hands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes (not State and Federal income taxes), and similar expenses. The value of fuel, food, or other farm products used for family living is not included as part of net income. Inventory changes may be considered in determining net income only when they are documented by income tax returns or other official records which reflect inventory changes;

(g) net income from non-resident real property income, defined as gross receipts minus the expenses for continuing the income such as depreciation charges, business taxes (not personal income taxes), interest on mortgage, repairs, and similar expenses;

(h) Social Security pensions, survivors' benefits, permanent disability insurance payments, and special benefit payments made by the Social Security Administration before deductions of health insurance premiums;

(i) Railroad retirement, disability, and survivors' benefit payments made by the U.S. Government under the Railroad Retirement Act before deductions of health insurance premiums;

(j) State Blind Pension payments made by the Department of Public Welfare;

(k) Public assistance or welfare payments such as General Assistance, SSI and State Supplemental payments, only when the person is not the Applicant;

(l) private pension and annuities, including retirement benefits paid to a retired person or his/her survivors by a former employer or by a union, either directly or through an insurance company;

(m) government employee pensions received from retirement pensions paid by Federal, State, County, or other governmental agencies to former employees including members of the Armed Forces or their survivors;

(n) unemployment compensation received from government unemployment agencies or private companies during periods of unemployment and any strike benefits received from union funds;

(o) worker's compensation received from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the worker;

(p) Veterans payments, defined as money paid periodically by the Veterans Administration to disabled members of the Armed Forces or to the survivors of deceased veterans, and subsistence allowances, paid to veterans for education and on-the-job training, as well as the so-called "refunds" paid to ex-service persons as GI insurance premiums. The two basic educational programs sponsored by the Veterans Administration are the G.I. Bill Educational Training Program and the VA Vocational Rehabilitation Program. There is a different method for providing funds to veterans in these programs. The veteran in G.I. Bill Education Training Program receives a monthly sum which may be used totally for education or subsistence, or partially for education and partially for subsistence. The VA calls this monthly sum a "rate." Therefore, all the money received by the G.I. Bill veteran is counted as income. The Veteran in a VA Vocational Rehabilitation Program receives what the VA calls a "subsistence allowance" and the VA itself handles the educational costs directly. Therefore, for the disabled veteran in the Vocational Rehabilitation Program, the subsistence allowance and the veteran's disability allowance is counted as income;

(q) dividends including dividends from stockholdings or membership in association;

(r) interest on savings checking accounts and bonds;

(s) income from estates and trust funds;

(t) net income from royalties;

(u) net income from room and board payments, paid singly or in combination, and for rent from apartments, determined by deducting the sum of (1) and (2) from the total gross receipts.

(1) Deductions for minimal costs:

(i) \$10 per month for each tenant (lone person) or tenant group (two or more persons living together as a family normally would) whose rent arrangements with the landlord/landlady are independent of other persons, or

(ii) \$20 per month for each boarder, or

(iii) \$30 per month for each separate tenant-boarder (person not included in (a) or (b) above) whose rent and board arrangements with the landlord/landlady are independent of other persons.

(iv) \$30 per month for the first person and \$20 per month for each additional person in a tenant-boarder group (persons not included in (a), (b), or (c) above) whose joint rent and board arrangements with the landlord/landlady are independent of other persons, and;

(2) The following amount is deducted to recognize costs above the minimum: 50% of the remainder after the deduction in (1).

§ 401.5. Income Exclusions.

Sources of income not counted in determining monthly gross income and income exclusions are:

(a) earnings of a child under 14 years of age;

(b) any medical expense not reimbursed through medical insurance which exceeds 10% of the total family monthly gross income. The medical expense must have been incurred within 90 days from the date of the application and be expected to continue or be incurred for a period of six months after the application. Medical expenses include bills for doctors, hospital costs, dental services, and health care premiums;

(c) voluntary or court-ordered child support paid out by the Primary Recipient or a member of his/her family to a present or former spouse not residing in the same household;

(d) voluntary or court-ordered child support paid out by the Primary Recipient or a member of his/her family for his/her child who is not residing in the same household;

(e) payments made pursuant to the Alaska Native Claims Settlement Act, to the extent that such payments are exempt from taxation under Section 21(a) of the Act;

(f) per capita payment to, or funds held in trust for, any individual in satisfaction or judgment of the Indian Claims Commission or the court of claims;

(g) money received from the sale of property, such as stocks bonds, a house, or a car unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from self-employment;

(h) withdrawals of bank deposits;

(i) money borrowed;

(j) tax refunds including tax rebate from any source;

(k) gifts;

(l) lump sum inheritances or insurance payments;

(m) lump sum lottery winnings;

(n) capital gains;

(o) the value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons;

(p) the value of USDA donated foods;

(q) the value of supplemental foods assistance under the child Nutrition Act of 1966 and the special food service programs of children under the National School Lunch Act, as amended;

(r) loans and grants, such as scholarships, obtained and used under conditions that preclude their use of current living costs;

(s) any grant or loan, to an under-graduate student for education purposes, made or insured under any program administered by the Commissioner of Education under the Higher Education Act;

(t) any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(u) any home produce used for household consumption;

(v) the value of rent-free quarters;

(w) any payment made on behalf of any individual for household expenses such as rent, food, utilities;

(x) payments to VISTA volunteers pursuant to Section 404(g) of the Domestic Assistance Act of 1973;

(y) any payments to vendors by a State agency including foster care payments;

(z) payments made to an institution by an Applicant's relative or other person for the costs of institutional care for the Applicant; and

(aa) stipends derived from the Foster Grandparents Programs under P. L. 93-113, Section 404(9).

§ 401.6. Change in Circumstances.

If an eligible client becomes financially ineligible through a change in circumstances, a Recipient shall discontinue representation if the change in circumstances is sufficiently likely to continue such that the client could afford private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities.

§ 401.7. Grievance Procedure.

(a) Complaints about legal assistance.

(1) A Recipient shall establish procedures for determining the validity of a complaint about the manner or quality of legal assistance that has been rendered.

(2) The procedures shall provide at least:

(i) Information to a client at the time of the initial visit about how to make a complaint, and

(ii) Prompt consideration of each complaint by the director of the Recipient, or the director's designee, and, if the director of the Recipient is unable to resolve the matter,

(iii) An opportunity for complainant to submit an oral and written statement to a member(s) of the Recipient's grievance committee established by the governing body, preferably a board member who is himself/herself client eligible.

(3) A file containing every complaint and a statement of its disposition shall be preserved for examination. The file shall include any written statement submitted by the complainant.

(b) Complaints about denial of assistance. A Recipient shall establish a simple procedure for review of a decision that a person is financially ineligible, or that assistance is prohibited by the Act or Regulations, or by priorities established by the Recipient pursuant to section 401.9. The procedure shall include information about how to make a complaint, adequate notice, an opportunity to confer with the director of the Recipient or the director's designee, and, to the extent practicable, with a representative of the governing body, preferably a board member who is himself/herself client eligible.

§ 401.8. Prohibited Use.

Recipients of funds under this Act are prohibited from using them for the following purposes:

(a) *Political and Lobbying Activities.* Funds shall not be used to contribute to or be made available to any political party or association, or the campaign of any candidate for public or party office or similar political activities or to support or oppose candidates from public or party office or to support or oppose candidates for public or party office or to support or oppose any ballot questions or to engage in lobbying activities, except that:

(1) A Recipient of funds may engage in lobbying activities in response to a request from a governmental agency,

legislative body, committee, member or staff thereof made to the recipient, consistent with the Rules of Professional Conduct.

(2) A Recipient may engage in lobbying activities in the provision of legal services to an eligible client on a particular application, claim or case, which directly involves that client's legal rights and responsibilities, however this shall not be construed to a permit a Recipient to solicit a client, in violation of the Rules of Professional Conduct, for the purpose of making such representation possible.

(b) *Fee generating case.* Funds shall not be used to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All Recipients shall establish procedures for the referral of fee-generating cases.

(1) Other adequate representative is deemed to be unavailable when the Recipient has determined that free referral is not possible because:

(i) The case has been rejected by the local lawyer referral service, or by two private attorneys, or the Recipient's experience within the previous six months with similar cases is that the current case will not be accepted by a private attorney; or

(ii) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or

(iii) Emergency circumstances compel immediate action before referral can be made, but the client is advised that if appropriate, and consistent with professional responsibility, referral will be attempted at a later time; or

(2) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other non-pecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims; or

(3) A court appoints a Recipient or an employee of a Recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or

(4) An eligible client is seeking benefits under Subchapter II of the Social Security Act, 42 U.S.C. 401, et seq., as amended, Federal Old Age, Survivors, and Disability Insurance Benefits; or Subchapter XVI of the Social Security Act, 42 U.S.C. 1381, et seq., as amended, Supplemental Security Income for Aged, Blind, and Disabled.

(5) A Recipient may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement, if the requirements of sub-section 401.8 (b)(1) are met.

(6) When a case or matter subject to this sub-section results in a recovery of damages, other than statutory benefits, a Recipient may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if

(i) The requirements of sub-section 401.8(b)(1) are met, and

(ii) The client has agreed in writing to reimburse the Recipient for such costs and expenses.

(7) Nothing in this part shall prevent a Recipient from:

(i) Requiring a client to pay court fees when the client does not qualify to proceed *informa pauperis* under the rules of the jurisdiction; or

(ii) Acting as a co-counsel with a private attorney when the case meets the standards set forth in sub-section 401.8(b)(1) and accepting part of any fees that may result from a shared case.

(c) *Defense of Criminal Prosecutions.*

(1) Funds shall not be used to provide legal assistance with respect to a criminal proceeding, unless authorized by sub-section 401.8(c)(2).

(2) Legal assistance may be provided with respect to a criminal proceeding;

(i) Pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the Recipient after a determination that it is consistent with the Recipient's primary responsibility to provide legal assistance to clients in civil matters; or

(ii) When professional responsibility requires representation in a criminal proceeding arising out of a transaction with respect to which the client is being, or has been, represented by a Recipient.

(3) **Actions Attacking Criminal Convictions.** Funds shall not be used to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act and the action is brought against an official of the court or against a law enforcement official for the purpose of challenging the validity of the criminal conviction.

However, this sub-section does not prohibit legal assistance pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the Recipient after a determination that it is consistent with the primary responsibility of the Recipient to provide legal assistance to eligible clients in civil matters.

(d) *Statutory Right to Counsel.* Funds shall not be used to provide legal assistance in cases in which the Commonwealth of Pennsylvania has an obligation to provide counsel to the indigent through another source identified by statute.

§ 401.9. Priorities in Allocation of Resources.

Recipients daily must make decisions concerning what cases to handle, what area of client need to pursue, what models of delivery of services to choose, what communities to serve, and related issues. A high quality Recipient program responds effectively to changing client needs and integrates its priority setting process into its daily operations. This section is intended to assure that Recipients plan and perform services provided under the Act in a way that responds to existing and changing client and community needs, promptly and strategically.

(a) The governing body of a Recipient shall adapt procedures for establishing priorities in the allocation of its resources. The procedures adopted shall:

(1) Include an effective appraisal of the needs of eligible clients in the geographic areas served by the Recipient;

(2) Insure an opportunity for participation by representatives of all significant segments of the client community and the Recipient's employees in the setting of priorities.

(b) The following factors could be among those considered by the Recipient in establishing priorities:

(1) the appraisal described in paragraph (a)(1) of this section;

(2) the population of eligible clients in the geographic areas served by the Recipient, including all significant segments of that population with special legal problems or special difficulties of access to legal services;

(3) the resources of the Recipient;

(4) the availability of another source of free or low-cost legal assistance in a particular category of cases or matters;

(5) the availability of other sources of training, support, and outreach services;

(6) the relative importance of particular legal problems of the individual clients of the recipient;

(7) the susceptibility of particular problems to solution through legal processes;

(8) whether legal efforts by the recipient will complement other efforts to solve particular problems in the area served; and

(9) whether legal efforts will result in efficient and economic delivery of legal services.

(c) A Recipient shall allocate resources consistent with the purposes and requirements of the Act and regulations, and in a manner that assures such resources are put to their highest and best use in meeting client needs. To the extent possible efforts should be made to provide that all potentially eligible clients in the Recipients' service area have reasonably equal access to similar types of services. If the governing body of the Recipient so desires, the types of services may vary so as to take into account different priorities in different parts of the Recipient's service area, a higher incidence of a particular kind of problem, the considerably higher costs of providing services, or differences in individual client financial resources.

(d) The governing body of a Recipient shall establish policies and procedures that assure clients that cases which are accepted for representation of eligible clients substantially comply with the priorities adopted by the Recipient.

(e) **Annual Review.** Priorities shall be set periodically and shall be reviewed by the Recipient at least annually.

[Pa.B. Doc. No. 03-1732. Filed for public inspection September 5, 2003, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to Rules Relating to Domestic Relations; No. 398 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 20th day of August, 2003, Pennsylvania Rule of Civil Procedure 1910.16-1 is amended 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 1910. ACTIONS FOR SUPPORT

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

[The] (1) Except as set forth in subdivision (2) below, the support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes as defined in Rule 1910.16-2 and the number of persons being supported. The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net monthly income of \$1,500 per month. Father's net monthly income is \$3,000. The party's third child is in foster care placement. Pursuant to the schedule at Rule 1910.16-3, the basic child support amount for the two children with Mother is \$1,235. As Father's income is 67% of the parties' combined monthly net income, his basic support obligation to Mother is \$827 per month. The guidelines assume that Mother will provide \$408 per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$2,173 for purposes of this calculation (\$3,000 net less \$827 in support for the children with Mother). Because the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$2,173 income level, or \$505 per month. Mother/obligor's income will be \$1092 for purposes of this calculation (\$1,500 net less \$408 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$268 per month.

Example. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as above, Father's income for

determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$842 per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$521 for the children in placement (100% of the schedule amount for two children at the \$1,500 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

Example. Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is \$2,000. The basic support amount for the two children in the home is \$1,532, according to the schedule at Rule 1910.16-3. As Mother's income is 67% of the parties' combined net monthly incomes, her share would be \$1,026, and Father's 33% share would be \$506. Mother's income for purposes of calculating support for the two children in placement would be \$2,974 (\$4,000 less \$1,026). She would pay 100% of the basic child support at that income level, or \$961, for the children in placement. Father's income would be \$1,494 (\$2,000 less \$506) and his obligation to the children in placement would be \$521.

(iii) In the event that the combined amount the parents are required to pay exceeds the cost of placement, the trier of fact shall deviate to reduce each parent's obligation in proportion to his or her share of the combined obligation.

(3) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her expenditures.

* * * * *

Explanatory Comment—2003

New subdivision (2) is intended to clarify in particular the calculation of child support when a child is in a foster care or institutional placement and not in the custody of either parent.

[Pa.B. Doc. No. 03-1733. Filed for public inspection September 5, 2003, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA. CODE CH. 7]

Order Amending Rule 720; No. 297 Criminal Procedure Rules; Doc. No. 2

On August 21, 2003, effective January 1, 2004, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted amendments to Rule of Criminal Procedure 720. The Criminal Procedural Rules Committee has prepared a Final Report explaining the

amendments to Pa.R.Crim.P. 720 (Post-Sentence Procedures; Appeal). These amendments provide further clarification that (1) the time for an appeal when a post-sentence motion is not filed timely is the date of the imposition of sentence; (2) the judge's order denying a post-sentence motion must be entered promptly and must contain the notice information required by the rule; and (3) the judge may not vacate sentence. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 21st day of August, 2003, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 32 Pa.B. 6077 (December 14, 2002), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 811), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 720 is hereby amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2004.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART B. Post-Sentence Procedures

Rule 720. Post-Sentence Procedures; Appeal.

(A) TIMING.

* * * * *

(3) If the defendant does not file a **timely** post-sentence motion, the defendant's notice of appeal shall be filed within 30 days of imposition of sentence, except as provided in paragraph (A)(4).

(4) If the Commonwealth files a **timely** motion to modify sentence pursuant to Rule 721, the defendant's notice of appeal shall be filed within 30 days of the entry of the order disposing of the Commonwealth's motion.

(B) OPTIONAL POST-SENTENCE MOTION.

* * * * *

(3) Time Limits for Decision on Motion.

The judge shall not vacate sentence pending decision on the post-sentence motion, but shall decide the motion as provided in this paragraph.

* * * * *

(c) When a post-sentence motion is denied by operation of law, the clerk of courts shall forthwith enter an order on behalf of the court, and **[shall], as provided in Rule 114**, forthwith **[furnish]** shall serve a copy of the order **[by mail or personal delivery to]** on the attorney for the Commonwealth, the **[defendant(s)]** **defendant's attorney**, **[and defense counsel]** or **if unrepresented the defendant**, that the post-sentence motion is deemed denied. This order is not subject to reconsideration.

(d) **If the judge denies the post-sentence motion, the judge promptly shall issue an order and the order shall be filed and served as provided in Rule 114.**

(e) If the defendant withdraws a post-sentence motion, the judge promptly shall **[enter]** **issue** an order memorializing the withdrawal, **and the order shall be filed and served as provided in Rule 114.** **[The order shall include the information required by paragraph (B)(4).]**

(4) Contents of Order.

An order denying a post-sentence motion, whether **[signed]** **issued** by the judge **pursuant to paragraph (B)(3)(d)** or entered by the clerk of courts **pursuant to paragraph (B)(3)(c)**, or an order **[entered]** **issued** following a defendant's withdrawal of the post-sentence motion, shall include notice to the defendant of the following:

* * * * *

Comment

See Rules **[622,]** 606, **[and]** 608, and 622.

* * * * *

TIMING

* * * * *

If no timely post-sentence motion is filed, the defendant's appeal period runs from the date sentence is imposed. See paragraph (A)(3). Under paragraph (A)(4), however, when the defendant has not filed a post-sentence motion but the Commonwealth files a **timely** motion to modify sentence under Rule 721, it is the entry of the order disposing of the Commonwealth's motion that commences the 30-day period during which the defendant's notice of appeal must be filed. See Rule 721(B)(2)(b).

* * * * *

DISPOSITION

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If the trial judge decides the motion within the time limits of this rule, the judge may **[reconsider that decision]** **grant reconsideration on the post-sentence motion pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701.1**, but the judge may not vacate the sentence pending reconsideration. Rule 720(B)(3). The reconsideration period may not be used to extend the timing requirements set forth in paragraph (B)(3) for decision on the post-sentence motion: the time limits imposed by paragraphs (B)(3)(a) and (B)(3)(b) continue to run from the date the post-sentence motion was originally filed. The trial judge's reconsideration must therefore be resolved within the 120-day decision period of paragraph (B)(3)(a) or the 30-day extension period of paragraph (B)(3)(b), whichever applies. If a decision on the reconsideration is not reached within the appropriate period, the post-sentence motion, including any issues raised for reconsideration, will be denied pursuant to paragraph (B)(3)(c).

* * * * *

If the motion is denied by operation of law, paragraph (B)(3)(c) requires that the clerk of courts enter an order denying the motion on behalf of the court and immediately notify the attorney for the Commonwealth, the **[defendant(s), and defense counsel]** **defendant's attorney, or if unrepresented the defendant**, that the motion has been denied. This notice is intended to protect

the defendant's right to appeal. The clerk of courts must also comply with the notice and docketing requirements of Rule 113.

The disposition of a motion to modify a sentence imposed after a revocation hearing is governed by Rule [408] 708 (Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition).

* * * * *

MISCELLANEOUS

* * * * *

For bail proceedings pending the outcome of the post-sentence motion, see Rules [523 and] 521 and 523.

* * * * *

Official Note: Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. *Comment* revised September 26, 1996, effective January 1, 1997; amended August 22, 1997, effective January 1, 1998; *Comment* revised October 15, 1997, effective January 1, 1998; amended July 9, 1999, effective January 1, 2000; renumbered Rule 720 and amended March 1, 2000, effective April 1, 2001; **amended August 21, 2003, effective January 1, 2004.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the August 21, 2003 changes to Rule 720 concerning the timeliness of filings and the order published at 33 Pa.B. 4438 (September 6, 2003).

FINAL REPORT¹

Proposed Amendments to Pa.R.Crim.P. 720

Post-Sentence Motions: Time For Appeal; Court Order; Reconsideration

I. Introduction

On August 21, 2003, effective January 1, 2004, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.R.Crim.P. 720 (Post-Sentence Procedures; Appeal). The amendments to Rule 720 provide further clarification that (1) the time for an appeal when a post-sentence motion is not filed timely is the date of the imposition of sentence; (2) the judge's order denying a post-sentence motion must be entered promptly and must contain the notice information required by the rule; and (3) the judge may not vacate sentence.

II. Discussion

The Committee has continued to monitor Rule 720 (Post-Sentence Procedures; Appeals) since its adoption in 1993. As a result of this monitoring, on several occasions

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

while reaffirming the Rule 720 procedures as adopted, the Committee has recommended a few changes to clarify the intent and purpose of the rule.² Since the Court's most recent changes in 1999, two additional issues have been raised with the Committee that we concluded necessitate further clarification in Rule 720:³ 1) there continues to be some confusion about the time for appeal when a defendant files an untimely post-sentence motion; and 2) there is some confusion about the content of, and the filing and service of, the judge's order denying a post-sentence motion.

The Committee considered these issues and concluded the post-sentence procedures in Rule 720 are meeting the needs of the criminal justice system without unduly burdening the courts. However, in an exercise of caution and as an aid to the trial and appellate courts, as explained below, a few additional changes have been made to Rule 720.

1. Untimely Post-Sentence Motions

An issue that has come up from time to time in the case law concerns the time for appeal when a defendant files a post-sentence motion beyond the 10-day time limit of Rule 720(A)(1), and, notwithstanding the untimeliness of the motion, the trial court disposes of the motion. Although the appellate courts have determined in these cases the time for appeal runs from the imposition of sentence and have quashed the appeals, some concurring and dissenting opinions and some correspondence with the Committee have suggested Rule 720 should provide a mechanism for the trial judge to decide these untimely motions.

The Committee reviewed the case law and the Committee's Rule 720 history,⁴ and concluded Rule 720 should not be amended to permit the trial judge to dispose of the untimely filed post-sentence motion. Post-sentence motions are optional, and the defendant has not lost the opportunity for post-sentence review if the trial judge is not authorized to dispose of untimely filed post-sentence motions; the review will occur in the Superior Court when the case is appealed. Furthermore, to permit the trial judge to vacate sentence within the 30-day time period permitted by 42 Pa.C.S. § 5505 would be contrary to the purpose of the rule, and would open the door for the potential recurrence of the types of abuses the Court eliminated with the adoption of Rule 720.

The Committee agreed, however, as an aid to the bench and bar, that Rule 720(A)(3) and (A)(4) should be amended by the addition of "timely" before "post-sentence motion." Although we believe the rule is clear without these changes, adding "timely" will remove any doubt about the intent of these provisions.

A correlative revision to the fourth paragraph of the "Disposition" section of the Comment also has been made. The Committee reviewed the rule and Comment, and the Rule 720 history, in view of (1) the suggestions the

² For example, in 1997, the Court amended Rule 720, *inter alia*, to make it clear that the judge may not vacate sentence, see Committee's explanatory Final Report at 27 Pa.B. 4553 (September 6, 1997), and in 1999, amended the rule to clarify the procedures when a defendant withdraws a post-sentence motion, see Committee's explanatory Final Report at 29 Pa.B. 3836 (July 24, 1999).

³ Another issue raised in correspondence concerns the ongoing problem with obtaining trial transcripts in a timely manner. This is an issue that continues to concern the Committee, but we have concluded these problems cannot be resolved by the Criminal Rules. See, e.g., the Committee's discussion in section (3)(b) (Transcript Preparation) of the Final Report at 23 Pa.B. 1701, 1704 (April 10, 1993).

⁴ See Committee Final Reports explaining the provisions of new Rule 1410 (now Rule 720) and the 1997 amendments, in particular the explanation of the optional nature of the post-sentence motion and the interplay of Rule 720 with 42 Pa.C.S. § 5505 and Pa.R.A.P. 1701, at 23 Pa.B. 1699 (April 10, 1993), 24 Pa.B. 334 (January 15, 1994), and 27 Pa.B. 4553 (September 6, 1997).

Committee received that, pursuant to 42 Pa.C.S. § 5505, the trial judge should be able to vacate sentence to decide an untimely-filed post-sentence motion, and (2) the fact that some trial judges have been using 42 Pa.C.S. § 5505 to vacate sentence to extend the time for decision on the post-sentence motion. We noted as part of the 1997 changes to Rule 720, which had been intended to make it clear that the trial judge may not vacate sentence under Rule 720, that the specific references to 42 Pa.C.S. § 5505 and Pa.R.A.P. 1701 had been deleted. The Committee agreed, given the obvious and continuing confusion, these references must be again included in the Comment.

2. Judge's Order

The other issue addressed by the changes concerns the judge's order denying a post-sentence motion. Apparently, because Rule 720(B)(3) does not address the trial judge issuing an order, there is some confusion about the procedures for the entry, filing, and service of the judge's order and the contents of the order. The Committee reaffirmed that it is important to ensure the defendant receives notice of the denial of the post-sentence motion as soon as possible in view of the 30-day appeal period.⁵ Accordingly, Rule 720 has been amended by adding a new paragraph (B)(3)(d) that makes it clear that (1) the trial judge must promptly issue his or her order and (2) the order must be filed and served as provided in Rule 114 (Notice and Docketing of Orders).

3. Correlative Clarifying Amendments

The Committee noted the apparent continued confusion concerning the application of the Rule 114 filing and service requirements to Rule 720 orders. To address this, references to Rule 114 have been added to paragraphs (B)(3)(c) and (B)(3)(e).

Another area of confusion seems to be the application of paragraph (B)(4) to the orders entered or issued pursuant to paragraph (B)(3). Accordingly, the introductory statement in paragraph (B)(4) has been amended by adding specific references to the orders required in paragraphs (B)(3)(d) and (B)(3)(e).

During the Committee's discussion of the need to clarify Rule 720 concerning orders, some members suggested the term "enter" when used in reference to the judge's order was inaccurate and could cause confusion. They thought the more accurate term in these circumstances is "issue." Accordingly, "enter" in paragraphs (B)(3)(d) and (e) has been changed to "issue." For the sake of clarity and conformity, the term "signed" that is used in paragraph (B)(4) also has been changed to "issued."

Finally, paragraph (B)(3)(c) concerning whom is to be served has been amended to make it clear that service is necessary on a defendant's attorney only unless the defendant is unrepresented, in which case service is on the defendant.

[Pa.B. Doc. No. 03-1734. Filed for public inspection September 5, 2003, 9:00 a.m.]

⁵ The appeal period runs from the entry of the order, whether it is the judge's order denying the motion or the order entered by the clerk of courts denying the motion by operation of law. See 24 Pa.B. 334 (January 15, 1994). The Comment refers to Pa.R.A.P. 108 (Date of Entry of Orders) that provides "in computing any period of time under these rules involving the date of entry of an order . . . , the day of entry shall be the day the clerk of court . . . mails or delivers copies of the order to the parties . . ."

Title 25—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2003-5—Ignition Interlock Requirement; Misc. 7-2003

Order of Court

And Now, this 19th day of August, 2003, is hereby ordered that it shall be deemed part of the sentence imposed on all defendants convicted of a second or subsequent violation of 75 Pa.C.S.A. § 3731 that the installation of ignition interlock devices as required by 42 Pa.C.S.A. § 7001 et seq. is mandated. The Clerk of Criminal Division shall so note on the official record of the sentencing and shall submit a copy to the Department of Transportation of the Commonwealth.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 03-1735. Filed for public inspection September 5, 2003, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 51 Misc. 2003

Adopting Order

And Now, this 8th day of August, 2003, it is hereby *Ordered*:

1. Somerset County Rule of Judicial Administration 1901.2A (Som.R.J.A. 1901.2A), Procedure For Disposition, copy of which follows, is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. Somerset County Rule of Judicial Administration 1901.6 (Som. R.J.A. 1901.6) Inactive Cases, District Justices, is amended to read in its entirety as reflected in revised Som. R.J.A. 1901.6, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the attached Rules with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

Som. R.J.A. 1901.2A. Inactive Cases. Procedure For Disposition.

Actions governed by the Pennsylvania Rules of Civil Procedure shall be processed for inactivity in accordance with the provisions of Pa.R.C.P. 230.2.

All other actions listed as inactive shall be processed in accordance with the provisions of Somerset County Rules of Judicial Administration 1901.3, 1901.4, 1901.5 and 1901.6.

Som. R.J.A. 1901.6. Inactive Cases. District Justices.

A. Following June 30th of each year, each District Justice shall search his or her respective dockets and shall prepare lists of all inactive open cases and collection cases.

B. After giving at least thirty (30) days written notice of hearing to parties and counsel, the District Justice

shall issue an order dismissing the case without prejudice, continuing the case for further proceedings, or in the case of collection cases referring for collection if collection proceedings are warranted.

C. If court approval is deemed required, the District Justice may submit an appropriate petition to the court, certifying compliance with the procedure required by this Rule.

[Pa.B. Doc. No. 03-1736. Filed for public inspection September 5, 2003, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts Within the 7th Judicial District; No. 199 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 7th Judicial District (Bucks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the addition of Magisterial Districts 07-1-12 and 07-3-02, within Bucks County, to be effective January 2, 2006, is granted. The newly created vacancies in said new districts shall be filled in the 2005 municipal election. It is further *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 07-1-01, 07-1-06, 07-1-07, 07-1-08, 07-2-01, 07-2-02, 07-3-01 and 07-3-03, within Bucks County, to be effective January 2, 2006, is granted; and that the Petition, which provides for the reestablishment of Magisterial Districts 07-1-02, 07-1-03, 07-1-04, 07-1-09, 07-1-10, 07-1-11, 07-2-03, 07-2-05, 07-2-07 and 07-2-08, within Bucks County, as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 07-1-01 District Justice Leonard J. Brown	Bensalem Township (Lower East 1-4, 6-8; Lower West 1&2; Upper West; Lower Middle 1-4)
Magisterial District 07-1-02 District Justice Frank W. Peranteau, Sr.	Bristol Borough Bristol Township (1-1, 1-2, 1-3, 4-1, 4-2, 4-3)
Magisterial District 07-1-03 District Justice Joanne V. Kline	Bristol Township (2-1, 2-2, 2-3, 3-1, 3-2, 3-3, 5-1, 5-2, 5-3, 5-4, 6-1, 6-2, 6-3, 10-1, 10-2, 10-3)
Magisterial District 07-1-04 District Justice Robert L. Wagner, Jr.	Tullytown Borough Bristol Township (7-1, 7-2, 7-3, 8-1, 8-2, 8-3, 8-4, 9-1, 9-2, 9-3, 9-4, 11-1, 11-2, 11-3)
Magisterial District 07-1-06 District Justice Susan E. McEwen	Lower Southampton Township
Magisterial District 07-1-07 District Justice Joseph P. Falcone	Hulmeville Borough Langhorne Borough Langhorne Manor Borough Pennel Borough Middletown Township (Lower 1, 2, 13 & Upper 2, 4)
Magisterial District 07-1-08 District Justice John J. Kelly, Jr.	Middletown Township (Upper 1, 3, 5-8 and Lower 3-12)
Magisterial District 07-1-09 District Justice Charles A. Cappuccio	Ivyland Borough Warminster Township
Magisterial District 07-1-10 District Justice Jan Vislosky	Falls Township
Magisterial District 07-1-11 District Justice Michael J. Burns	Morrisville Borough Yardley Borough Lower Makefield Township
Magisterial District 07-1-12 District Justice To Be Determined	Bensalem Township (Lower East-5, Upper 1-12, Lower Middle-5)
Magisterial District 07-2-01 District Justice H. Warren Hogeland	Northampton Township Upper Southampton Township
Magisterial District 07-2-02 District Justice Philip J. Daly	Doylestown Borough Doylestown Township

Magisterial District 07-2-03 District Justice Ruth C. Dietrich	East Rockhill Township West Rockhill Township Perkasie Borough Sellersville Borough Telford Borough (Bucks County)
Magisterial District 07-2-05 District Justice C. Robert Roth	Quakertown Borough Richlandtown Borough Trumbauersville Borough Milford Township Richland Township
Magisterial District 07-2-07 District Justice Donald Nasshorn	Newtown Borough Upper Makefield Township Wrightstown Township Newtown Township
Magisterial District 07-2-08 District Justice Robert E. Gaffney	Chalfont Borough New Britain Borough Silverdale Borough Hilltown Township New Britain Township
Magisterial District 07-3-01 District Justice Robert A. Schnell, Jr.	New Hope Borough Buckingham Township Solebury Township
Magisterial District 07-3-02 District Justice To Be Determined	Warrington Township Warwick Township
Magisterial District 07-3-03 District Justice M. Kay DuBree	Riegelsville Borough Bedminster Township Bridgeton Township Dublin Township Durham Township Haycock Township Nockamixon Township Plumstead Township Springfield Township Tinicum Township

[Pa.B. Doc. No. 03-1737. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial District Within the 9th Judicial District; No. 200 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 9th Judicial District (Cumberland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the addition of Magisterial Districts 9-1-03 and 9-2-02, within Cumberland County, to be effective January 2, 2006, is granted. The newly created vacancies in said new districts shall be filled in the 2005 municipal election. It is further *Ordered and Decreed* that the realignment of Magisterial Districts 09-1-01, 09-1-02, 09-2-01, 09-2-02, 09-3-01, 09-3-02 and 09-3-03, within Cumberland County, to be effective January 2, 2006, is granted; and that the reestablishment of Magisterial Districts 09-3-04 and 09-3-05, within Cumberland County, as they previously existed, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 09-1-01 District Justice Charles A. Clement, Jr.	Shiremanstown Borough New Cumberland Borough Lower Allen Township
Magisterial District 09-1-02 District Justice Robert V. Manlove	Camp Hill Borough Lemoyne Borough Wormleysburg Borough
Magisterial District 09-1-03 District Justice To Be Determined	East Pennsboro Township

Magisterial District 09-2-01 District Justice Paula P. Correal	Lower Frankford Township Lower Mifflin Township North Middleton Township Upper Frankford Township Upper Mifflin Township
Magisterial District 09-2-02 District Justice To Be Determined	Borough of Carlisle
Magisterial District 09-3-01 District Justice Harold E. Bender	Newburg Borough Shippensburg Borough Hopewell Township Shippensburg Township Southampton Township
Magisterial District 09-3-02 District Justice Helen B. Shulenger	Newville Borough Cooke Township Dickinson Township North Newton Township Penn Township South Newton Township West Pennsboro Township
Magisterial District 09-3-03 District Justice Susan K. Day	Mt. Holly Springs Borough Middlesex Township South Middleton Township
Magisterial District 09-3-04 District Justice Thomas A. Placey	Hampden Township Silver Spring Township
Magisterial District 09-3-05 District Justice Gayle A. Elder	Mechanicsburg Borough Monroe Township Upper Allen Township

[Pa.B. Doc. No. 03-1738. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial Districts Within the 17th Judicial District; No. 202 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 17th Judicial District (Snyder and Union Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the addition of Magisterial District 17-3-05, within Snyder County, to be effective January 2, 2006, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 17-3-03 and 17-3-04, within Snyder County, to be effective January 2, 2006, is granted. The newly created vacancy in the new magisterial district shall be filled in the 2005 municipal election. It is further *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 17-3-01 and 17-3-02, within Union County, to be effective immediately, is hereby granted.

Said Magisterial Districts shall be as follows:

Magisterial District 17-3-01 District Justice Leo Armbruster	Lewisburg Borough East Buffalo Township Gregg Township Kelly Township White Deer Township
Magisterial District 17-3-02 District Justice Jeffrey L. Mensch	Hartleton Borough Mifflinburg Borough New Berlin Borough Buffalo Township Hartley Township Lewis Township Limestone Township Union Township West Buffalo Township
Magisterial District 17-3-03 District Justice John T. Robinson	Selinsgrove Borough Chapman Township Penn Township Union Township

Magisterial District 17-3-04
 District Justice Willis E. Savidge

Beavertown Borough
 McClure Borough
 Middleburg Borough
 Adams Township
 Beaver Township
 Center Township
 Franklin Township
 Freeburg Township
 Jackson Township
 Middlecreek Township
 Perry Township
 Spring Township
 Washington Township
 West Beaver Township
 West Perry Township

Magisterial District 17-3-05
 District Justice To Be Determined

Shamokin Dam Borough
 Monroe Township

[Pa.B. Doc. No. 03-1739. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial Districts Within the 22nd Judicial District; No. 203 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 22nd Judicial District (Wayne County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Wayne County, as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 22-3-01
 District Justice Mitchell J. Laabs

Hawley Borough
 Dreher Township
 Lehigh Township
 Palmyra Township
 Paupack Township
 Salem Township
 Sterling Township

Magisterial District 22-3-02
 District Justice Bonnie P. Lewis

Bethany Borough
 Honesdale Borough
 Berlin Township
 Cherry Ridge Township
 Dyberry Township
 Texas Township

Magisterial District 22-3-03
 District Justice Jane E. Farrell

Waymart Borough
 Prompton Borough
 Canaan Township
 Clinton Township
 Lake Township
 South Canaan Township

Magisterial District 22-3-04
 District Justice Ronald J. Edwards

Starrucca Borough
 Buckingham Township
 Damascus Township
 Lebanon Township
 Manchester Township
 Mt. Pleasant Township
 Oregon Township
 Preston Township
 Scott Township

[Pa.B. Doc. No. 03-1740. Filed for public inspection September 5, 2003, 9:00 a.m.]

Reestablishment of the Magisterial Districts Within the 55th Judicial District; No. 201 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of August, 2003, upon consideration of the Petition to Reestablish the Magisterial Districts of the 55th Judicial District (Potter County) of the Commonwealth of Pennsylvania, it is hereby Ordered and Decreed that the Petition, which provides for the elimination of Magisterial District 55-3-02, effective January 2, 2006, is hereby granted; and that the Petition, which also provides for the realignment of Magisterial Districts 55-3-01, 55-4-01 and 55-4-03, within Potter County, to be effective January 2, 2006, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 55-3-01 District Justice Annette L. Easton	Austin Borough Coudersport Borough Eulalia Township Homer Township Keating Township Portage Township Summit Township Sweden Township Sylvania Township Wharton Township East Fork Township
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Magisterial District 55-4-01 District Justice Barbara J. Easton	Oswayo Borough Shinglehouse Borough Allegany Township Clara Township Genesee Township Hebron Township Oswayo Township Pleasant Valley Township Roulette Township Sharon Township
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Magisterial District 55-4-03 District Justice Lisa M. Burton	Galeton Borough Ulysses Borough Abbott Township Bingham Township Harrison Township Hector Township Pike Township Stewardson Township Ulysses Township West Branch Township
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[Pa.B. Doc. No. 03-1741. Filed for public inspection September 5, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 59]

Milk Sanitation

The Department of Agriculture (Department) amends Chapter 59 (relating to milk sanitation). The revisions: (1) reformat and add several new defined terms to § 59.1 (relating to definitions); and (2) revise § 59.22 (relating to milk dating) to extend the current 14-day maximum “sell-by” period for pasteurized milk to 17 days, clarify the exceptions to that sell-by date requirement and describe the milk quality sampling and testing that will be performed by the Department.

Statutory Authority

The act of July 2, 1935 (P. L. 589, No. 210) (31 P. S. §§ 645—660g) (act) provides the legal authority for this final-form rulemaking. In particular, section 21 of the act (31 P. S. § 660e) makes the Department generally responsible for the safety and wholesomeness of the milk supply and allows the Department to exclude milk from commerce if it fails to meet the requirements of the act, and section 19 of the act (31 P. S. § 660c) authorizes the Department to regulate for the proper enforcement of the act.

Need for the Final-Form Rulemaking

The primary purpose of the final-form rulemaking is to amend § 59.22 to extend the maximum sell-by date for pasteurized milk by 3 days. The current maximum sell-by date is 14 days beginning after midnight of the date of pasteurization. Modern processing and refrigeration allow for the production of pasteurized milk that can remain on-the-shelf for longer periods of time without bacterial growth exceeding acceptable limits. The final-form rulemaking follows the trend among states to extend sell-by dates for pasteurized milk, whether by designating a maximum sell-by period (as the final-form rulemaking does) or allowing individual producers to demonstrate their pasteurization and refrigeration processes result in dairy products that remain within acceptable bacterial limits for the period in which they are marketed to consumers.

The final-form rulemaking also reformats § 59.1. The section was divided into two subsections, one containing “general definitions” and the other containing definitions related to “milk and milk products.” The final-form rulemaking deletes these subsection designations and combines the two sets of terms and definitions into a single, more readable set.

The final-form rulemaking also revises § 59.1 by adding definitions of “aseptically processed dairy products” and “higher heat shorter time pasteurization,” two terms describing relatively recent advances in the processing of dairy products. These processes result in milk with a longer shelf life than milk processed through typical pasteurization processes. Section 59.22(d) exempts milk processed through either of these methods (and several other methods) from the sell-by date requirements described in that section.

Section 59.22 describes the process by which the Department will sample and analyze pasteurized milk to ensure it does not exceed bacterial limits prescribed by regulation.

In summary, the Department is satisfied there is a need for the revisions accomplished by this final-form rulemaking.

Comments

Notice of proposed rulemaking was published at 32 Pa.B. 4717 (September 28, 2002), and provided for a 30-day public comment period. Comments were received from the Pennsylvania Association of Milk Dealers (Dealers) and the Independent Regulatory Review Commission (IRRC).

Comment: The Dealers represent the substantial majority of companies which process beverage milk sold in this Commonwealth, and offered its strong support for the increase in the maximum milk sell-by date to 17 days from date of pasteurization. The commentator believes the change will “. . . help the industry adapt to the changing marketplace and grow stronger.”

Response: The Department accepts the comment without further response.

Comment: IRRC noted that proposed § 59.22(e) made reference to the Department “periodically” sampling containers of pasteurized milk, and suggested the final-form regulation include a specific time frame for this “periodic” sampling.

Response: The Department accepts this suggestion, and has implemented it in § 59.22(e)(1) of the final-form regulation by specifying this “periodic” sampling shall be at least one product from each processor or distributor each year. As a result of this comment and the other comments offered by IRRC, the Department divided § 59.22(e) into four paragraphs dealing with: (1) sampling requirements; (2) testing requirements; (3) the imposition of maximum sell-by dates of less than 17 days; and (4) resumption of 17-day maximum sell-by periods. This reformatting adds clarity to the section.

Comment: Proposed § 59.22(e) provided that the Department might require a milk processor to use a maximum sell-by date of something less than 17 days if two or more samples demonstrated the processor could not produce pasteurized milk that remained consistently within acceptable bacterial limits during a 17-day sell-by period. IRRC recommended the final-form rulemaking describe the procedure by which a milk processor could reestablish a 17-day sell-by date for its pasteurized milk.

Response: The Department accepts IRRC’s recommendation and has implemented it in § 59.22(e)(2) and (3). The new language also clarifies that the analysis of samples is to be conducted by a “Pennsylvania approved dairy laboratory”—a term defined in § 59.1.

Comment: On a subject closely related to the previous comment, IRRC requested the final-form rulemaking specify how the Department will establish a specific maximum sell-by date for a milk processor that cannot produce pasteurized milk that merits a 17-day maximum sell-by date.

Response: The Department has revised the final-form regulation to implement this request, in § 59.22(e)(3) and

(4), to reflect that predicted bacterial growth shall determine the appropriate sell-by date.

Fiscal Impact

The final-form rulemaking does not impose any costs and has no fiscal impact upon the Commonwealth, political subdivisions or the general public.

The final-form rulemaking has no adverse fiscal impact upon the private sector. The extension of the maximum sell-by date for pasteurized milk is expected to have a favorable economic impact upon milk processors and milk retailers. These economic impacts cannot be readily quantified.

Paperwork Requirements

The final-form rulemaking does not appreciably increase the paperwork burden of the Department, local government units, milk producers, milk distributors or other affected entities.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: James Dell, (717) 787-4316.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a), on September 18, 2002, the Department submitted a copy of the notice of proposed rulemaking published at 32 Pa.B. 4717 to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation. In preparing this final-form rulemaking, the Department has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 23, 2003, the House and Senate Committees deemed approved the final-form rulemaking. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 14, 2003, and approved the final-form rulemaking.

Findings

The Department finds that:

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

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

(3) The modifications that were made to this final-form rulemaking in response to comments received do not enlarge the purpose of the proposed rulemaking published at 32 Pa.B. 4717.

(4) The adoption of the regulations in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under authority of the authorizing statute, orders that:

(a) The regulations of the Department, 7 Pa. Code Chapter 59, are amended by amending § 59.1 to read as set forth at 32 Pa.B. 4717 and by amending § 59.22 to read as set forth in Annex A.

(b) The Secretary of Agriculture shall submit this order, 32 Pa.B. 4717 and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Secretary of Agriculture shall certify this order, 32 Pa.B. 4717 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DENNIS C. WOLFF,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 4372 (August 30, 2003).)

Fiscal Note: Fiscal Note 2-141 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 7. AGRICULTURE

PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

Subpart B. LIQUID FOODS

CHAPTER 59. MILK SANITATION

Subchapter A. PRELIMINARY PROVISIONS

LABELING

§ 59.22. Milk dating.

(a) *Label requirement.* The cap or nonglass container of pasteurized milk held in retail food stores, restaurants, schools or similar food establishments for resale shall be conspicuously and legibly marked in a contrasting color with the designation of the "sell-by" date—the month and day of the month after which the product may not be sold or offered for sale. The designation may be numerical—such as "8-15"—or with the use of an abbreviation for the month, such as "AUG 15 or AU 15." The words "Sell by" or "Not to be sold after" shall precede the designation of the date, or the statement "Not to be sold after the date stamped above" shall appear legibly on the container. This designation of the date may not exceed 17 days beginning after midnight on the day on which the milk was pasteurized.

(b) *Prominence of sell-by date on label.* The sell-by date shall be separate and distinct from any other number, letter or intervening material on the cap or nonglass container.

(c) *Prohibition.* Pasteurized milk may not be sold or offered for sale if either of the following occurs:

(1) The milk is sold or offered for sale after the sell-by date designated on the container.

(2) Without regard to the sell-by date designated on the container, the milk exceeds the bacterial limits for pasteurized milk described in § 59.52 (relating to table).

(d) *Exemption.* The following pasteurized dairy products are exempt from the requirements of this section:

- (1) Ultra-pasteurized dairy products.
- (2) Cultured dairy products.
- (3) Aseptically processed dairy products.

(4) Dairy products that have undergone higher heat shorter time pasteurization.

(5) Milk sold or offered for retail sale on the same premises at which it was processed.

(e) *Monitoring by the Department.*

(1) The Department will periodically sample containers of pasteurized milk in the possession of the processor or distributor. This sampling may occur at any time before the pasteurized milk is delivered to the store or the customer. The Department will sample at least one milk product from each processor each calendar year.

(2) The samples described in paragraph (1) shall be analyzed by a Pennsylvania-approved dairy laboratory, applying a methodology set forth in the most current edition of Dairy Practices Council Guideline No. 10, entitled "Guidelines for Maintaining and Testing Fluid Milk Shelf Life," to determine whether the bacterial test results exceed the bacterial limits for pasteurized milk described in § 59.52 prior to the expiration of the sell-by date designated on the retail container.

(3) When two or more samples demonstrate a processor cannot produce pasteurized milk that remains consistently within the bacterial limits referenced in paragraph (2) during a 17-day sell-by period, the Department will require a processor to use a sell-by date of something less than the 17-day period described in subsection (a). The Department will calculate this revised sell-by date so that bacterial growth in the milk will not exceed the referenced bacterial limits within that sell-by period if the milk is maintained in accordance with the temperature standards for pasteurized milk in § 59.52.

(4) A processor may submit samples to the Department for analysis to obtain approval to resume a 17-day sell-by period for the product sampled. The Department will approve resumption of a 17-day sell-by period when analysis of a sample demonstrates that bacterial growth in the milk will not exceed the referenced bacterial limits within that sell-by period if the milk is maintained in accordance with the temperature standards for pasteurized milk in § 59.52.

[Pa.B. Doc. No. 03-1742. Filed for public inspection September 5, 2003, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION [58 PA. CODE CHS. 63, 71 AND 73] Injurious Nonnative Species

The Fish and Boat Commission (Commission) amends Chapters 63, 71 and 73 (relating to general fishing regulations; propagation and introduction of fish into Commonwealth waters; and transportation of live fish into this Commonwealth). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). This final-form rulemaking relates to injurious, nonnative species.

A. *Effective Date*

This final-form rulemaking will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this final-form rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

This final-form rulemaking is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Changes*

Black carp (*Mylopharyngodon piceus*), bighead carp (*Hypophthalmichthys nobilis*) and silver carp (*Hypophthalmichthys molitrix*) are native to Asia. They are not native to this Commonwealth. These species were originally imported by fish farmers into waters of several states in the lower Mississippi River Valley. Black carp are mollusk eaters imported to control snails in culture ponds. Silver and bighead carp are plankton feeders, which have been cultured for sale as food fish in specialty food markets. Because black carp consume mollusks, there is concern that if released they would prey on native mussel populations. In July 2002, the United States Fish and Wildlife Service issued a notice of proposed rulemaking to list the black carp as an injurious fish species. Silver and bighead carp are capable of attaining weights of 60 and 90 pounds, respectively. Because they forage on phytoplankton and zooplankton, there is concern that food sources for forage fishes will be reduced and aquatic food chains upset. Bighead carp have escaped to the wild and have made their way towards the Great Lakes from the Upper Mississippi River system. Last year, a bighead carp was found in Lake Erie and several were found in other Great Lakes. It has recently been determined that this species can thrive and reproduce in a wider range of water temperatures and habitats than previously believed.

Several years ago, the Commission's Bureaus of Fisheries and Law Enforcement became aware that a fish dealer from Arkansas was transporting Asian carp through this Commonwealth to live fish markets in New York. The investigation revealed that the trucks were stopping at a stream in southcentral Pennsylvania to discharge tank water and add fresh water from the stream. The fish dealer and the hauler were notified that these activities were not lawful. This example emphasizes how easily injurious nonnative species could be released into Commonwealth waters.

The zebra mussel (*Dreissena polymorpha*) and the quagga mussel (*Dreissena bugensis*) are well known nonnative species introduced to the Great Lakes and Lake Erie from ballast water discharges in the late 1980s. The zebra mussel also has infiltrated this Commonwealth by means of the Ohio River in southwest Pennsylvania. Recently, it was found in several tributaries to the upper Allegheny River. Transfer of this species to inland waters is usually unintentional and likely the result of attachment to recreational boats. However, there is evidence that some persons may have intentionally transported zebra mussels into flooded quarries where SCUBA diving

occurs to aid in clearing up the water. In addition to a quarry in southeastern Pennsylvania, there is a well-documented zebra mussel population in a dive quarry in Virginia. These species out compete and smother native mussels, foul water intakes and dramatically alter the water quality of areas they invade.

The round goby (*Neogobius melanostomus*) is a more recent invader to Lake Erie and the other Great Lakes. Population densities of this species have dramatically increased in Lake Erie reaching densities in some areas of over 3,000 gobies/acre. Currently, there is no evidence to suggest that round gobies are present in any inland Commonwealth waters. However, they have caused considerable changes to the predator-prey relationships in Lake Erie. This species has demonstrated that it can out compete and displace native darters and sculpins. They can adapt to a variety of habitats and have the ability to spawn up to six times per year. This species represents a serious threat to native fish populations in inland waters. Additionally, another goby species, the tubenose goby (*Proterorhinus marmoratus*), has recently appeared in Lake Erie.

The Mississippi Interstate Cooperative Resource Association, of which the Commonwealth is a member, has publicly stated its opposition to the use or release of Asian carp, particularly the black carp. At its March 2003 meeting, members of the Lake Erie Committee of the Great Lakes Fishery Commission agreed that member states should move forward with regulations that specifically prohibit the possession, transport and introduction of the aforementioned Asian carp species. On February 7, 2003, member state Michigan enacted new regulations that prohibit the possession and transportation of the aforementioned species plus several additional species.

Although it already is illegal under Commonwealth laws and regulations for anyone to release live black carp, silver carp, bighead carp, zebra mussels, quagga mussels or round gobies into Commonwealth waters, it currently is not illegal to possess, transport, offer for sale or purchase these species. Accordingly, the Commission proposed to amend these sections to address this issue and to further emphasize that it is unlawful to possess, introduce, import and transport these species in this Commonwealth.

On final-form rulemaking, the Commission adopted the amendments to §§ 63.46, 71.6 and 73.1 to read as set forth in Annex A and added the European rudd (*Scardinius erythrophthalmus*) to the list of species contained in these sections. The European rudd, a member of the minnow family, is native to the waters of western Europe and Asia. They have been reported to occur in at least 20 states. Documented sightings in this Commonwealth previously have been limited to a report of a single rudd captured in Lake Winola, Wyoming County, in 1991. However, several rudd were captured on May 22, 2003, in the waters of Presque Isle Bay off of Lake Erie by a team of biologists from the Department of Environmental Protection and the Erie County Department of Health. A Commission biologist verified the identification. This find confirms that this species does indeed inhabit Commonwealth waters of Lake Erie.

Rudd are identified by the deep red coloration of their fins. In addition, the iris around the pupil of their eyes is red. Large, golden-colored scales cover their body. Rudd have reportedly reached lengths of up to 17 inches, but the average rudd is unlikely to exceed 12–14 inches. Rudd are similar in appearance to the commonly occurring golden shiner (*Notemigonus chrysoleucas*), which is

found throughout this Commonwealth and is a staple of bait shops. Golden shiners, however, are native to this Commonwealth. The golden shiner can reach lengths similar to the rudd and has lighter golden colored scales. However, golden shiners lack the rudd's red iris, red fins and scales on the keel or belly area between the pelvic fins and anus.

Research has shown that rudd can hybridize with golden shiners. It is unknown what impact, if any, the hybridizations may have on native populations. Rudd and golden shiners are both known to consume aquatic invertebrates. Thus, rudd may also compete with native species for food resources. Without specific research to rely on, it is difficult to speculate on the impacts that rudd may have on native species in this Commonwealth. It is believed that most introductions of rudd in the United States resulted from unused or released bait.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking was published at 33 Pa.B. 2762 (June 14, 2003). The Commission received three public comments. One commentator supported the proposed amendments but also urged the Commission to include flathead catfish to the list of species set forth in §§ 63.46, 71.6 and 73.1. The Commission considered this suggestion and believed that it would not be appropriate to include on these lists a species that has persisted for years (in the native range) and is well established in much of the southern Susquehanna and Delaware River drainages. A second commentator asked the Commission to reconsider the proposed amendments because there may be responsible owners of exotic species who wish to keep them in a private environment for their personal enjoyment. A third commentator supported the proposal but had concerns regarding practical issues that could arise.

Findings

The Commission finds that:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 63, 71 and 73, are amended by amending §§ 63.46, 71.6 and 73.1 to read as set forth in Annex A.

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

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

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

DENNIS T. GUISE,
Deputy Executive Director

Fiscal Note: Fiscal Note 48A-143 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.46. Sale, purchase or barter of injurious, non-native species.

It is unlawful for a person to sell, purchase, offer for sale or barter the following live species in this Commonwealth:

- (1) Snakehead (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Tubenose goby (*Proterorhinus marmoratus*).
- (9) European rudd (*Scardinius erythrophthalmus*).

CHAPTER 71. PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS

§ 71.6. Prohibited acts.

(a) Except as otherwise provided in § 71.7 (relating to triploid grass carp), it is unlawful to introduce or import grass carp (white amur) into this Commonwealth. Except as otherwise provided in § 71.7, it is unlawful to possess grass carp (white amur) in this Commonwealth.

(b) It is unlawful to introduce tilapia, including blue tilapia and tilapia hybrids, into the waters of this Commonwealth.

(c) As an exception to subsection (a), §§ 1.1 and 73.1 (relating to general; and transportation), the Executive Director may authorize the Research Division of the Bureau of Fisheries to possess grass carp (white amur) and introduce them into waters within the confines of the Commonwealth hatchery system as part of a carefully controlled research effort, subject to conditions as the Executive Director may prescribe.

(d) It is unlawful to possess the following live species in this Commonwealth. It is unlawful to introduce or

import the following live species into the waters of this Commonwealth:

- (1) Snakehead (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Tubenose goby (*Proterorhinus marmoratus*).
- (9) European rudd (*Scardinius erythrophthalmus*).

CHAPTER 73. TRANSPORTATION OF LIVE FISH INTO THIS COMMONWEALTH

§ 73.1. Transportation.

(a) Species of fish may not be transported into this Commonwealth from another state, province or country and liberated in a watershed of this Commonwealth without previous written permission from the Commission, nor may a species of fish be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species is not always present without prior written consent from the Commission. Inspection for species composition or presence of disease, or both, will be required at the discretion of the Commission on all lots of fish transported into this Commonwealth.

(b) Permission is not required for the importation of tropical fish unless the Commission considers them to be potentially dangerous to native fish species or to man. Permission is not required for the stocking of farm ponds or licensed fee fishing ponds which receive fish stocks from Commonwealth commercial fish hatcheries except for the following kinds of fish: goldfish, golden orfe or fish species not native to this Commonwealth.

(c) Except as provided in § 71.7 (relating to triploid grass carp), transportation of the grass carp (white amur) in this Commonwealth is prohibited.

(d) Transportation of the following live species in or through this Commonwealth is prohibited.

- (1) Snakehead (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Tubenose goby (*Proterorhinus marmoratus*).
- (9) European rudd (*Scardinius erythrophthalmus*).

[Pa.B. Doc. No. 03-1743. Filed for public inspection September 5, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 1001, 1003, 1005,
1007 AND 1051]

Out-of-Hospital Do-Not-Resuscitate Orders

The Department of Health (Department) is proposing regulations to facilitate the continued implementation of 20 Pa.C.S. §§ 54A01—54A13 (relating to Do-Not-Resuscitate Act) (DNR Act), enacted by the act of June 19, 2002 (P.L. 409, No. 59) (Act 59), as assisted by the Department's interim regulations adopted at 32 Pa.B. 6117—6128 (December 14, 2002). The Department is proposing to continue the division of 28 Pa. Code Part VII (relating to emergency medical services), into Subparts A and B (relating to emergency medical services systems; and matters ancillary to emergency medical services systems), as accomplished by the Department's interim regulations. Subpart A contains regulations the Department has adopted under the Emergency Medical Services Act (EMS Act) (35 P.S. §§ 6921—6938). The interim regulations made amendments in Subpart A to §§ 1001.1—1001.5, 1003.27, 1005.3, 1005.10 and 1007.7. The interim regulations also adopted Subpart B, which contains Chapter 1051 (relating to out-of-hospital do-not-resuscitate orders). The proposed amendments are set forth in Annex A.

Purpose and Background

To facilitate the prompt implementation of the DNR Act, enacted June 19, 2002, effective August 18, 2002, Act 59 required that the Department adopt interim regulations by December 16, 2002. To expedite adoption of the interim regulations, Act 59 exempted their review by the designated standing committees in the House and Senate, and the Independent Regulatory Review Commission (IRRC). The Department adopted interim regulations on December 14, 2002. The interim regulations went into effect on March 1, 2003.

Act 59 also requires that following the Department's adoption of interim regulations the Department is to adopt final regulations in accordance with customary rulemaking procedures by February 18, 2004. The Department is proposing these regulations as a prelude to its adoption of the final-form regulations by February 18, 2004.

Summary

Subpart A. Emergency Medical Services Systems

The Department proposes to adopt the changes made by the interim regulations to each of the sections affected under Subpart A. Following are the reasons for this decision.

Section 1001.1. Purpose.

When the interim regulations divided Part VII into Subparts A and B, this section was amended to address the purpose of Subpart A rather than the purpose of Part VII. This continues to be appropriate since the Department is proposing to continue the division of its Emergency Medical Services Regulations into two distinct subparts.

Section 1001.2. Definitions.

This section was amended by the interim regulations to provide that the definitions in the section apply through-

out Subpart A. The regulation had previously read that the definitions in the section applied throughout Part VII. The preamble to the interim regulations explained that the application of the definitions in this section to all of the regulations in Part VII was no longer practical since some of the terms defined in the section are given different definitions under the DNR Act and the definition section in Chapter 1051 under Subpart B. That explanation continues to apply.

Section 1001.3. Applicability.

This section identified the persons who were affected by Part VII. It had been amended by the interim regulations to identify only persons affected by Subpart A. This limitation remains appropriate.

Section 1001.4. Exceptions.

This section authorized persons to seek exceptions to regulations in Part VII that did not repeat statutory requirements. It was amended by the interim regulations to authorize persons to seek exceptions to only the regulations in Subpart A—that is, to regulations adopted under the EMS Act. Since Subpart A will not apply to the regulations in Subpart B, which are the regulations that facilitate implementation of the DNR Act, this distinction remains appropriate.

Section 1001.5. Investigations.

This section announced that the Department may investigate a possible violation of Part VII. It was amended by the interim regulations to announce that the Department may investigate a possible violation of Subpart A. This distinction remains appropriate for the same reason given in explaining the distinction discussed under the preceding section title.

Section 1003.27. Disciplinary and corrective action.

This section addresses the Department's authority to discipline prehospital personnel. Prior to the Department's adoption of the interim regulations, one of the grounds for discipline was violating a duty imposed by Part VII. Subsection (a)(20) was amended by the interim regulations to provide that discipline may be imposed for violating a duty imposed by Subpart A. This limitation continues to be valid, as the Department's disciplinary authority under the EMS Act does not extend to conduct regulated by the DNR Act and the Department's regulations adopted under that act.

Section 1005.3. Right to enter, inspect and obtain records.

Prior to the Department's adoption of the interim regulations, this section addressed the duty of a ground ambulance service to cooperate with the Department when the Department was investigating a violation of Part VII. It was amended by the interim regulations to substitute "Subpart A" for "Part VII." Under § 1007.1 (relating to general provisions) this amendment was also applicable to air ambulance services. The continued reference to only Subpart A remains appropriate.

Section 1005.10. Licensure and general operating standards.

This section addresses the standards that an entity needs to satisfy to become licensed as a ground ambulance service and continue to operate as a ground ambulance service. It was amended by the interim regulations

to require a ground ambulance service to maintain written policies and procedures to implement the requirements of Chapter 1051. The need for this requirement continues. The regulation identifies all of the policies that an ambulance service must keep. When the DNR Act was passed it established procedures that EMS personnel must follow when encountering a person in cardiac or respiratory arrest who displays a DNR order, bracelet or necklace. Ambulance services need to ensure that their personnel are aware of those procedures as well as the procedures required by the Department's regulations adopted under Act 59.

Section 1007.7. Licensure and general operating standards.

This section addresses the standards that an entity needs to satisfy to become licensed as an air ambulance service and continue to operate as an air ambulance service. It was amended by the interim regulations to require that an air ambulance service maintain written policies and procedures to implement the requirements of Chapter 1051. The need to continue this requirement for ground ambulance services applies as well to air ambulance services.

Subpart B. Matters Ancillary to Emergency Medical Services Systems

Chapter 1051 was adopted by the interim regulations to facilitate implementation of the DNR Act. In addition, it assisted the implementation of an Act 59 amendment to 20 Pa.C.S. §§ 5401—5416 (relating to the Advance Directive for Health Care Act) (ADHCA) that directs emergency medical services (EMS) providers to follow the procedures for implementing an out-of-hospital DNR order when a patient who is experiencing cardiac or respiratory arrest has both an advance declaration issued under the ADHCA and an out-of-hospital DNR order issued under the DNR Act.

As explained in the preamble to the interim regulations, there are significant procedural differences between the two processes. Under the ADHCA, if a patient has issued an advance declaration that directs that no CPR be provided in the event of the patient's cardiac or respiratory arrest, the EMS provider cannot follow that directive until the provider contacts a medical command physician, the medical command physician determines that the declaration is operative, and the medical command physician directs the EMS provider to withhold or discontinue CPR. Under the DNR Act, the EMS provider is empowered to withhold CPR upon observing an out-of-hospital DNR order, bracelet or necklace displayed with the patient; the EMS provider is not required to contact a medical command physician to secure approval.

Except as otherwise noted, the Department is proposing to adopt the interim regulations with a few minor revisions. The reasons for this action are as follows.

GENERAL PROVISIONS

Section 1051.1. Purpose.

This section addresses the purposes of the chapter. The primary purpose of the DNR Act and Chapter 1051 of the Department's regulations is to articulate standards for the issuance and revocation of out-of-hospital DNR orders, and compliance with those orders. Nevertheless, one component of the DNR Act departs from this general regulatory scheme. It deals with pregnant patients and establishes special rules that EMS personnel and other health care providers are to follow when dealing with

pregnant patients. That section of the DNR Act sets forth specific rules for the administration of out-of-hospital DNR orders issued for pregnant patients. However, it also addresses other types of life-sustaining procedures, other types of orders and directives that address the withholding or withdrawing of life-sustaining procedures, and duties of health care providers (not only EMS personnel) when confronted with such orders. Consequently, this section was drafted in the interim regulations to announce that the chapter deals with special provisions relating to pregnant patients in addition to the general rules applicable to the issuance and revocation of out-of-hospital DNR orders and compliance with those orders. The reasons for this clarification continue to apply.

Section 1051.2. Definitions.

This section provides definitions for terms used in Chapter 1051. The preamble to the interim regulations discussed definitions in this section that required an explanation as to why they were drafted in the manner adopted. The definitions that were given special attention were the definitions of "attending physician," "EMS provider," "EMS personnel," "health care provider," "patient," "prehospital personnel" and "surrogate." The substance of that discussion is repeated as follows:

Attending physician

"Attending physician" is defined in the interim regulations as it is defined in the DNR Act, except a sentence is added stating that a patient may have more than one attending physician. The Department proposes to retain the additional sentence included in the interim definition for several reasons. First, more than one physician may have primary responsibility for the medical care and treatment of a patient. For example, a patient may use a group practice in which multiple physicians handle the patient's medical care. It would be difficult to label one physician as the patient's attending physician if the patient receives services from more than one physician in a group practice. Another example of a patient having more than one primary physician is a patient who has cancer who sees an oncologist on a regular basis in addition to a primary care physician.

Second, depending upon a variety of circumstances it may be difficult for a physician to conclude that he is the "exclusive" attending physician. Also, a physician may believe that he or she is the patient's attending physician based upon the information the patient or a surrogate provides to the physician, but some information may be forgotten, withheld or not known by the patient or surrogate.

As a practical matter, a physician who is requested to issue an out-of-hospital DNR order for a patient needs to make a good faith judgment as to whether he is an attending physician of the patient based upon the medical care the physician provides the patient. If the physician determines that the circumstances of the physician-patient relationship do not enable the physician to make that determination, the physician should attempt to supplement that knowledge with information the physician secures after making reasonable inquiries of the patient or the patient's surrogate regarding the medical care the patient is receiving from other physicians.

Health care provider, EMS provider, EMS personnel and prehospital personnel

The DNR Act defines "health care provider," "[EMS] provider," and "person." The Department does not construe the term "health care provider" to be restricted to

individuals who provide health care. The statutory definition of "health care provider" uses the term "person" and includes "personnel recognized" under the EMS Act. The statute's definition of "person" is not limited to an individual. The Department construes the statute's definition of "health care provider" to include persons, not limited to individuals, who are licensed, certified or otherwise authorized under Commonwealth laws to administer health care in the ordinary course of their business or profession. Consequently, it interprets the statutory "health care provider" definition's reference to "personnel" recognized under the EMS Act, to serve as an example of health care providers and not as a limitation on the definition.

The DNR Act defines "[EMS] provider" to include each health care provider recognized under the EMS Act, and also an individual recognized to use automated external defibrillators (AEDs) under 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of AEDs). Similar to the Department's interpretation of the statute's definition of "health care provider," the Department interprets the statute's definition of "[EMS] provider" to include a person, not limited to an individual, that provides EMS pursuant to authority granted by the EMS Act. The Department's interim definitions of "health care provider" and "EMS provider" in this section reflect these interpretations.

Additionally, this section defines the terms "EMS personnel" and "prehospital personnel." It employs the term "prehospital personnel" in defining "EMS personnel," and it employs the term "EMS personnel" in defining "EMS provider." Distinctions between "EMS personnel" and "prehospital personnel" are needed to accommodate the DNR Act's inclusion of persons who have AED good Samaritan civil immunity as an EMS provider authorized to follow an out-of-hospital DNR order.

"Prehospital personnel" is defined in § 1001.2 (relating to definitions) of the regulations the Department has adopted under the EMS Act, to include ambulance attendants, first responders, EMTs, EMT-paramedics (paramedics), prehospital registered nurses (PHRNs), and health professional physicians. It does not include persons who have AED good Samaritan civil immunity. These persons are not regulated under the EMS Act. The same definition of "prehospital personnel" is included in this section. These individuals are authorized by the EMS Act to perform various services for ambulance companies.

Some parts of Chapter 1051 address the responsibilities of both prehospital personnel and good Samaritan users of AEDs, and other parts address the responsibilities of prehospital personnel exclusively. The latter provisions deal with the relationship between prehospital personnel and medical command physicians—a relationship that good Samaritan users of an AEDs do not experience. To distinguish between provisions of the regulations that apply to both prehospital personnel and good Samaritan users of AEDs, and those provisions that apply to prehospital personnel only, the Department defined the term "EMS personnel" in the interim regulation to include both types of personnel and uses that term in provisions that apply to both types of personnel. The Department uses the term "prehospital personnel" in provisions that apply to prehospital personnel, but do not apply to good Samaritan users of AEDs.

Patient

The DNR Act defines "out-of-hospital do-not-resuscitate patient" to be an individual for whom an out-of-hospital

DNR order has been issued. It defines "patient" to mean the same thing, unless the context indicates otherwise. As used in the DNR Act, "patient" and "out-of-hospital do-not-resuscitate patient" are not interchangeable. "Patient" is employed, for example to refer to an individual who is qualified to receive an out-of-hospital DNR but for whom an out-of-hospital DNR order has not been issued. The interim regulations' definition of "out-of-hospital [DNR] patient" appears as it does in the statute. The definition of "patient" in the interim regulations applies to an individual who qualifies for an out-of-hospital DNR order by virtue of being in a terminal condition or being in a state of permanent unconsciousness, but who has not received the order. Because this is how the two terms are actually used in the DNR Act, the proposed regulations would continue this distinction.

Surrogate

The DNR Act permits a patient's surrogate to request an out-of-hospital DNR order for the patient and to revoke that order. It does not define "surrogate." In the context in which this term is used in the statute, it means a person who has, or persons who jointly have, legal authority to request or revoke an out-of-hospital DNR order. The Department proposes to adopt these definitions and the other definitions in the interim regulation because they continue to be appropriate within the context of the chapter.

§ 1051.3. Applicability.

This section of the interim regulations identifies the major categories of persons to which the chapter applies. It also clarifies that the chapter does not regulate the issuance or implementation of a DNR order executed or to be executed in a hospital, but that it does authorize compliance with an out-of-hospital DNR order in all other settings, including other health care facilities and facilities regulated by other Commonwealth agencies, such as personal care facilities regulated by the Department of Public Welfare. Additionally, it relates that even in a hospital an EMS provider may comply with an out-of-hospital DNR order if the hospital requests an ambulance service to provide EMS to a patient.

Hospital requests for an ambulance service's assistance occasionally occur when an out-of-hospital DNR patient is receiving services at a hospital site that does not handle emergency patients. Notwithstanding the statutory label of "out-of-hospital [DNR] order," a purpose of the DNR Act is to require EMS providers to withhold the execution of standard life-saving protocols when they are called to handle a patient with an out-of-hospital DNR order, bracelet or necklace who is experiencing respiratory or cardiac arrest. Therefore, the proposed regulations would adopt the same applicability provisions that appear in the interim regulation.

PATIENT AND SURROGATE RIGHTS AND RESPONSIBILITIES

§ 1051.11. Patient qualifications to request and revoke out-of-hospital DNR order.

The DNR Act identifies the types of patients who qualify to request an out-of-hospital DNR order for themselves. It also provides that even if the patient's surrogate requests the order, the patient may revoke it. The interim regulation incorporates that information. It also includes a statement that the patient for whom an out-of-hospital DNR order has been issued may revoke it regardless of that individual's age or physical or mental condition. This

is consistent with the provisions of section 54A05(b) and (c) of the DNR Act, which provide that even if the order was secured by a surrogate, the patient may revoke the order regardless of the patient's physical or mental condition. For these reasons, the Department does not propose to change the interim regulation.

§ 1051.12. Surrogate's authority to request and revoke out-of-hospital DNR order.

The DNR Act provides that a patient's surrogate may request an out-of-hospital DNR order for the patient if the patient meets certain criteria, and then may later revoke the out-of-hospital DNR order. The interim regulation includes that information. It also explains that the age or physical or mental condition of the patient does not impact the ability of a surrogate to act on the patient's behalf.

This latter provision may seem confusing at first, especially with respect to age. The key to properly understanding this provision is to focus on the fact that the section only applies to persons who satisfy the definition of "surrogate" at the time of acting on behalf of a patient. This section does not apply if the age of the patient invalidates the authority of another person to act for the patient, because under that circumstance the person would no longer be the patient's surrogate. For example, if the parent of a child acted as a surrogate for the child before the child reached 18 years of age, and by virtue of the child achieving that age the parent or guardian ceases to qualify to serve as the child's surrogate by operation of law, this section would not apply because the parent would no longer be the child's surrogate. However, a parent or guardian of a child would continue to serve as the surrogate of the child after the child reaches 18 years of age if the child has also been adjudicated to be mentally incompetent. In that event the regulation would apply to the parent or guardian, since the parent or guardian would continue to satisfy the definition of "surrogate," and the age of the child would be irrelevant. Also, persons over 18 years of age, when competent, may designate a surrogate to make decisions for them should they later become incompetent and in a terminal condition or permanently unconscious. For example that may occur by the patient issuing an advance directive for health care that designates another individual to act as the patient's surrogate.

The standards in this regulation continue to be appropriate and, therefore, warrant inclusion in the proposed regulations.

§ 1051.13. Person who loses authority to function as a surrogate.

The responsibilities of a person who loses the authority to function as a patient's surrogate are not addressed in the DNR Act. Subsection (a) of the interim regulation emphasizes that the authority to request an out-of-hospital DNR order for another person, and to revoke that order, is not necessarily an authority that lasts a lifetime. For example, a person may be appointed to act as the guardian of a patient and later be replaced as the patient's guardian.

Subsection (c) of the interim regulation imposes upon a person who has lost the authority to function as a patient's surrogate the duty to make a reasonable effort to contact the physician who issued the out-of-hospital DNR order for the patient to apprise the physician of the change in that person's status and to identify to the

physician the patient's new surrogate if there is one. It also requires that person to provide the patient or a replacement surrogate, whomever is appropriate, with the name of the physician and other information to locate the physician. Although the name of the physician would not ordinarily need to be disclosed, since it is on the order, bracelet and necklace, disclosure of the name may need to occur if the DNR items were lost or destroyed. It is proposed that this subsection be advanced to subsection (b).

Subsection (b) of the interim regulation imposes upon a person who has lost the authority to serve as a patient's surrogate the duty to provide the attending physician with information to locate the patient if the physician contacts the former surrogate to advise that the physician misdiagnosed the patient's condition or made an error in determining that the condition was terminal or that the patient was permanently unconscious. This subsection repeats some of the requirements in subsection (b) of the interim regulation and only addresses a former surrogate's duty to cooperate with the patient's attending physician when the physician wants to advise that the physician misdiagnosed the patient's condition or made an error in determining that the condition was terminal or that the patient was permanently unconscious.

The Department proposes to revise this subsection to eliminate the redundancy and broaden its scope. As proposed, a former surrogate would have the duty to provide the physician with information to locate the patient or the patient's current surrogate when the physician contacts the former surrogate for the purpose of providing any information pertinent to the patient. Also, notwithstanding proposed subsection (b)'s requirement that the former surrogate make a good faith effort to contact the attending physician when that person loses surrogate status, the former surrogate may not have made that attempt or the attempt may have failed. This subsection would address the former surrogate's responsibility when contacted by the attending physician under those circumstances. The revised subsection (b) would be moved to subsection (c).

ATTENDING PHYSICIAN RESPONSIBILITIES

§ 1051.21. Securing out-of-hospital DNR orders, bracelets and necklaces.

This section of the interim regulations informs physicians about how they may secure out-of-hospital DNR orders, bracelets and necklaces. It provides that out-of-hospital DNR bracelets and necklaces are to be purchased from vendors with which the Department has contracted. It further relates that the Department will publish in the *Pennsylvania Bulletin* a notice identifying the name and address of the vendors. The section also relates that the Department will publish superseding notices in the *Pennsylvania Bulletin* if and when there is a vendor change.

The procedures in this regulation continue to be the procedures the Department chooses to employ and, therefore, the proposed regulations contain the same procedures. In addition to the use of a *Pennsylvania Bulletin* notice, the Department has also posted at its website, www.health.state.pa.us, a link to a purchase order form attending physicians may use to purchase out-of-hospital DNR orders, bracelets and necklaces.

§ 1051.22. Issuance of out-of-hospital DNR order.

This section of the interim regulations states that an attending physician may issue an out-of-hospital DNR

order and specifies various duties the physician is required to perform before issuing the order. The Department continues to believe that the listed duties are appropriate.

§ 1051.23. Disclosure to patient requesting out-of-hospital DNR order.

This section of the interim regulations identifies the information a patient's attending physician must disclose to the patient before issuing an out-of-hospital DNR order requested by the patient. The regulation does not require the physician to provide the required information verbally, but the physician is required to ensure that the patient has received and understands all of the required information before issuing an out-of-hospital DNR order requested by the patient. The information the attending physician is required to disclose is available through a link at the Department's website. The Department invites physicians to access and copy that information and provide it to appropriate patients and surrogates. The Department continues to consider the disclosures required by the interim regulation to be appropriate.

§ 1051.24. Disclosure to surrogate requesting out-of-hospital DNR order.

This section of the interim regulations identifies the information a patient's attending physician must disclose to the patient's surrogate before issuing an out-of-hospital DNR order requested for the patient by the surrogate. The disclosure required by paragraph (3) of the interim regulation improperly uses the term "health care provider" instead of "EMS provider." Subject to making that substitution, the proposed regulation would not differ from the interim regulation. As previously mentioned, the Department makes the required information available through its website and attending physicians are free to access it and provide it to surrogates.

§ 1051.25. Disclosure to patient when surrogate requests out-of-hospital DNR order.

This section of the interim regulations specifies the process the patient's attending physician must follow in deciding the information the physician will provide to the patient when the patient's surrogate requests an out-of-hospital DNR order. The Department continues to believe, as set forth in the regulation, that the physician and surrogate need to work together to identify the information that should be disclosed to the patient unable to make that decision for himself. A unique decision needs to be made for each patient after considering appropriate factors. However, no order should be issued if the attending physician and surrogate cannot reach an agreement.

§ 1051.26. Physician refusal to issue an out-of-hospital DNR order.

This section of the interim regulations prescribes the procedures an attending physician is to follow when the physician is not willing to issue an out-of-hospital DNR order for a patient who qualifies for the order. They require the physician to provide a minimal amount of assistance to enable the patient or surrogate to pursue the matter further with another physician. The Department continues to believe that these procedures are appropriate.

§ 1051.27. Providing out-of-hospital DNR bracelet or necklace.

This section of the interim regulations prohibits an attending physician's issuance of an out-of-hospital DNR bracelet or necklace without also issuing, or having

previously issued, an out-of-hospital DNR order for the patient. The issuance of an order is imperative, since it documents that a qualified person applied for an out-of-hospital DNR order and any other DNR item provided and that the attending physician has made the necessary determinations before providing the item. The proposed regulation would not differ from the interim regulation.

§ 1051.28. Documentation.

This section of the interim regulations requires an attending physician to document in an out-of-hospital DNR order whether the physician also provided an out-of-hospital DNR bracelet or necklace for the patient. It also requires the physician to maintain a copy of the order in the patient's medical record. If the physician issues an order and provides the bracelet or necklace at a later time, this section further requires the physician to document in the patient's record the physician's issuance of a bracelet or necklace for the patient. This section is appropriate to retain as it ensures the attending physician's proper documentation and maintenance of pertinent patient information relevant to the physician's issuance of an out-of-hospital DNR item.

§ 1051.29. Duty to contact patient or surrogate.

This section of the interim regulations requires the attending physician to make a reasonable effort to contact the patient or the patient's surrogate, after having issued an out-of-hospital DNR order for the patient, if the physician discovers that the diagnosis of a terminal condition or permanent unconsciousness was in error. The proposed regulation would do the same. The need for this requirement should be obvious. When a physician determines that a medical diagnosis the statute imposes as a precondition to a physician issuing an out-of-hospital DNR order, was made in error, the physician needs to act in a good faith manner to remedy the error by retrieving and destroying the order, and any bracelet or necklace that the physician may have also provided based upon the incorrect diagnosis.

§ 1051.30. Physician destruction of out-of-hospital DNR order, bracelet or necklace.

This section of the interim regulations addresses a physician's responsibilities when a patient or the patient's surrogate returns or has been requested by the physician to return an out-of-hospital DNR order, bracelet or necklace because the physician has determined that a terminal condition or permanently unconscious diagnosis was in error. In addition to requiring the destruction of a returned DNR item, it also requires that the physician shall not mark his records to reflect that the item has been destroyed without having confirmed the destruction of the item. That confirmation may occur without the physician personally destroying or observing the destruction of the item but, in the absence of that, the confirmation of the destruction must be based upon a communication from a reliable person that the item has been destroyed. The proposed regulation would do the same.

EMS PROVIDER RESPONSIBILITIES

§ 1051.51. Implementation of out-of-hospital DNR order.

This section of the interim regulations deals with EMS provider compliance with out-of-hospital DNR orders and the procedures the provider is to follow if uncertain as to whether an out-of-hospital DNR order is valid or has been revoked. Distinctions are made between individual EMS providers who have good Samaritan civil immunity pro-

tection for using an AED and individual EMS providers who are prehospital personnel. The distinctions are based upon the interaction prehospital personnel are able to have with medical command physicians and the general lack of access to medical command physicians by persons who use an AED with good Samaritan civil immunity protection. The proposed regulation would maintain these distinctions.

§ 1052.52. Procedure when both advance directive and out-of-hospital DNR order are present.

This section of the interim regulations explains that when an EMS provider observes both an advance directive for health care directing that no CPR be provided in the event of the patient's cardiac or respiratory arrest, and an out-of-hospital order, bracelet or necklace, the provider is to follow the procedure for complying with the out-of-hospital DNR order. The regulations simply repeat the directive under the Act 59's amendment to section 5413 of the ADHCA (relating to emergency medical services). The Department proposes to adopt the interim regulation with a minor change to correct the incorrect reference to the heading of § 1051.51 in the interim regulation.

PREGNANT PATIENTS

§ 1051.61. Pregnant patients.

This section of the interim regulations specifies preconditions to a health care provider complying with an order or direction to not provide nutrition, hydration, CPR and other life-sustaining procedures to a pregnant woman. This section essentially repeats the requirements of section 54A11 of the DNR Act (relating to pregnancy). The proposed regulation would do the same.

MEDICAL COMMAND PHYSICIAN RESPONSIBILITIES

§ 1051.81. Medical command physician responsibilities.

This section of the interim regulations addresses a medical command physician's responsibilities when communicating with an EMS provider who encounters an out-of-hospital DNR patient who is experiencing cardiac or respiratory arrest. Specific subsections address the medical command physician's responsibilities when the EMS provider communicates uncertainty as to whether an out-of-hospital DNR order has been revoked, and the medical command physician's responsibilities when the EMS provider advises that the provider has encountered a pregnant out-of-hospital DNR patient who is experiencing cardiac or respiratory arrest. The proposed regulation would do the same. While the DNR Act does not require an EMS provider who observes a displayed DNR order, bracelet or necklace to contact a medical command physician as a precondition to compliance with the DNR item, except when the patient is a pregnant patient, such contact may nevertheless occur, and is required to occur when the EMS provider encounters confusion. This section is necessary to clarify the medical command physician's responsibilities when contact is made.

ORDERS, BRACELETS AND NECKLACES FROM OTHER STATES

§ 1051.101. Recognition of other states' out-of-hospital DNR orders.

The DNR Act directs that EMS providers are to comply with out-of-hospital DNR orders issued in another state if that state's orders, bracelets and necklaces are issued in a manner consistent with the laws of the Commonwealth. This section of the interim regulations repeats that

responsibility and explains how the Department will apprise EMS providers of the orders, bracelets and necklaces issued in other states that are acceptable in this Commonwealth. The proposed regulation would do the same. The DNR Act requires the bracelets and necklaces to include the printed name and signature of the attending physician, and other information about the attending physician. Due mainly to these requirements, the Department has found no out-of-hospital DNR bracelet or necklace that is effective in another state and meets the requirements of Pennsylvania law. The Department is continuing to review the laws and out-of-hospital DNR order formats applicable in other states to assess whether they comport with Pennsylvania requirements.

Effective Date

The final-form regulations will go into effect when adopted, which should occur on or before February 18, 2004, as required by the DNR Act.

Paperwork

The Department, under a duty imposed upon it by the DNR Act, has already developed an out-of-hospital DNR order form, and the specifications for out-of-hospital DNR bracelets and necklaces, for attending physicians to issue for patients who qualify for those orders. A sample order form may be reviewed by using a link at the Department's website. However, to prevent persons other than physicians from securing the order forms, the website version has been marked as a sample. It cannot be copied and used as an order form. Physicians must secure out-of-hospital DNR order forms from the Department's contracted vendor.

The Department has also developed both an electronic and paper process for physicians to use to secure from the Department's contracted vendor out-of-hospital DNR order forms, as well as out-of-hospital DNR bracelets and necklaces. The form physicians are to use to order out-of-hospital DNR forms, bracelets and necklaces is available at a link to the Department's website. A physician may copy the purchase form and send it to the vendor by facsimile or regular mail. Purchase forms may also be secured directly from the vendor. The Department anticipates that it will continue to employ these procedures.

The Department has already completed the paperwork required to contract with a vendor to produce and provide the orders, bracelets and necklaces, and it has contracted with a vendor. It will need to repeat the process from time to time-when a contract is about to expire and the Department needs to enter into new contracts.

The Department has published a notice in the *Pennsylvania Bulletin* identifying the vendor from which attending physicians may procure out-of-hospital DNR order forms, bracelets and necklaces. The Department will also need to publish new notices if a new vendor or vendors are chosen in the future. The Department will also need to publish notices in the *Pennsylvania Bulletin* identifying states that provide out-of-hospital DNR orders, bracelets and necklaces that EMS providers are to follow, and describing the acceptable out-of-hospital DNR items.

Physicians are now required by the interim regulations to maintain information in patient medical records regarding the issuance of out-of-hospital DNR items, and they are also required to prepare the paperwork to enable them to secure and provide out-of-hospital DNR items for patients. The proposed regulations would not alter these responsibilities.

Financial Impact

The DNR Act and the proposed regulations will save patients and their families, as well as insurers, the costs of paying for continued patient care when patients who are in a terminal condition or who are permanently unconscious receive unwanted but successful CPR following a cardiac or respiratory arrest, that continues and perpetuates, and sometimes worsens, the patient's poor quality of life. These end-of-life costs can continue to burden the family for several years following a patient's death. While the purpose of the DNR Act and Chapter 1051 is to enable a patient in a terminal condition, or the patient's surrogate, to communicate a decision that directs EMS providers to permit the patient to die with dignity, significant health care cost-savings will often be a collateral benefit.

The average annual cost the DNR Act and Chapter 1051 impose over 5 years to the regulated community (attending physicians, patients, and surrogates) is projected to be \$47,060. This includes the cost of procuring DNR orders, bracelets and necklaces for distribution in attending physician offices. The current costs are \$.11 for an out-of-hospital DNR order form, \$1.35 for an out-of-hospital DNR necklace, and \$.35 for an out-of-hospital DNR bracelet, plus taxes and shipping costs. A minimum order of 50 of an order, bracelet or necklace is required. The average annual costs over 5 years for State government is projected to be \$26,000, which includes development and printing costs for educational materials, training, outreach, and travel needed to assist regional EMS councils and practitioners in the implementation of the statute and the regulations.

It is expected that the overall cost-savings in reducing expensive and undesired end-of-life care will offset other costs incurred in implementing the statute and regulations.

Statutory Authority

Section 6 of Act 59 provides that the Department publish final regulations to assist in the implementation of the DNR Act within 18 months after the effective date of Act 59, which was August 18, 2002.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2003, the Department submitted a copy of these proposed regulations to IRRC and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. 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 regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of comments, recommendation or objections raised.

Contact Person

Interested persons are invited to submit comments, suggestions or objections to the proposed regulations to Margaret E. Trimble, Director of the Emergency Medical

Services Office, Department of Health, 1032 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717) 787-8740, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability may also submit comments, suggestions or objections to Margaret Trimble in alternative formats, such as by audio, Braille or, for speech or hearing impaired persons, by using V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984[TT]. Persons who require an alternative format of this document should contact Margaret Trimble so that necessary arrangements may be made. The Department will consider the comments it receives in developing final regulations that will be published by February 18, 2004.

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

Fiscal Note: 10-174. (1) General Fund; (2) Implementing Year 2002-03 is \$10,000; (3) 1st Succeeding Year 2003-04 is \$26,000; 2nd Succeeding Year 2004-05 is \$26,000; 3rd Succeeding Year 2005-06 is \$26,000; 4th Succeeding Year is 2006-07 is \$26,000; 5th Succeeding Year 2007-08 is \$26,000; (4) 2001-02 Program—\$29,353,000; 2000-01 Program—\$27,453,000; 1999-00 Program—\$24,250,000; (7) General Government Operations; (8) recommends adoption. The costs, reflected above, implement the requirements of Act 59 of 2002. These amounts are included in the 2002-03 and 2003-04 budgets.

(Editor's Note: Text proposed to be deleted from the interim regulations contained in Chapter 1051 (*Pennsylvania Code* pages 1051-1—1051-14 (serial pages (294013) to (294026)) appears in brackets. Text proposed to be added to the interim regulations appears in bold face type. Regular type is used to indicate no proposed changes to the interim regulations. Ellipses refer to the existing text of the interim regulations.)

Annex A**TITLE 28. HEALTH AND SAFETY****PART VII. EMERGENCY MEDICAL SERVICES****Subpart A. EMERGENCY MEDICAL SERVICES SYSTEM****CHAPTER 1001. ADMINISTRATION OF THE EMS SYSTEM****§ 1001.1. Purpose.**

The purpose of this subpart is to plan, guide, assist and coordinate the development of regional EMS systems into a unified Statewide system and to coordinate the system with similar systems in neighboring states, and to otherwise implement the Department's responsibilities under the act consistent with the Department's rulemaking authority

§ 1001.2. Definitions.

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

* * * * *

§ 1001.3. Applicability.

This subpart affects regional EMS councils, the Council, other entities desiring to receive funding from the Department or the regional EMS councils for the provision of EMS, ALS and BLS ambulance services, QRSs, instructors and institutes involved in the training of prehospital personnel including EMTs, EMT-paramedics,

first responders, ambulance attendants and health professionals, and trauma centers and local governments involved in the administration and support of EMS.

§ 1001.4. Exceptions.

(a) The Department may grant exceptions to, and departures from, this subpart when the policy objectives and intentions of this subpart are otherwise met or when compliance would create an unreasonable hardship, but would not impair the health, safety or welfare of the public. No exceptions or departures from this subpart will be granted if compliance with the standard is required by statute.

(b) Requests for exceptions to this subpart shall be made in writing to the Department. The requests, whether approved or not approved, will be documented and retained on file by the Department. Approved requests shall be retained on file by the applicant during the period the exception remains in effect.

(c) A granted request will specify the period during which the exception is operative. Exceptions may be reviewed or extended if the reasons for the original exception continue.

(d) An exception granted may be revoked by the Department for just cause. Just cause includes, but is not limited to, failure to meet the conditions for the exception. Notice of the revocation will be in writing and will include the reason for the action of the Department and a specific date upon which the exception will be terminated.

(e) In revoking an exception, the Department will provide for a reasonable time between the date of the written notice or revocation and the date of termination of an exception for the holder of the exception to come into compliance with this subpart. Failure to comply after the specified date may result in enforcement proceedings.

(f) The Department may, on its own initiative, grant an exception to this subpart if the requirements of subsection (a) are satisfied.

§ 1001.5. Investigation.

The Department may investigate any person, entity or activity for compliance with the act and this subpart.

CHAPTER 1003. PERSONNEL

§ 1003.27. Disciplinary and corrective action.

(a) The Department may, upon investigation, hearing and disposition, impose upon prehospital personnel who are certified or recognized by the Department one or more of the disciplinary or corrective measures in subsection (c) for one or more of the following reasons:

* * * * *

(20) Violating a duty imposed by the act, this subpart or an order of the Department previously entered in a disciplinary proceeding.

* * * * *

CHAPTER 1005. LICENSING OF BLS AND ALS GROUND AMBULANCE SERVICES

§ 1005.3. Right to enter, inspect and obtain records.

(a) Upon the request of an employee or agent of the Department during regular and usual business hours, or at other times when that person possesses a reasonable belief that violations of this subpart may exist, a licensee shall:

* * * * *

§ 1005.10. Licensure and general operating standards.

* * * * *

(l) Policies and procedures. An ambulance service shall maintain written policies and procedures addressing each of the requirements imposed by this section, as well as the requirements imposed by §§ 1001.41, 1001.42, 1001.65, 1005.11 and Chapter 1051 (relating to out-of-hospital do-not-resuscitate orders), and shall also maintain written policies and procedures addressing infection control, management of personnel safety, substance abuse in the workplace, and the placement and operation of its ambulances.

* * * * *

CHAPTER 1007. LICENSING OF AIR AMBULANCE SERVICES-ROTORCRAFT

§ 1007.7. Licensure and general operating standards.

* * * * *

(n) Policies and procedures. An air ambulance service shall maintain written policies and procedures addressing each of the requirements imposed by this section, as well as the requirements imposed by §§ 1001.41, 1001.42 and 1001.65 (relating to data and information requirements for ambulance services; dissemination of information; and cooperation) and Chapter 1051 (relating to out-of-hospital do-not-resuscitate orders) and shall also maintain written policies and procedures addressing infection control, management of personnel safety, substance abuse in the workplace, and the placement and operation of its air ambulances.

Subpart B. MATTERS ANCILIARY TO EMERGENCY MEDICAL SERVICES SYSTEMS

CHAPTER 1051. OUT-OF-HOSPITAL DO-NOT-RECUSCITATE ORDERS

GENERAL PROVISIONS

§ 1051.1. Purpose.

This chapter provides standards for the issuance and revocation of out-of-hospital DNR orders and compliance with those orders. An additional purpose of this chapter is to address how health care providers are to deal with orders or directions to not provide life-sustaining treatment, CPR, nutrition or hydration to a pregnant woman.

§ 1051.2. Definitions.

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

Advance directive—A directive for health care in a declaration issued pursuant to 20 Pa.C.S. Chapter 54 (relating to the Advance Directive for Health Care Act).

Attending physician—A physician who has primary responsibility for the medical care and treatment of a patient. A patient may have more than one attending physician.

CPR—Cardiopulmonary resuscitation—Cardiac compression, invasive airway techniques, artificial ventilation, defibrillation and other related procedures used to resuscitate a patient or to prolong the life of a patient.

Declarant—As defined in 20 Pa.C.S. § 5403 (relating to definitions).

Declaration—As defined in 20 Pa.C.S. § 5403.

Department—The Department of Health of the Commonwealth.

DNR—Do not resuscitate.

EMS personnel—Emergency medical services personnel—Prehospital personnel and individuals given good Samaritan civil immunity protection when using an automated external defibrillator under 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of automated external defibrillators).

EMS provider—Emergency medical services provider—EMS personnel, a medical command physician and, as defined in § 1001.2 (relating to definitions), an advance life support service medical director, medical command facility medical director, medical command facility, ambulance service and quick response service.

Health care provider—A person who is licensed, certified or otherwise authorized to administer health care in the ordinary course of a business or practice of a profession. The term includes EMS providers.

Invasive airway technique—Any advanced airway technique, including endotracheal intubation.

Life-sustaining treatment—

(i) A medical procedure or intervention that, when administered to a patient, will serve only to prolong the process of dying or to maintain the patient in a state of permanent unconsciousness.

(ii) The term includes nutrition and hydration administered by gastric tube or intravenously or any other artificial or invasive means if the order of the patient so specifically provides.

Medical command physician—A physician who is approved by a regional emergency medical services council to provide medical command.

Out-of-hospital DNR bracelet—A bracelet which signifies that an out-of-hospital DNR order has been issued.

Out-of-hospital DNR necklace—A necklace which signifies that an out-of-hospital DNR order has been issued.

Out-of-hospital DNR order—A written order, the form for which is supplied by the Department or its designee pursuant to this chapter, that is issued by an attending physician and directs EMS providers to withhold CPR from the patient in the event of cardiac or respiratory arrest.

Out-of-hospital DNR patient—A patient for whom an attending physician has issued an out-of-hospital DNR order.

Patient—One of the following:

(i) An individual who is in a terminal condition.

(ii) A declarant whose declaration has become operative under 20 Pa.C.S. § 5405(2) (relating to when declaration becomes operative) and which provides that no CPR be provided in the event of the declarant's cardiac or respiratory arrest if the declarant becomes permanently unconscious, or designates a surrogate to make that decision under those circumstances.

Permanently unconscious—

(i) A medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment.

(ii) The term includes, without limitation, a persistent vegetative state or irreversible coma.

Person—An individual, corporation, partnership, association or Federal, State or local government or governmental agency.

Physician—An individual who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth.

Prehospital personnel—The term includes any of the following prehospital practitioners:

- (i) Ambulance attendants.
- (ii) First responders.
- (iii) Emergency medical technicians (EMTs).
- (iv) EMT-paramedics.
- (v) Prehospital registered nurses.
- (vi) Health professional physicians.

Surrogate—An individual who has, or individuals who collectively have, legal authority to request an out-of-hospital DNR order for another individual or to revoke that order.

Terminal condition—An incurable and irreversible medical condition in an advanced state caused by injury, disease or physical illness which will, in the opinion of the attending physician, to a reasonable degree of medical certainty, result in death regardless of the continued application of life-sustaining treatment.

§ 1051.3. Applicability.

(a) This chapter applies to the following:

- (1) Health care providers.
- (2) Attending physicians.
- (3) Patients.
- (4) Surrogates.

(b) This chapter neither compels nor prohibits health care provider compliance with an out-of-hospital DNR order in a hospital. In a hospital, an EMS provider shall comply with an out-of-hospital DNR order only if responding on behalf of an ambulance service to a call the hospital makes for ambulance service assistance.

(c) This chapter does not regulate the issuance of or compliance with a DNR order issued in a hospital to be followed in that hospital.

(d) This chapter permits EMS providers to comply with out-of-hospital DNR orders in all settings other than a hospital, except as set forth in subsection (b), including personal care facilities and all other health care facilities.

PATIENT AND SURROGATE RIGHTS AND RESPONSIBILITIES

§ 1051.11. Patient qualifications to request and revoke out-of-hospital DNR order.

(a) *Patient requesting an out-of-hospital DNR order.* A patient may request and receive an out-of-hospital DNR order from the patient's attending physician if the patient has a terminal condition and the patient is at least 18 years of age, has graduated from high school, has married or is emancipated.

(b) *Patient revoking an out-of-hospital DNR order.* An out-of-hospital DNR patient, regardless of age or physical or mental condition, may revoke an out-of-hospital DNR order issued for the out-of-hospital DNR patient whether

the order was issued pursuant to the request of the patient or the patient's surrogate.

§ 1051.12. Surrogate's authority to request and revoke out-of-hospital DNR order.

(a) *Surrogate requesting an out-of-hospital DNR order.* The surrogate of a patient may request and receive from the patient's attending physician an out-of-hospital DNR order for the patient, regardless of the patient's age or other physical or mental condition.

(b) *Surrogate revoking an out-of-hospital DNR order.* A patient's surrogate may revoke an out-of-hospital DNR order for the patient if the out-of-hospital DNR order was issued at the request of a surrogate.

§ 1051.13. Person who loses authority to function as a surrogate.

(a) *No authority to revoke out-of-hospital DNR order.* A person who acted as a patient's surrogate when requesting an out-of-hospital DNR order for the patient may not revoke the out-of-hospital DNR order if the person loses the legal authority to serve as the patient's surrogate.

(b) **[Duty when contacted by physician. If a person who acted as the patient's surrogate when the out-of-hospital DNR order was issued for the patient, is not qualified to act as the patient's surrogate when a physician contacts that person pursuant to § 1051.30(b) (relating to physician destruction of out-of-state DNR order, bracelet or necklace), the person shall apprise the physician that the person is no longer the patient's surrogate and provide the physician any information the person has to help the physician locate the patient.**

(c) **] Duty when person loses surrogate status.** A person who loses the authority to act as a patient's surrogate after the person obtained an out-of-hospital DNR order for the patient shall make a reasonable effort to apprise the physician who issued the out-of-hospital DNR order of the change in that person's status, as well as the name of the person, if any, who replaced that person as the patient's surrogate **and any information the former surrogate has to help the physician locate the patient or the patient's current surrogate.** A person who loses the authority to act as a patient's surrogate shall also provide to the patient if the patient is no longer represented by a surrogate, or to the replacement surrogate if there is one, the name of the physician who issued the out-of-hospital DNR order and any information the person has to help the patient or the patient's surrogate locate the physician.

(c) **Duty when contacted by physician. If a patient's former surrogate did not attempt to contact the patient's attending physician as required by subsection (b), or made the attempt but was unsuccessful, and is contacted by the patient's attending physician for the purpose of communicating information regarding the patient, the patient's former surrogate shall apprise the physician that the person is no longer the patient's surrogate and provide the physician any information the former surrogate has to help the physician locate the patient or the patient's current surrogate.**

ATTENDING PHYSICIAN RESPONSIBILITIES

§ 1051.21. Securing out-of-hospital DNR orders, bracelets and necklaces.

(a) *Securing order forms.* A physician or the physician's agent may secure out-of-hospital DNR order forms from

the Department unless the Department has contracted with a vendor to provide the order forms, in which case the physician shall secure the order forms from the contracted vendor.

(b) *Securing bracelets and necklaces.* A physician may secure out-of-hospital DNR bracelets and necklaces by purchasing them from the vendors with which the Department has contracted to produce the bracelets and necklaces.

(c) *Vendors.* The Department will publish in a *Pennsylvania Bulletin* notice the name and address of the vendors with which it has contracted under this section and publish superseding *Pennsylvania Bulletin* notices when there are vendor changes.

§ 1051.22. Issuance of out-of-hospital DNR order.

(a) *Authority to issue.* A patient's attending physician shall issue an out-of-hospital DNR order for the patient if the patient who is qualified to request the order under § 1051.11(a) (relating to patient qualifications to request and revoke out-of-hospital DNR order) or the patient's surrogate requests the attending physician to issue an out-of-hospital DNR order for the patient and the attending physician determines that the patient has a terminal condition or is permanently unconscious.

(b) *Review of order before signing.* Before completing, signing and dating an out-of-hospital DNR order, a patient's attending physician shall ensure that the patient is identified in the order, that all other provisions of the order have been completed, and that the patient or the patient's surrogate, as applicable, has signed the order.

(c) *Order form.* A patient's attending physician shall issue an out-of-hospital DNR order for the patient only on a form provided by the Department or its designee.

§ 1051.23. Disclosures to patient requesting out-of-hospital DNR order.

When a patient qualified under § 1051.11(a) (relating to patient qualifications to request and revoke out-of-hospital DNR order) requests an out-of-hospital DNR order, the attending physician shall disclose the following information to the patient before issuing an out-of-hospital DNR order for the patient:

(1) The diagnosed condition is a terminal condition.

(2) An out-of-hospital DNR order directs an EMS provider to withhold providing CPR to the patient in the event of the patient's cardiac or respiratory arrest.

(3) The attending physician may also issue an out-of-hospital DNR bracelet or necklace for the patient, and that the necklace and bracelet also direct an EMS provider to withhold providing CPR in the event of the patient's cardiac or respiratory arrest.

(4) An out-of-hospital DNR order, bracelet or necklace requested by a patient is effective only when the patient possesses and displays the order, bracelet or necklace.

(5) An out-of-hospital DNR order is not effective when the patient is in a hospital, unless an EMS provider has been dispatched to provide EMS to the patient in the hospital, but a DNR order may be issued for the patient in a hospital in accordance with other procedures.

(6) The patient may revoke the out-of-hospital DNR order; the patient may do so without the physician's approval or knowledge; revocation may be accomplished by destroying or not displaying the order, bracelet or necklace, or by conveying the decision to revoke the

out-of-hospital DNR order verbally or otherwise at the time the patient experiences respiratory or cardiac arrest; and neither the patient's physical nor mental condition will be considered to void the patient's decision to revoke the out-of-hospital DNR order if that decision is clearly communicated in some manner.

(7) The possibility exists that the EMS provider may administer CPR in the event of the patient's cardiac or respiratory arrest if an EMS provider is uncertain regarding the validity or applicability of the out-of-hospital DNR order, bracelet or necklace.

(8) An EMS provider who complies with the patient's out-of-hospital DNR order may provide other medical interventions to the patient to provide comfort or alleviate pain.

(9) The physician will attempt to contact the patient to ask the patient to return the out-of-hospital DNR order, bracelet and necklace to the physician, for destruction by the physician, if the physician discovers that the diagnosis of the terminal condition was in error.

(10) If the patient is female, there are additional procedures that an EMS provider will need to follow to implement an out-of-hospital DNR order if the patient is pregnant at the time of cardiac or respiratory arrest. If the patient is pregnant or requests information regarding the additional procedures, the physician shall explain the requirements of § 1051.61 (relating to pregnant patients).

§ 1051.24. Disclosures to surrogate requesting out-of-hospital DNR order.

Before issuing an out-of-hospital DNR order for a patient that is requested by the patient's surrogate, the attending physician shall disclose the following information to the surrogate:

(1) The diagnosed condition is a terminal condition or that the physician has diagnosed the patient to be permanently unconscious.

(2) The disclosures required by § 1051.23(2), (3), (5), (7) and (8) (relating to disclosures to patient requesting out-of-hospital DNR order).

(3) An out-of-hospital DNR order, bracelet or necklace requested by the surrogate is effective only when the order, bracelet or necklace is displayed with the patient or the surrogate presents the order to the [**health care**] EMS provider at the time the patient experiences cardiac or respiratory arrest.

(4) The patient or surrogate may revoke the out-of-hospital DNR order; the patient or surrogate may do so without the physician's approval or knowledge; revocation may be accomplished by destroying or not displaying the order, bracelet or necklace, or by conveying the decision to revoke the out-of-hospital DNR order verbally or otherwise at the time the patient experiences cardiac or respiratory arrest; and neither the physical nor mental condition of the patient will be considered to void the decision of the patient or surrogate to revoke the out-of-hospital DNR order if that decision is clearly communicated in some manner. The physician shall also apprise the surrogate, if it seems appropriate under the circumstances, that the power of the surrogate to revoke the out-of-hospital DNR order for the patient will terminate if the surrogate loses the legal authority to make that decision.

(5) The physician will attempt to contact the surrogate to ask the surrogate to return the out-of-hospital DNR order, bracelet and necklace to the physician, for destruc-

tion by the physician, if the physician discovers that the diagnosis of the terminal condition or that the patient is permanently unconscious was in error.

(6) If the patient is female, there are additional procedures that an EMS provider will need to follow to implement an out-of-hospital DNR order if the patient is pregnant at the time of cardiac or respiratory arrest. If the patient is pregnant or the patient's surrogate requests information regarding the additional procedures, the physician shall explain the requirements of § 1051.61 (relating to pregnant patients).

§ 1051.25. Disclosures to patient when surrogate requests out-of-hospital DNR order.

Before issuing an out-of-hospital DNR order for a patient that is requested by the patient's surrogate, the attending physician shall disclose to the patient the information in § 1051.23 (relating to disclosures to patient requesting out-of-hospital DNR order) that the physician in good faith believes the patient needs to have to make a future decision to revoke or not revoke the order. In making this assessment, the physician shall consult with the patient's surrogate and consider factors such as the reason the patient is not able to request an out-of-hospital DNR order, the patient's ability to comprehend and retain the information, and the patient's age and maturity. The attending physician shall refuse to issue the order if the physician and surrogate cannot agree to the information that is to be disclosed to the patient by the physician.

§ 1051.26. Physician refusal to issue an out-of-hospital DNR order.

An attending physician who is not willing to issue an out-of-hospital DNR order for a reason other than described in § 1051.25 (relating to disclosures to patient when surrogate requests out-of-hospital DNR order) shall explain the reason to the patient or the patient's surrogate, as appropriate.

(1) The physician shall also explain that an out-of-hospital DNR order may be issued only by a physician who has primary responsibility for the treatment and care of a patient.

(2) The physician shall offer to assist the patient or surrogate to secure the services of another physician who is willing to issue an out-of-hospital DNR order for the patient and who will undertake primary responsibility for the treatment and care of the patient in addition to or instead of the attending physician, as the patient or surrogate chooses.

§ 1051.27. Providing out-of-hospital DNR bracelet or necklace.

(a) *Bracelet and necklace.* A patient's attending physician may provide to the patient, or to the patient's surrogate for the patient, an out-of-hospital DNR bracelet or necklace, or both, if the physician has issued or is issuing an out-of-hospital DNR order for the patient and the patient or the surrogate requests the item.

(b) *Order also required.* A patient's attending physician may not provide an out-of-hospital DNR bracelet or necklace for the patient without also issuing, or having issued, an out-of-hospital DNR order for the patient.

(c) *Department vendor.* A patient's attending physician may provide to or for the patient only an out-of-hospital DNR bracelet or necklace produced by a vendor with which the Department has contracted to produce the bracelet or necklace.

§ 1051.28. Documentation.

An attending physician who issues an out-of-hospital DNR order for a patient shall maintain a copy of that order in the patient's medical record and shall document in that order whether the physician also provided an out-of-hospital DNR bracelet or necklace, or both. If the attending physician provides an out-of-hospital DNR bracelet or necklace after issuing the out-of-hospital DNR order, the physician shall document the patient's medical record to reflect that the bracelet or necklace was also provided for the patient.

§ 1051.29. Duty to contact patient or surrogate.

If a physician who issued an out-of-hospital DNR order for the patient, subsequently determines that the diagnosis that the patient is in a terminal condition or is permanently unconscious was in error, the physician shall make a good faith effort to promptly contact the patient or the patient's surrogate to disclose the error. The physician shall also request the return of the order, and the bracelet and necklace if the physician provided those items.

§ 1051.30. Physician destruction of out-of-hospital DNR order, bracelet or necklace.

(a) *Destruction of order, bracelet and necklace.* A physician shall destroy an out-of-hospital DNR order, bracelet or necklace returned to the physician under § 1051.29 (relating to duty to contact patient or surrogate), as follows:

(1) The physician shall shred or otherwise destroy beyond identification the original order and mark all copies of the order in the physician's possession as having been revoked.

(2) The physician shall cut the bracelet or necklace pendant in half or take other action that renders the bracelet or necklace incapable of being again used as an out-of-hospital DNR bracelet or necklace.

(b) *Documentation of order when items not destroyed.* A physician who requests the return of an out-of-hospital DNR order, bracelet or necklace under § 1051.29 may not mark copies of the order in the physician's possession as having been revoked without having destroyed or confirmed the destruction of the original out-of-hospital DNR order and any out-of-hospital DNR bracelet or necklace the physician provided for the patient.

EMS PROVIDER RESPONSIBILITIES**§ 1051.51. Implementation of out-of-hospital DNR order.**

(a) *Display of order, bracelet or necklace.* An EMS provider may not provide CPR to a patient who is experiencing cardiac or respiratory arrest if an out-of-hospital DNR order, bracelet, or necklace is displayed with the patient or the patient's surrogate presents the EMS provider with an out-of-hospital DNR order for the patient, and neither the patient nor the patient's surrogate acts to revoke the order at that time. When an EMS provider observes an out-of-hospital DNR order without also observing an out-of-hospital DNR bracelet or necklace, the EMS provider shall implement the out-of-hospital DNR order only if it contains original signatures.

(b) *Discovery after CPR initiated.* If after initiating CPR an EMS provider becomes aware of an out-of-hospital DNR order that is effective pursuant to subsection (a), the EMS provider shall discontinue CPR.

(c) *Prehospital practitioner uncertainty.* If a prehospital practitioner is uncertain as to whether an out-of-hospital

DNR order has been revoked for a patient who is experiencing cardiac or respiratory arrest, the prehospital practitioner shall provide CPR to the patient subject to the following:

(1) If the prehospital practitioner is in contact with a medical command physician prior to initiating CPR, the prehospital practitioner shall initiate or not initiate CPR as directed by the medical command physician.

(2) If the prehospital practitioner is in contact with a medical command physician after initiating CPR, the prehospital practitioner shall continue or not continue CPR as directed by the medical command physician.

(d) *Discontinuation of CPR not initiated by prehospital practitioner.* If CPR had been initiated for the patient before a prehospital practitioner arrived at the scene, and the prehospital practitioner determines that an out-of-hospital DNR order is effective pursuant to subsection (a), the prehospital practitioner may not discontinue the CPR without being directed to do so by a medical command physician.

(e) *AED good Samaritan.* If an individual who is given good Samaritan civil immunity protection when using an automated external defibrillator (AED) under 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of automated external defibrillators) is uncertain as to whether an out-of-hospital DNR order has been revoked for a patient who is experiencing cardiac arrest, the individual may provide CPR to the patient as permitted by 42 Pa.C.S. § 8331.2, but shall discontinue CPR if directed by a medical command physician directly or as relayed by a prehospital practitioner.

(f) *Providing comfort and alleviating pain.* When a prehospital practitioner complies with an out-of-hospital DNR order, the prehospital practitioner, within the practitioner's scope of practice, shall provide other medical interventions necessary and appropriate to provide comfort to the patient and alleviate the patient's pain, unless otherwise directed by the patient or the prehospital practitioner's medical command physician.

§ 1051.52. Procedure when both advance directive and out-of-hospital DNR order are present.

If a patient with cardiac or respiratory arrest has both an advance directive directing that no CPR be provided and an out-of-hospital DNR order, an EMS provider shall comply with the out-of-hospital DNR order as set forth in § 1051.51 (relating to compliance with an out-of-hospital DNR order).

PREGNANT PATIENTS**§ 1051.61. Pregnant patients.**

Notwithstanding the existence of an order or direction to the contrary, life-sustaining treatment, CPR, nutrition and hydration shall be provided to a pregnant patient by a health care provider unless, to a reasonable degree of medical certainty as certified on the patient's medical record by the patient's attending physician and a second physician who is an obstetrician who has examined the patient, life-sustaining treatment, nutrition and hydration will have one of the following consequences:

(1) They will not maintain the pregnant patient in such a way as to permit the continuing development and live birth of the unborn child.

(2) They will be physically harmful to the pregnant patient.

(3) They will cause pain to the pregnant patient which cannot be alleviated by medication.

MEDICAL COMMAND PHYSICIAN RESPONSIBILITIES

§ 1051.81. Medical command physician responsibilities.

(a) *Compliance with out-of-hospital DNR order.* If a medical command physician is in contact with a prehospital practitioner when the prehospital practitioner is attending to a patient in cardiac or respiratory arrest and the prehospital practitioner is made aware of an out-of-hospital DNR order for the patient by examining an out-of-hospital DNR order, bracelet or necklace, the medical command physician shall honor the out-of-hospital DNR order. If appropriate, the medical command physician shall direct the prehospital practitioner to provide other medical interventions within the practitioner's scope of practice to provide comfort to the patient and alleviate the patient's pain, unless the prehospital practitioner is otherwise directed by the patient.

(b) *Prehospital practitioner uncertainty.* If a medical command physician is in contact with a prehospital practitioner when the prehospital practitioner is attending to a patient in cardiac or respiratory arrest and the prehospital practitioner communicates uncertainty as to whether an out-of-hospital DNR order for the patient has been revoked, the medical command physician shall ask the prehospital practitioner to explain the reason for the uncertainty. Based upon the information provided, the medical command physician shall make a good faith assessment of whether the described circumstances constitute a revocation, and then direct the prehospital practitioner to withdraw or continue CPR based upon whether the physician determines that the out-of-hospital DNR order has been revoked or not revoked.

(c) *Pregnant patient.* If a medical command physician is in contact with a prehospital practitioner when the prehospital practitioner is attending to a pregnant patient in cardiac or respiratory arrest, and the prehospital practitioner is made aware of an out-of-hospital DNR order for the pregnant patient by examining an out-of-hospital DNR order, bracelet or necklace for the patient, and appraises the medical command physician of the out-of-hospital DNR order, the medical command physician shall direct the prehospital practitioner to ignore the out-of-hospital DNR order unless the medical command physician has knowledge that the patient's attending physician and a second physician who is an obstetrician had examined the patient, and both certified in the patient's medical record that, to a reasonable degree of medical certainty, life-sustaining treatment, nutrition, hydration and CPR will have one of the following consequences:

- (1) They will not maintain the pregnant patient in such a way as to permit the continuing development and live birth of the unborn child.
- (2) They will be physically harmful to the pregnant patient.
- (3) They will cause pain to the pregnant patient which cannot be alleviated by medication.

(d) *Inconsistencies.* Subsections (a) and (b) apply when the patient is a pregnant patient, except to the extent they are inconsistent with subsection (c).

ORDERS, BRACELETS AND NECKLACES FROM OTHER STATES

§ 1051.101. Recognition of other states' out-of-hospital DNR orders.

(a) *Validity of orders, bracelets and necklaces from other states.* An out-of-hospital DNR order, bracelet or

necklace valid in a state other than this Commonwealth is effective in this Commonwealth to the extent the order, bracelet or necklace is consistent with the laws of this Commonwealth.

(b) *Department acceptance.* The Department will review the applicable laws of other states, and the out-of-hospital DNR orders, bracelets and necklaces provided in other states, and list in a notice in the *Pennsylvania Bulletin* the states that provide out-of-hospital DNR orders, bracelets and necklaces that are consistent with the laws of the Commonwealth. The notice will also include, for each state listed, a description of the out-of-hospital DNR order, bracelet and necklace the state issues consistent with the laws of the Commonwealth. The Department will update the list and descriptions, as needed, in a superseding notice in the *Pennsylvania Bulletin*.

(c) *Compliance by EMS providers.* An EMS provider shall comply with §§ 1051.51, 1051.52, 1051.61 and 1051.81 when encountering a patient with an apparently valid out-of-hospital DNR order, bracelet or necklace issued by another state listed in a notice in the *Pennsylvania Bulletin* issued under subsection (b).

[Pa.B. Doc. No. 03-1744. Filed for public inspection September 5, 2003, 9:00 a.m.]

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

CRNP Prescriptive Authority Fees

The State Board of Nursing (Board) proposes to amend § 21.253 (relating to fees) by implementing certain application and renewal fees for certified registered nurse practitioners who wish to prescribe and dispense drugs, to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The proposed amendment is authorized under section 11.2(a) and (d) of the Professional Nursing Law (act) (63 P. S. § 221.2(a) and (d)).

Background and Purpose

Under the act of December 9, 2002 (P. L. 1567, No. 206), the final-form rulemaking jointly promulgated by the State Boards of Medicine and Nursing, at 30 Pa.B. 5943 (November 18, 2000), established that qualified CRNPs may prescribe and dispense drugs under section 8.3 of the Professional Nursing Law (63 P. S. § 218.3) and §§ 21.283—21.287 (relating to CRNP practice). A CRNP may not prescribe and dispense drugs without prior approval by the Board. CRNPs wishing to prescribe drugs are required to apply for prescriptive authority approval by submitting an application to the Board demonstrating successful completion of not less than 45 hours of coursework in advanced pharmacology and a signed, written collaborative agreement between the prescribing

CRNP and a supervising physician. See §§ 21.283(2) and 21.285 (relating to prescribing and dispensing drugs; and collaborative agreement). Successful applicants are issued prescriptive authority approval.

Sections 11.2(a) and (d) of the act require the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the actual cost of providing the service forms the basis for the fee. Actual cost calculations are based upon the following formula:

$$\begin{array}{r} \text{Number of minutes to perform the function} \\ \times \\ \text{Pay rate for the classification of the personnel performing} \\ \text{the function} \\ + \\ \text{A proportionate share of administrative overhead} \end{array}$$

As a result of the regulations providing for prescriptive authority, the Board proposes to implement three new fees for the application for prescriptive authority, each additional collaborative agreement for prescriptive authority and biennial renewal of prescriptive authority. The application and additional collaborative agreement fees are proposed to reflect the actual cost of providing these services. The biennial renewal fee will ensure that the current revenues raised by fees, fines and civil penalties are sufficient to meet projected expenditures and that adequate revenues are raised to meet the required enforcement efforts, as the Board is required by law to support its operations from revenue it generates from fees, fines and civil penalties.

In this proposal, fees for the services identified would be implemented to allocate costs to those who use the service or application. The Board would continue to apportion its enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenues and expenditures.

Description of Proposed Amendments

The following table outlines the affected application fees and proposed changes:

<i>Application/Service</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
Application for prescriptive authority	none	\$90
Additional collaborative agreement for prescriptive authority	none	\$75
Biennial renewal of prescriptive authority	none	\$50

Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The proposed amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)), if IRRC has comments, recommendations or objections regarding any portion of the proposed rulemaking, it will notify the Board approximately 30 days from the close of the public comment period. The notification will specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of comments, recommendations and objections by the Board, the General Assembly and the Governor prior to publication of the regulations.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Ann Steffanic, Administrative Assistant, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5116 (Prescriptive Authority Fees) when submitting comments.

JANET HUNTER SHIELDS, MSN, CRNP, CS,
Chairperson

Fiscal Note: 16A-5116. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

GENERAL PROVISIONS

§ 21.253. Fees.

The following fees are charged by the Board:

	* * * * *	
Application for prescriptive authority.....		\$90
Each additional collaborative agreement for prescriptive authority		\$75
Biennial renewal of prescriptive authority ...		\$50

[Pa.B. Doc. No. 03-1745. Filed for public inspection September 5, 2003, 9:00 a.m.]

STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]

Continuing Education, Fees, Certification to Treat Glaucoma

The State Board of Optometry (Board) proposes to amend §§ 23.82, 23.86 and 23.91 (relating to continuing education hour requirements; sources of continuing education hours; and fees) and to add § 23.205 (relating to application procedure) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin* and would apply to continuing education credits earned during the 2002–2004 biennial renewal period.

Statutory Authority

Section 3(b)(12) of the Optometric Practice and Licensure Act (act) (63 P. S. § 244.3(b)(12)) authorizes the Board to approve continuing education. Section 3(b)(14) of the act authorizes the Board to “promulgate all rules and regulations necessary to carry out the purposes of this act.” Section 4.2 of the act (63 P. S. § 244.4b) authorizes the Board to certify licensees to treat glaucoma.

Background and Need for the Proposed Rulemaking

The General Assembly amended the act to provide for therapeutically certified optometrists to be certified to treat certain types of glaucoma. As the State agency charged with approving the qualifications of optometrists, the Board proposes to adopt an application procedure for the certification to treat glaucoma. The proposed rulemaking would conform the Board’s continuing education requirements to the continuing education requirements in section 4.2 of the act. In addition, the proposed rulemaking would add the American Academy of Ophthalmology and its state affiliates to the list of pre-approved providers of optometric continuing education and would provide for an application procedure and fee related to certification to treat certain types of glaucoma.

Description of Proposed Rulemaking

The act authorizes the Board to certify therapeutically-certified optometrists to treat certain types of glaucoma. Optometrists who obtained therapeutic certification under section 4.1(a)(2) of the act (63 P. S. § 244.4a(a)(2)) shall also complete 18 hours of continuing education in glaucoma to obtain certification to treat glaucoma. Proposed § 23.205 mirrors these statutory requirements.

The act also provided that, to continue to treat glaucoma, optometrists certified to treat glaucoma must obtain 4 hours in the study of the prescription and administration of pharmaceutical agents for the treatment of glaucoma biennially. Proposed § 23.82 mirrors this requirement. In addition, because continuing education in glaucoma is a subset of continuing education in therapeutics, the Board’s proposed rulemaking clarifies that the 4 hours taken in the treatment of glaucoma may be applied toward the 6 hours required to maintain therapeutic certification. Finally, because 18 hours of continuing education are required of applicants who were therapeutically certified under section 4.1(a)(2) of the act, the Board’s proposed rulemaking clarifies that those 18 hours shall apply to the 30-hour continuing education require-

ment for the biennial period in which the hours are completed, including the 6-hour requirement in therapeutics and the 4-hour requirement in glaucoma.

Proposed § 23.86 adds the American Academy of Ophthalmology and its state affiliates to the list of pre-approved providers of optometric continuing education because these organizations consistently offer high-quality continuing education courses relevant to the practice of optometry.

Proposed § 23.91 provides for the fee for administrative processing of the application for certification to treat glaucoma. The fee is based on actual staff time to process the application and provide for printing and mailing a license indicating the optometrist is certified to treat glaucoma.

Because the proposed rulemaking effectuates amendments to the act, the Board did not send the text of the proposed rulemaking to interested parties for the predraft comment. The proposed rulemaking was developed at an open meeting of the Board on December 17, 2002, and comments were received from the Executive Director of the Pennsylvania Optometric Association.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should have only minimal fiscal impact on licensees, who will be required to pay an application fee and may be required to complete 18 hours of continuing education on glaucoma to obtain certification to treat glaucoma. There is no fiscal impact on the Board, the private sector, the general public or any political subdivisions. The proposed rulemaking will create only minimal additional paperwork for the Board in processing applications to treat glaucoma and will not create additional paperwork for the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2003, the Board submitted a copy of these proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has comments, recommendations or objections regarding any portion of the proposed rulemaking, it will notify the Board approximately 30 days from the close of the public comment period. The notification will specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of comments, recommendations and objections by the Board, the General Assembly and the Governor prior to publication of the regulations.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Deborah Smith, Board Administrator, State Board of Optometry, P. O. Box 2649, Harrisburg, PA, 17105, within 30 days following publica-

tion of this proposed rulemaking in the *Pennsylvania Bulletin*.

STEVEN J. RETO, O.D.,
Chairperson

(Editor's Note: A proposal to amend § 23.82 remains outstanding at 33 Pa.B. 1118 (March 1, 2003).)

Fiscal Note: 16A-5211. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 23. STATE BOARD OF OPTOMETRY CONTINUING EDUCATION

§ 23.82. Continuing education hour requirements.

(a) An applicant for biennial license renewal or reactivation of license is required to complete, during the 2 years preceding renewal or reactivation, a minimum of 30 hours of continuing education. For licensees certified in accordance with section 4.1 of the act (63 P. S. § 244.4a) [and §§ 23.201 and 23.202 (relating to qualifications for certification; and application procedure)], regarding certification to prescribe and administer pharmaceutical agents for therapeutic purposes, at least 6 of the required 30 hours shall concern the prescription and administration of pharmaceutical agents for therapeutic purposes. For licensees certified in accordance with section 4.2 of the act (63 P. S. § 244.4b), regarding additional requirements to prescribe and administer pharmaceutical agents for the treatment of certain types of glaucoma, at least 4 of the 30 hours shall concern the prescription and administration of pharmaceutical agents for the treatment of glaucoma. The 4 hours taken in the treatment of glaucoma may be applied toward the 6 hours required to maintain therapeutic certification; however, all licensees shall complete at least 30 total hours. Completion of a Board-approved course described in [§ 23.201(b)(1) (Reserved)] section 4.1(a)(2) of the act or continuing education described in section 4.2 of the act shall satisfy the continuing education requirement for the biennial renewal period in which it is completed including the 6-hour requirement in therapeutics and the 4-hour requirement in glaucoma.

* * * * *

§ 23.86. Sources of continuing education hours.

(a) In addition to another provider which wishes to secure approval from the Board, the Board finds that the following providers have currently met the standards for provider approval for all acceptable courses of continuing

education; accordingly, the following providers have program approval in all allowable areas for continuing education: the American Optometric Association, The Pennsylvania Optometric Association, all Board-accredited schools and colleges of optometry, the Optometric Extension Program, [and] The American Academy of Optometry and its state affiliates and the American Academy of Ophthalmology and its state affiliates. The approval given to these providers is subject to reevaluation[; however a]. A rescission of provider or program approval will be made only in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

* * * * *

FEES

§ 23.91. Fees.

The following is the schedule of fees for services charged by the Board:

* * * * *

Application for certification to treat glaucoma..... \$25

CERTIFICATION TO TREAT GLAUCOMA

§ 23.205. Application procedure.

An applicant for certification to treat glaucoma under section 4.2 of the act (63 P. S. § 244.4b) shall submit to the Board a completed application obtained from the Board together with the certification fee required by § 23.91 (relating to fees), and one of the following.

(1) A signed verification attesting that the licensee obtained therapeutic certification by passing the licensure examination to practice optometry. The examination shall include the prescription and administration of pharmaceutical agents for therapeutic purposes (the examination required for therapeutic certification under section 4.1(a)(1) of the act (63 P. S. § 244.4a(a)(1))). The verification shall state the month and year the licensee passed this examination.

(2) A signed verification attesting that the licensee obtained therapeutic certification by passing an examination on the prescription and administration of pharmaceutical agents for therapeutic purposes (the examination required for therapeutic certification under section 4.1(a)(2) of the act and certificates of attendance from Board-approved continuing education courses demonstrating at least 18 hours in glaucoma, completed since December 19, 2002.

[Pa.B. Doc. No. 03-1746. Filed for public inspection September 5, 2003, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 26, 2003.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-25-03	Pebblespring Holding Company (to be renamed Eagle National Bancorp, Inc.), Berwyn, to acquire 100% of the voting shares of Eagle National Bank, Upper Darby	Berwyn	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-03	Firsttrust Savings Bank Conshohocken Montgomery County	The Pavilion No. 207 261 Old York Road Jenkintown Montgomery County	Opened
8-21-03	Sharon Savings Bank Darby Delaware County	1900-02 South St. Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-25-03	Freedom Credit Union, Philadelphia, and Montco Teachers Federal Credit Union, Willow Grove Surviving Institutions— Freedom Credit Union, Philadelphia	Philadelphia	Approved

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-1747. Filed for public inspection September 5, 2003, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Request for Qualified Contractors

Retention of a Surveying/Engineering Firm Project Reference No. FDC-500-903

The Department of Conservation and Natural Resources (Department) will retain two surveying firms or surveying/engineering firm for a contract for various

engineering surveys located throughout this Commonwealth. The services will encompass topographic and cross-sectional surveys of construction sites at various State parks and/or State forests to supply the design and engineering staff of the Bureau of Facility Design and Construction the data needed to construct or repair various buildings, roadways, bridges and other structures.

Other services may encompass surveys of new or existing State forest or State park boundary lines. These services will include courthouse research of adjoining ownerships, preliminary field surveys, computation of final lines and corners, establishment or reestablishment of monuments and marking boundary.

General Requirements and Information

Letters of interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of surveying.

The surveying and/or engineering firms shall have the capability of providing survey crews of either two or three persons when requested by the Department. Survey crews shall report to project sites within 7 days of notification by the Department. Firms will be responsible for providing their own survey instruments, such as transits, levels, electronic distance measuring devices and all necessary support equipment. Also, all materials such as stakes, markers, field books, and the like, will be furnished by the selected firms.

Information Concerning Socially and Economically Restricted Businesses (SERBs)

SERBs are small businesses whose economic growth and development have been restricted based on social and economic bias. These small businesses are Bureau of Contract Administration and Business Development (BCABD)-certified minority- and women-owned businesses, other disadvantaged businesses and businesses whose development has been impeded because their primary or headquarters facilities are physically located in areas designated by the Commonwealth as being Designated Enterprise Zones. A small business will not be considered socially/economically restricted if it has gross annual revenues of \$8 million (\$18 million for those businesses in the information technology sales or services business) or more, is dominant in its field of operation or employs more than 100 persons.

A company and its affiliates have achieved success and are graduated from this State-sponsored program when its gross annual revenues are \$8 million (\$18 million for those businesses in the information technology sales or service business) or more. Other small business in which an owner of the graduated firm has a financial interest or control over, either directly or through family members, will not qualify for SERB status. Control is defined as the power, whether or not exercised, to direct or cause the direction of the management and policies of a firm, whether through the ownership of voting shares, by contract or otherwise, or through the making of day-to-day as well as major decisions in matters of policy, management and operations. A determination of control shall include, but shall not be limited to, the following factors: capital investment and all other financial, property, acquisition, contract negotiation and legal matters; officer-director-employee selection and comprehensive hiring, operating responsibility, cost-control matters and income and dividend matters; financial transactions; and rights of other shareholders or joint partners.

Contractors and others seeking to identify businesses for joint venture and subcontracting opportunities are encouraged to contact the Department of General Services, Bureau of Contract Administration and Business Development, Room 613, North Office Building, Harrisburg, PA 17125, (717) 787-6708, fax (717) 772-0021, gs-cabdinternet@state.pa.us, website www.dgs.state.pa.us, DGS Keyword "BCABD."

SERB Information

To receive credit for being a SERB, entering into a joint venture agreement with a SERB or subcontracting to a SERB (including purchasing supplies and/or services through a purchase agreement), a company must include

proof of SERB qualification in the SERB portion of the proposal:

1. SERBs qualifying as a result of MBE/WBE certification from BCABD must provide their BCABD certification number or a photocopy of their BCABD certificate.
2. SERBs qualifying as a result of having their headquarters located in an enterprise Zone must provide proof of this status, including proof of the location of their headquarters (such as a lease or deed) and confirmation of the enterprise zone in which they are located (obtained from their local enterprise zone office). More information on the locations of enterprise zones can be obtained by calling the Department of Community and Economic Development (DCED), (717) 720-7409, fax (717) 787-4088, akartorie@state.pa.us.
3. SERBs qualifying as disadvantaged businesses certified by the Small Business Administration must submit proof of Small Business Administration Certification.
4. Companies claiming SERB status, whether as a result of BCABD certification, Small Business Administration certification as a disadvantaged business or the location of their headquarters in an enterprise zone, must submit proof that their gross annual revenues are less than \$8 million (\$18 million for those businesses in the information technology sales or services business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, the SERB portion of the proposal should include the following information:

1. The name and telephone number of the project contact person for SERBs.
2. The company name, address and telephone number of the prime contact person for each specific SERB business included in the proposal. The SERB businesses to which commitments are made must be specified. Credit will not be received by stating a SERB will be found after the contract is awarded or by listing several companies and stating one will be selected later.
3. The specific work, goods, or services the SERBs will perform or provide.
4. The location where the SERBs will perform these services.
5. The timeframe for the SERBs to provide or deliver the goods or services.
6. The amount of capital, if any, the SERB will be expected to provide.
7. The form and amount of compensation each SERB will receive. In the SERB information portion of the proposal, provide the estimated dollar value of the contract to each SERB.
8. The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the SERBs.
9. In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the SERB portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the SERB portion of the proposal.

The SERB portion of the proposal must be identified as SERB information and bound and sealed separately from the remainder of the proposal. Only one copy of the SERB section is needed.

The dollar value ratio designated for SERB commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal or included in the bound and sealed envelope.

The selected contractor's SERB commitment amount, name of SERB and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

SERB Participation

The following options will be considered as part of the final criteria for selection:

- Priority Rank 1. Proposals submitted by SERBs.
- Priority Rank 2. Proposals submitted from a joint venture with a Commonwealth-approved SERB as a joint venture partner.
- Priority Rank 3. Proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERBs. Each approach will be evaluated, with option number one receiving the greatest value and the succeeding options receiving values in accordance with the listed priority ranking.

SERB Contract Requirements

Contracts containing SERB participation must also include a provision requiring the contractor to meet and maintain those commitments made to SERBs at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the contracting Commonwealth agency upon recommendation by the BCABD. Contracts containing SERB participation must include a provision requiring SERB contractors and SERBs in a joint venture to incur at least 50% of the cost of the subcontract or SERB portion of the joint venture, not including materials.

Commitments to SERBs made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Any proposed change must be submitted to the BCABD, which will make a recommendation as to a course of action to the contracting officer.

If a contract is assigned to another contractor, the new contractor must maintain the SERB participation of the original contract.

The contractor will complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the agency that awarded the contract and the Bureau of Contract Administration and Business Development within 10 workdays at the end of each quarter the contract is in force. If there was no activity, the form must also be completed stating "No activity in this quarter." This information will be used to determine the actual dollar amount paid to SERB subcontractors, suppliers and joint ventures. Also, it is a record of fulfillment of the commitment the firm made and for which it received SERB points.

Equal Employment Opportunity and contract compliance statements referring to company Equal Employment Opportunity policies or past contract compliance practices do not constitute proof of SERB status or entitle a proposer to receive credit for SERB utilization.

Additional Information and Requirements

The selected firms must gather site data sufficient to prepare drawings with contour intervals as small as 1 foot. Field data will be gathered by use of electronic data collectors. Data will be in AutoCAD format when turned over to the Department. Submission of digital point data will also be required.

Boundary work will typically be closed loop traverse with lineal accuracy of 1 foot to 5,000 feet or better and an angular accuracy of 30 seconds (30") times the square root of the number of setups or 8 seconds (8") per setup, whichever is less. Courthouse research will entail gathering information on adjoining landowners sufficient to accurately locate boundary on the ground. The Commonwealth's ownership and prior survey data will be provided by the Department. Preliminary work may be subject to review by the Department. Final boundaries will be marked to Department specifications. All information on the project, including field notes, computations, survey map and research information, shall be turned over to the Department at the conclusion of each project. Firms will meet with a representative of the Department at the conclusion of the project to familiarize the Department's representative with the location of the new boundary.

A standard Department of General Services (DGS) Form 150-ASP must accompany the proposal and shall indicate the individual in charge of the firm's survey operations. Form 150-ASP is available by downloading from the DGS website at <http://www.dgs.state.pa.us> under "Forms," "Professional Selections." Form 150-ASP may also be obtained in hard copy or on disk (in Word '97 format only) by contacting the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, pbianchi@exec.gsinc.state.pa.us.

Prospective firms should submit the following:

1. A letter of intent indicating the firm's approach to completing the project.
2. A standard DGS Form 150-ASP.
3. SERB information in a separate sealed envelope.

Travel subsistence payment will be in accordance with the Commonwealth's Travel and Subsistence Reimbursement Rules and Regulations, as amended.

Each proposal must include the firm's Federal identification number and the project reference number. Length of contract will be 1 year, with a renewal option of up to 3 additional years. Proposals will be subject to review by a Technical Review Committee.

The following factors will be considered during evaluation of the firm's proposal. Maximum weights for each major criterion have been established by the Department. The subparagraphs shown within this notice are for the guidance of the readers only and are not to be assigned quantitative weight.

Criteria evaluated by the Technical Review Committee will include:

1. Professional's understanding of the problem as demonstrated in letter of interest.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in letter of interest.

- 5. Equitable distribution of contracts.
- 6. Geographic proximity.
- 7. SERB participation (evaluated by DGS).

Proposers shall relate their proposals to the previous criteria.

Firms interested in performing the required services for this project are invited to submit letters of interest to the Department of Conservation and Natural Resources, Attention: Eugene J. Comoss, Director, Bureau of Facility Design and Construction, 8th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8451. Contact Duane Carson at (717) 783-7945 for general information concerning the work.

One copy of the SERB section, bound and sealed separately from the remainder of the proposal, and six copies of the complete set consisting of the letter of interest and the required forms must be received by 12 p.m. on September 26, 2003. The six copies shall be submitted in six complete sets that shall be spiral bound in folders or secured by binder clips.

It is the intent of the Department to select one firm in the eastern part of this Commonwealth and one firm in the western part of this Commonwealth to assign these services. However, the Department reserves the right to reject all proposals submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selec-

tions. Recommendations made by the Department will be final.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 03-1748. Filed for public inspection September 5, 2003, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Approval of Policies and Procedures

The Department of Education's policies and procedures under the Individual with Disabilities Education Act, Part B, regulatory provisions in 34 CFR 300.121—300.156, were approved by the United States Department of Education. The document is available for public inspection at any school district, intermediate unit or the offices of the Pennsylvania Training and Technical Assistance Network. Copies may be requested by writing to Patty Todd, Department of Education, Bureau of Special Education, 333 Market Street, Harrisburg, PA 17126-0333 or by accessing: http://www.pde.state.pa.us/special_edu/Grants then click "IDEA-B PA Policies and Procedures 2003." Individuals who require this information in an alternate format should call Nancy Zeigler, (717) 783-6134, (TDD) (717) 787-7367.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 03-1749. Filed for public inspection September 5, 2003, 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 contact office noted before the 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 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 any public hearings are 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, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0043892	Utilities Inc. of Maryland 3311 Village Drive North Upper Marlboro, MD 20772	Chester County West Bradford Township	UNT to East Branch of Brandywine Creek	Y
PA0055263	Executive Center Condo Association P. O. Box 376 Fountainville, PA 18923	Bucks County Plumstead Township	UNT to North Branch Neshaminy Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA-0061107 Sewage	Stillwater Sewer Corporation c/o NEPA Management Associates 304 Park Avenue Stroudsburg, PA 18360	Coolbaugh Township, Monroe County	UNT Stillwater Lake (1E)	Yes
PA-0043044	Ringtown Sewer Authority P. O. Box 202 Ringtown, PA 17967	Ringtown Borough Schuylkill County	Dark Run (5E)	Yes
PA-00061671 Sewage	Greenfield Township Sewer Authority P. O. Box 501 Carbondale, PA 18407-0501	Lackawanna County Greenfield Township	Unnamed Tributary to Dundaff Creek (5A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113298 Sewerage Public	Elkland Borough Authority 105 Parkhurst Street Elkland, PA 16920	Tioga County Elkland Borough	Cowanessque River 4A	Y

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

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

PA-0062952, Industrial Waste, SIC Code 3081, **Laminations Inc.**, 1300 Meylert Avenue, Scranton, PA 18509.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Activity: This proposed action is for the renewal of an NPDES permit to discharge 0.055 mgd of no-contact cooling water into the Lackawanna River in Scranton City, Lackawanna County.

The receiving stream, Lackawanna River, is in the State Water Plan watershed No. 05A and is classified for: aquatic life, warm water fish, water supply and recreation. The nearest downstream public water supply intake for Danville Borough Water Authority is located on the Susquehanna River, 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.055 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Instantaneous Maximum
Oil and Grease			15	30
pH	6.0 to 9.0 standard units at all times			

The EPA waiver is in effect.

PA-0029017, Sewage, **Schuylkill Haven Municipal Authority**, 12 West Main Street, Schuylkill Haven, PA 17972-1900.

This proposed facility is located in Schuylkill Haven Borough, **Schuylkill County**.

Description of Proposed Activity: renewal of NPDES permit.

The receiving stream, Schuylkill River, is in the State Water Plan watershed No. 3A and is classified for: cold water fishery. The nearest downstream public water supply intake for Pottstown Water Authority is located on Schuylkill River over 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.8 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5/1 to 10/31)	16		
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean		
(10/1 to 4/30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	0.5		1.76
Color (Pt. Co.)	550	825	1,100

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

1. WETT Monitoring
2. Operation/Implementation Pretreatment Program

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

PA0082791, Industrial Waste, SIC Code 4953, **Chester County Solid Waste Authority**, 7224 Division Highway, Narvon, PA 17555.

This facility is located in Caernarvon Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for a renewal amendment discharge of treated industrial waste.

The receiving stream, the Conestoga River, is in Watershed 7-J, and classified for warm water fisheries, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.07 MGD are:

Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅	85	170	212
Total Suspended Solids	100	200	250

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
NH ₃ -N (May 1 to Oct. 31)	25	50	125
Oct. 1 to Apr. 30)	75	150	187
Phosphorus	4.4	9	11
Fecal Coliform (May 1 to Sept. 30)		200 as a geometric average	
(Oct. 1 to Apr. 30)		3,000 as a geometric average	
pH		6.0 to 9.0	
Total Residual Chlorine	0.5	—	1.6
Total Iron		Monitor	
Dissolved Iron	13	26	32
p-chloro-m-cresol	1.3	2.6	3.2
dichlorobromomethane	0.15	0.3	0.37

Outfall 100: The proposed effluent limits for Outfall 100 based on a design following of 0.05 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD ₅	37	140	175
Total Suspended Solids	27	88	110
NH ₃ -N	4.9	10	12.5
a-terpineol	0.016	0.033	0.041
Benzoic acid	0.071	0.12	0.18
P-Cresol	0.014	0.025	0.035
Phenol	0.015	0.026	0.038
Total Zinc	0.11	0.2	0.28
Total Iron	3.5	—	7.0
pH		6.0 to 9.0	

Outfall 101: The proposed effluent limits for Outfall 101 based on a design following of 0.02 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Iron		Monitor	
Dissolved Iron		Monitor	
Total Aluminum		Monitor	
pH		Monitor	

Outfall 002—008 for Stormwater:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon	Monitor		
Chemical Oxygen Demand		Monitor	
Total Dissolved Solids		Monitor	
NH ₃ -N		Monitor	
NO ₂ + NO ₃		Monitor	
Dissolved Iron		Monitor	
pH		Monitor	
Total Zinc		Monitor	
Total Copper		Monitor	
Total Chromium		Monitor	
Total Cadmium		Monitor	
Total Lead		Monitor	
Total Aluminum		Monitor	
Total Arsenic		Monitor	
Total Cyanide		Monitor	
Total Iron		Monitor	
P-Cresol		Monitor	
a-terpineol		Monitor	

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

The EPA waiver is in effect.

PA0026743, Sewage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17608.

This facility is located in Lancaster City, **Lancaster County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Conestoga River, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The amendment is to include an additional outfall (002A) to reflect a necessary repair to the existing Engleside Diversion Chamber.

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

The EPA waiver is not in effect.

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

PA0228737, Sewage 4952, **Westover Borough**, P. O. Box 199, Westover, PA 16692-0199.

This proposed facility is located in Westover Borough, **Clearfield County**.

Description of Proposed Activity: Applicant is applying for NPDES coverage for treated sewage discharge from 0.051 MGD wastewater treatment plant.

The receiving stream, Chest Creek, is in the State Water Plan watershed 8B and is classified for: CWF. The nearest downstream public water supply intake for PA American Water Company in White Deer is located on West Branch of the Susquehanna River and is 243 miles below the point of discharge.

The propose effluent limits for Outfall 001 are based on a design flow of 0.051 MGD.

Parameter	Average		Maximum	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Daily (mg/l)	Maximum (mg/l)
Flow				Monitor
Fecal Coliform				
(May 1 to September 31)		200/100 mL		
(October 1 to April 30)		2,000/100 mL		
C-BOD ₅	15	40	50	
Total Suspended Solids	30	45	60	
Dissolved Oxygen		3.0 minimum at all times		
pH		within range of 6.0 to 9.0		

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

PA0252468, Industrial Waste, SIC 4941, **Kittanning Suburban Joint Water Authority**, R. R. No. 1, Box 23, Adrian, PA 16210-9712.

This application is for issuance of an NPDES permit to discharge treated backwash water, clarifier sludge, filter-to-waste water and untreated storm water runoff from KSJWA Water Treatment Plant in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is PA-American Water Company, located at Kittanning, 1.14 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.0614 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0098043, Sewage, **Somerset County Industrial Development Authority**, P. O. Box 48, 125 North Center Avenue, Somerset, PA 15552.

This application is for renewal of an NPDES permit to discharge treated sewage from Gnagey's Restaurant and International Trailer, Inc. STP in Elk Lick Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of the Casselman River, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Ohiopyle Borough Waterworks.

Outfall 001: existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen (May 1 to Oct. 31)	6.0			12.0
(Nov. 1 to Apr. 30)	18.0			36.0
Fecal Coliform (May 1 to Sep. 30)	200/100 ml as a geometric mean			
(Oct. 1 to Apr. 30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0098060, Sewage, **Eugene J. Smith, Jr.**, R. D. No. 1, Box 341-J, Lancaster Road, Fombell, PA 16123.

This application is for renewal of an NPDES permit to discharge treated sewage from the Smithwind Mobile Home Park STP in Franklin Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Slippery Rock Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Beaver Falls Municipal Authority.

Outfall 001: existing discharge, design flow of .0022 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen (May 1 to Oct. 31)	2.5			5.0
(Nov. 1 to Apr. 30)	6.0			12.0
Fecal Coliform (May 1 to Sep. 30)	200/100 ml as a geometric mean			
(Oct. 1 to Apr. 30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.06			0.14
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216216, Sewage, **Burgettstown-Smith Township Joint Sewerage Authority**, P. O. Box 358, Atlasburg, PA 15004.

This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Creek Wastewater Treatment Plant in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Raccoon Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Midland Borough Water Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ Day	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (June 1 to Oct. 31)	3.0	4.5		6.0
(Nov. 1 to May 31)	7.0	10.5		14.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (May 1 to Sep. 30)	200/100 ml as a geometric mean			
(Oct. 1 to Apr. 30)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218049, Sewage, **Midway Sewerage Authority**, P. O. Box 600, Midway, PA 15060.

This application is for renewal of an NPDES permit to discharge treated sewage from Midway Sewerage Authority Wastewater Treatment Plant in Robinson Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Robinson Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: West View Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 0.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅ Day	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (May 1 to Sep. 30)	200/100 ml as a geometric mean			
(Oct. 1 to Apr. 30)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252492, Sewage, **Shippingport Borough**, P. O. Box 76, Shippingport, PA 15077.

This application is for issuance of an NPDES permit to discharge treated sewage from Shippingport STP in Shippingport Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Midland Borough Municipal Authority on the Ohio River.

Outfall 001: new discharge, design flow of 0.0985 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅ Day	25			50
Suspended Solids	30			60
Fecal Coliform (May 1 to Oct. 31)	200/100 ml as a geometric mean			
(Nov. 1 to Apr. 30)	2,000/100 ml as a geometric mean			
*Total Residual Chlorine	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

* This parameter shall be effective if chlorination is used for disinfection.

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

PA0239267, Sewage, **Floyd L. McClellan, Jr. SRSTP**, 20871 Ross Road, Corry, PA 16407

This proposed facility is located at Ross Road, Index No. 3-12-39-10, in Concord Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SRSTP serving a single dwelling. Treatment consists of a septic tank, Biotube effluent filter, recirculating crushed boiler slag filter and ultraviolet disinfection.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing downstream potable water supply considered during the evaluation is the Franklin General Authority, located at Franklin, PA, approximately 98 miles below the point of discharge.

The receiving stream, unnamed tributary to the South Branch of French Creek, is in the French Creek watershed 16-A and classified for: CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		
Ultraviolet Light Unit	Monitor and Report on operation		

The EPA Waiver is in effect.

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 0903414, Sewerage, **Girl Scout of Freedom Valley**, 100 Juliette Low Way, P. O. Box 814, Valley Forge, PA 19482-0814.

This proposed facility is located in Haycock and East Rockhill Townships, **Bucks County**.

Description of Proposed Action/Activity: Construction of on-site wastewater treatment facilities to serve existing campground.

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

WQM Permit No. 4003403, Sewerage, **Sand Springs Development Corporation**, 4511 Falmer Drive, Bethlehem, PA 18020.

This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: Construction of a sewer pump station and sewer collection system to serve a residential subdivision known as Sand Springs—A Golf Course Community.

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

WQM Permit No. 5603404, Sewerage, **Deborah J. Miller**, 878 Husband Road, Somerset, PA 15501.

This proposed facility is located in Lincoln Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the Construction and Operation of a Single Residence Sewerage Treatment Plant to serve the Miller Residence.

WQM Permit No. 6303404, Sewerage, **Theodore J. Taylor III**, 608 East McMurray Road, McMurray, PA 15317.

This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for the Construction and Operation of a Sewerage Pumping Station to serve Old Trail Phase 9.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI136117	West Taylor Township 712 Cooper Avenue Johnstown, PA 15906	Cambria	West Taylor Township		Y
PAI136118	South Strabane Township 550 Washington Road Washington, PA 15301	Washington	South Strabane Township		Y
PAI136119	South Connellsville Borough 1503 South Pittsburgh Street Connellsville, PA 15425	Fayette	South Connellsville Borough		Y
PAI136120	Upper Yoder Township 302 Elim Street Johnstown, PA 15905-3199	Cambria	Upper Yoder Township		Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136251	Youngstown Borough P. O. Box 56 Youngstown, PA 15696	Westmoreland	Youngstown Borough		Y
PAG136253	Sewickley Heights Borough Country Club Lane Sewickley, PA 15143	Allegheny	Sewickley Heights Borough		Y
PAI136114	Somerset Township 615 Vanceville Road Eighty Four, PA 15330	Washington	Somerset Township		Y
PAI136118	South Strabane Township 550 Washington Road Washington, PA 15301	Washington	South Strabane Township		Y
PAI136119	South Connellsville Borough 1503 South Pittsburgh Street Connellsville, PA 15425	Fayette	South Connellsville Borough		Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG138324	Wayne Township 1418 Wampum Road Ellwood City, PA 16116	Lawrence	Wayne Township		Y

The following municipalities have submitted information requested by the Department to assist it in determining the need for Municipal Separate Storm Sewer System (MS4) Permits in Potential Urbanized Areas, under 25 Pa. Code § 92.2 and 40 CFR 123.35(b). * Indicates whether the Department has tentatively designated the Municipality's MS4 as a Regulated MS4, requiring an NPDES Phase II permit. Comments are sought on this tentative determination.

<i>Regulated MS4 (Yes/No)*</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Yes	City of Butler 140 West North Street Butler, PA 16001	Butler	City of Butler	Sullivan Run/WWF, Connoquenessing Creek/WWF and Coal Creek/WWF
Yes	City of Meadville 984 Water Street Meadville, PA 16335	Crawford	City of Meadville	French Creek/WWF and Unnamed Tributaries to French Creek/WWF
Yes	City of New Castle 230 North Jefferson Street New Castle, PA 16101-2220	Lawrence	City of New Castle	Mahoning River/WWF, Neshannock Creek/TSF, Shenango River/WWF and Big Run/WWF
No	City of Oil City 21 Seneca Street Oil City, PA 16301	Venango	City of Oil City	Allegheny River/WWF, Oil Creek/WWF, Sage Run/CWF, Cornplanter Run/CWF and Holiday Run/CWF
No	City of Warren 318 West Third Avenue Warren, PA 16365-2388	Warren	City of Warren	Allegheny River/WWF Conewango Creek/WWF

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1503076	Greg Stevens VPRL Inc. Development 2393 Kimberton Road Suite 200 Kimberton, PA 19442	Chester	West Vincent Township	Unnamed Tributary Pickering Creek (HQ-TSF)
PAI01 1503077	Joyce Realty Corporation Joyce Realty Corp. Suites 30 and 31 P. O. Box 3739 Greenville, DE 19807-0739	Chester	Westtown Township	Hunter's Run (HQ-TSF)
PAI01 1503078	SHC, Inc./Cannon Custom Homes Lewis Tract 300 S. Pennell Rd., Suite 400 Glen Riddle, PA 19037	Chester	East Nottingham Township	West Branch Big Elk Creek (HQ-TSF-MF)
PAI01 1503079	Great Valley School District Bacton Hill Rd. Athletic Fields 47 Church Road Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek (EV)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903029	Nic Zawarski and Sons Developers 1441 Linden St. Allentown, PA 18018	Lehigh	South Whitehall Twp.	Little Lehigh Creek HQ-CWF
PAI023903030	Realen Homes, LP 1040 Stoney Hill Rd. Ste. 100 Yardley, PA 19067	Lehigh	Lower Macungie Twp.	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803022	James Carty 619 East Lawn Rd. Nazareth, PA 18064	Northampton	Bushkill Twp.	Bushkill Creek HQ-CWF
PAI024803023	Walter Smerconish Main Street Group, Inc. 3359 Durham Road Doylestown, PA 18901	Northampton	Hanover Twp.	Monocacy Creek HQ-CWF

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

MS4 Notices of Intent Received

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136253	Sewickley Heights Borough Country Club Lane Sewickley, PA 15143	Allegheny	Sewickley Heights Borough		Y

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 after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Thunderbird Terrace Mobile Home Court, Dover Township, **York County**. Environmental Products & Services, Inc., 5140 Paxton Street, Harrisburg, PA, 17111, on behalf of Property Management, Incorporated (PMI), 1300 Market Street, Suite 201, Lemoyne, PA 17043, submitted a Notice of Intent to Remediate site soils contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record and York Dispatch* on August 15, 2003.

Lettich Radiator, Borough of Gratz, **Dauphin County**. Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Lettich Radiator, 638 East Main Street, Gratz, PA 17030, submitted a Notice of Intent to Remediate site soils contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Upper Dauphin Sentinel* on August 12, 2003.

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

Farmers Valley Wax Plant, Keating Township, **McKean County**. Dayne M. Crowley, PG (on behalf of Honeywell, Inc., P. O. Box 3367, Smethport, PA 16749) has submitted a Notice of Intent to Remediate Soil and Groundwater contaminated with Lead, Heavy Metals, BTEX, PHCs, PAHs and Solvents. The applicant proposes to remediate the site to meet the Statewide Health and Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on July 15, 2003.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of June 28, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Abington Memorial Hospital, 1200 Old York Road, Abington, PA 19001. License No. PA-HC0095. Received on August 4, 2003.

Onyx Waste Services, Inc., P. O. Box O, Rt. 219 North, Brockway, PA 15824. License No. PA-AH0199. Received on August 4, 2003.

Weavertown Transport Leasing, Inc., 201 South Johnson Road, Houston, PA 15342. License No. PA-AH0020. Received on July 11, 2003.

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 regu-

lated 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

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

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

01-05023A: Carmeuse Lime, Inc. (11 Stanwix Street, Pittsburgh, PA 15222) for modifying the fuel oil fired in their three lime kilns controlled by wet scrubbers at the Hanover Lime plant in Oxford Township, **Adams County**.

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

61-007B: IA Construction Corp.—Franklin Plant (Route 8 and Route 62, Franklin, PA 16323) to modify existing permit 61-007A by replacing burner, dryer, baghouse, including exhaust fan and automatic damper at

their Franklin Hot Mix Asphalt Plant in Sugar Creek Township, **Venango County**. The plant will increase rated capacity from 180 tons to 400 tons per hour. Alternative fuels: Reprocessed Fuel No. 5, No. 2 Fuel Oil, Liquid Propane and Natural Gas will be burned.

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

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

23-0059: Lyondale Chemical Corp. (3801 West Chester Pike, Newtown Square, PA 19073-2387) for installation of R and D Propylene Oxide Pilot Plant and a Flameless Thermal Oxidizer their facility in Newtown Township, **Delaware County**. This facility is a non-Title V facility. The Plan Approval will contain record keeping, operating and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

15-0094: Metallurgical Products Co., Inc. (810 Lincoln Avenue, West Chester, PA 19380) for installation of a Baghouse and upgrades to the vent hoods for the copper alloying process at their facility in West Goshen Township, **Chester County**. This facility is a non-Title V facility. The Plan Approval will contain recordkeeping conditions, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

48-303-007A: Eastern Industries, Inc.—Bethlehem Blacktop Plant (4401 Camp Meeting Rods, Suite 200, Center Valley, PA 18034) for modification of a batch asphalt plant to allow the combustion of alternate fuels, specifically to allow the use of recycled fuel oil, No. 2 fuel oil and natural gas at their facility in the City of Bethlehem, **Northampton County**. The facility is a non-Title V facility. The particulate emissions from the plant are controlled by a fabric collector. The particulate emission rate from the fabric collector will be less than 0.04 grain/dscf. The plan approval will contain operating restrictions, monitoring, reporting and recordkeeping requirements designed to keep the source operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

31-03032: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for installation and operation of a limestone crushing and screening plant at their Canoe Valley Aggregate Facility in Morris Township, **Huntingdon County**. A diesel engine operated generator will supply electric to power the plant. Particulate emissions will be controlled by wet suppression. Potential particulate emissions have been estimated to be 69.15 tons/year. Actual emissions are not expected to exceed 16.0 tons/year. Potential NOx emissions have been estimated to be 146.1 tons/year. Actual NOx emissions will be

limited to less 33.35 tons/year. This installation is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval will include an annual hourly operating limit for the diesel engine generator, emission limitations, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

PUBLIC HEARINGS

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

13-308-104: Horsehead Resource Development Company Inc. (900 Delaware Avenue, Palmerton, PA 18071) for modification to their existing Kiln No. 1 to allow the kiln to operate either as Waelzing or Calcine kiln and to install two silos with bin vents at their facility in Palmerton Borough, **Carbon County**.

The Department will hold a public hearing on October 7, 2003, at 7 p.m. at the West End Fire Company No. 2, 855 Princeton Avenue, Palmerton, PA to take testimony concerning the Plan Approval application.

An emergency generator will also be installed. Particulate emissions, including PM10, will not exceed 0.0028 grain/dscf (1.35 lbs/hr) from kiln No. 1 and the kiln will not operate more than 7,884 hours/year (12-month rolling sum). Particulate emissions from the bin vents shall not exceed 0.01 grain/acf. The emergency generator will not operate more than 100 hours/year (12-month rolling sum). With the modification of Kiln No. 1 and associated sources, the annual emission increases above the 2000/2001 base-line from the facility shall not exceed the following:

<i>Pollutant</i>	<i>Tons/Year (TPY) (12-month rolling sum)</i>
Total Particulate (including PM10)	7.07
SOx	7.10
NOx	33.05
VOC	29.73
CO	96.65
Lead	0.14

The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. This Plan Approval No. 13-308-104 will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Those wishing to present testimony during the hearing should contact Mark Carmon, Community Relations Coordinator, (570) 826-2035 by October 6, 2003, to register.

Those unable to attend the hearing, but wishing to comment, should provide written comment to Thomas DiLazaro, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 on or before October 7, 2003.

Copies of the Plan Approval Application are available for review from 8 a.m. to 4 p.m. in the Department's office, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Persons with disabilities who wish to attend the hearing who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Chris Domashinski, (570) 826-2101 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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. Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05072: Mount Joy Wire Corp. (1000 East Main Street, Mount Joy, PA 17552) for operation of a steel wire manufacturing facility in Mount Joy Borough, **Lancaster County**. The facility's major operations include the cleaning, drawing, patenting, hardening and plating of steel wire, which primarily emit Hydrochloric Acid (HCL). The Title V operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This action is a renewal of the facility's Title V operating permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Program Manager, (570) 327-0512.

49-00001: Mount Carmel Cogeneration, Inc. (P. O. Box 409 Marion Heights Road, Marion Heights, PA 17832). Under 25 Pa. Code §§ 127.521 and 127.541, the Department intends to issue a revised Title V Operating Permit to Mt. Carmel Cogeneration Inc. for their cogeneration facility in Mount Carmel Township, **Northumberland County**. In accordance with 25 Pa. Code § 127.541, this Title V Operating Permit revision is to include Title IV, Phase II (acid rain) requirements as specified in 40 CFR Part 72 into their Title V operating permit. This facility is also subject to the Acid Rain Requirements of 25 Pa. Code § 127.531. Phase II is a continuation of the Acid Rain Program and it became effective on January 1, 2000, for SO₂ and NOx. The Title IV, Phase II permit authorizes the permittee to purchase sulfur oxide allowances for the facility's 623.5 MMBTU/hr circulating fluidized bed boiler (Source ID 031). The revised Title V operating permit includes all applicable requirements including monitoring, recordkeeping and reporting.

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

24-00131: SGL Carbon Corp.—St. Marys Plant (900 Theresia Street, St. Marys, PA 15857) in St. Marys Borough, **Elk County** to reissue a Title V Operating Permit. The permit is being re-issued for a new 5 year term. The permit is also being amended to incorporate conditions from Plan Approval Numbers PA-24-131D, PA-24-131F and PA-24-131G.

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

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

46-00024: McNeil Consumer and Specialty Pharmaceutical (7050 Camp Hill Road, Fort Washington, PA 19034) for operation of a pharmaceutical preparation plant in Whitemarsh Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The facility has elected to cap their Volatile Organic Compounds, Nitrogen Oxide and Particulate Matter emissions to Minor Source threshold levels (less than 25 tons per year each) to remain a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

67-05076: Eisenhart Wallcoverings Co. (400 Pine Street, Hanover, PA 17331) for operation of their wallpaper manufacturing facility in Hanover Borough, **York County**. The facility emissions of SO₂, NO_x, CO and PM-10 will each be limited to less than 100 TPY. The facility VOC emissions will be limited to less than 50 TPY. Facility emissions of individual and aggregate HAPs will be limited to less than 10 TPY and 25 TPY, respectively. The State-only operating permit will include testing, monitoring, recordkeeping and reporting requirements, emission restrictions, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

49-00019: Sunoco Partners Marketing & Terminals L. P.—Northumberland Terminal (1801 Market St., 19/10 PC, Philadelphia, PA 19103) for their petroleum bulk storage and distribution facility in Point Township, **Northumberland County**. The facility's main sources include a six storage tanks and two loading racks. The facility has taken restrictions to limit potential volatile organic compounds and hazardous air pollutants emissions below Title V thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00015: SMC Powder Metallurgy (Route 6, West Galeton, PA 16922) for their powdered metal parts manufacturing facility in Pike Township, **Potter County**. The facility's main sources include ten sintering furnaces and has the potential to emit sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM₁₀), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

32-00364: Rosebud Mining (301 Market Street, Kittinging, PA 16201) for operation of a coal stockpile and screen plant at Josephine No. 3 Deep Mine in Center Township, **Indiana County**.

03-00212: Parkwood Resources, Inc. (740 Overview Drive, Shelocta, PA 15774) for operation of a coal processing plant in South Bend Township, **Armstrong 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); and 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 the 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 the 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 same address 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 to the previous, 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 the 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 those requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; 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; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

33960109 and NPDES Permit No. PA 0227331. TDK Coal Sales, Incorporated (P. O. Box 259, Brockway, PA 15824). Revision to an existing bituminous surface strip and auger operation in Union Township, **Jefferson County** affecting 157.4 acres. Receiving streams: Unnamed tributary to Little Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a land use change from forestland to pastureland/land occasionally cut for hay on lands of Terry D. Monks. Application received: August 18, 2003.

33030109 and NPDES Permit No. PA 0242446. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Commencement, operation and restoration of a bituminous surface strip in Winslow Township and Reynoldsville Borough, **Jefferson County** affecting 34.0 acres. Receiving streams: One unnamed tributary to Soldier Run and Soldier Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application to include a land use change from forestland to pastureland or land occasionally cut for hay on lands of Russell Smith et ux. Application received: August 13, 2003.

10980103 and NPDES Permit No. PA 0227692. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Slippery Rock and Cherry Townships, **Butler County** affecting 101.1 acres. Receiving streams: Unnamed tributary to McDonald Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: August 21, 2003.

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

63980101 and NPDES Permit No. PA0202151. David Breeden Enterprises, Inc. (P. O. Box 89, 151 West Forth Ave., Tarentum, PA 15084-0089). Renewal application for operation and reclamation of an existing bituminous surface mine, located in Somerset Township, **Washington County** affecting 173 acres. Receiving

streams: unnamed tributaries to Pigeon 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: August 18, 2003.

65030102 and NPDES Permit No. PA0250465. Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 15610). Application for commencement, operation and reclamation of a bituminous surface mine located in Ligonier Township, **Westmoreland County**, affecting 71.4 acres. Receiving streams: unnamed tributary to Loyalhanna Creek and Fourmile Run, classified for the following use: TSF. The first potable water supply intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. Application received: August 12, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17813093 and NPDES Permit No. PA 0609609. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650. Transfer and renewal of an existing bituminous surface mine, coal refuse disposal, coal preparation plant/processing facility and fly ash disposal permit, located in Lawrence Township, **Clearfield County** affecting 112.5 acres. The transfer is from Sky Haven Coal, Inc. Receiving streams: unnamed tributaries to Wolf Run, Lick Run and the Susquehanna River. Application received: July 22, 2003.

17990119 and NPDES Permit No. PA 0242748. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650. Transfer of an existing bituminous surface mine permit from Laurel Energy, LP, located in Woodward Township, **Clearfield County** affecting 83.3 acres. Receiving streams: unnamed tributaries of Goss Run to Goss Run to Beaver Run to Moshannon Creek to West Branch of the Susquehanna River. Application received: July 24, 2003.

17860140 and NPDES Permit No. PA 0115673. Waroquier Coal Company, P. O. Box 128, Clearfield, PA 16830. Major revision to an existing bituminous surface mine permit for a Change in Land Use from forestland to land occasionally cut for hay. The permit is located in Beccaria Township, **Clearfield County** and affects 323 acres. Receiving streams: unnamed tributaries to Cofinan Run and unnamed tributaries to Muddy Run. Application received: August 6, 2003.

Noncoal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

08030804. Brian M. Edsall, R. R. 2, Box 94A, Towanda, PA 18848. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone/Flagstone) permit in Asylum Township, **Bradford County** affecting 5 acres. Receiving streams Bennetts Creek, tributary to Susquehanna River. Application received: August 18, 2003.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department of Environmental Protection (Department) gives notice of an unsolicited proposal received from L & J Equipment Company, Mt. Braddock, PA, to reclaim an abandoned surface mine in Georges Township, Fayette County. The Department intends to enter into negotiations with L & J Equipment Company, Inc. to contract for site reclamation, if funding is available.

The project, CRF 006-101.1, involves reclamation of two abandoned coal refuse piles abandoned by White Rock Fuel Company where the Department under Permit Number SMP 26830701 collected bonds.

L & J Equipment Company, Inc. proposes to revegetate about 16 acres. All areas will be regraded to promote surface drainage and provide integration with surrounding unmined areas.

All interested parties should send comments to Richard L. Joyce, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m. on September 30, 2003.

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 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 office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users 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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-708. West Chester Area School District, 829 Paoli Pike, West Chester, PA 19380, Westtown Township, **Chester County**, Philadelphia ACOE District.

To construct and maintain the following activities associated with the construction of a new high school AKA Bayard Ruskin High School on a 177 acre parcel locally known as the Marshall Jones Tracts:

1. To drain and fill an existing 0.61-acre farm pond which is located along an UNT to Goose Creek (WWF).
2. To place fill within 0.18 acre of wetland associated with the construction of the school facility.
3. To construct and maintain a 50 foot long by 5 foot high pedestrian bridge across the UNT to Goose Creek.
4. To construct and maintain an 8 inch and 10 inch underground sanitary sewer line (onsite and offsite respectively) at six various crossings; one on site across the UNT to Goose Creek, and five off site; one along the East Branch of Chester Creek and four along the UNT to Chester Creek
5. To construct a stormwater outfall structure along an UNT to Goose Creek which is located along Shiloh Road.

The site is located northwest of the intersection of Street Road (S. R. 926) and Shiloh Road (West Chester, PA Quadrangle; N: 11.2 inches; W: 7.1 inches).

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

E21-351: Shippensburg Properties, L. P., One Atlantic Ave., Pittsburgh, PA, 15202 in Shippensburg Township, **Cumberland County**, ACOE Baltimore District

To install and maintain an open bottom culvert, relocate and maintain existing utility lines, install and maintain new utility lines, and to remove and restore an existing culvert, all crossing Burd Run (CWF), located on a 53-acre parcel of land to the north side of PA Route 174 (Walnut Bottom, PA Quadrangle N: 11.15 inches; W: 17.2 inches) in Shippensburg Township, **Cumberland County**.

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

E60-161. Department of Conservation and Natural Resources, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Bridge Replacement, in Hartley Township, **Union County**, ACOE Baltimore District (PA Quadrangle N: 18.0 inches; W: 2.7 inches).

To remove the existing 18 foot long single span timber king post truss bridge with a span length of 12 foot 1 inch and a curb-to-curb width of 14 feet 6 1/2 inches on a skew of 78°, and to construct and maintain a 16 foot by 4 foot precast reinforced concrete box culvert with a span of approximately 37 feet, an underclearance of 4 feet and a waterway opening of about 64 square feet with concrete headwalls and about 5 lineal feet by 3 foot deep R-6 riprap at the culvert inlet and outlet on Thomas Dam Road in Coral Run approximately 2 miles north of the intersection of Thomas Dam Road with Weikert Road. The project will not impact wetlands while impacting approximately 80 lineal feet of waterway. Approximately 0.07 acre of earth will be disturbed by the project. Coral Run is a High Quality Cold Water fisheries stream.

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

E02-1433. Regional Learning Alliance at Cranberry Woods, 2200 Georgetown Drive, Sewickley, PA 15143. Regional Learning Alliance at Cranberry Woods in Marshall Township, Allegheny County, Pittsburgh ACOE District (Latitude: 40° 40' 24"—Longitude: 80° 05' 17") (Mars, PA Quadrangle N: 8.8 inches; W: 12.2 inches). The applicant proposes to place and maintain fill in a de minimis area of PEM/PSS wetlands associated with an unnamed tributary to Brush Creek (WWF) and to construct and maintain two stream crossings, each consisting of two 54 inch diameter culverts in said stream for the purpose of constructing a Conference and Learning Center. The project is located on the north side of Freeport Road, approximately 1,700 feet west from the intersection of Freeport Road and Scenic Drive and will permanently impact 0.025 acre of wetlands and 125.0 linear feet of the channel of an unnamed tributary to Brush Creek.

E11-302. Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. State Route 3005 St. Clair Road Stock Pile Expansion Project in Lower Yoder Township, **Cambria County**, Pittsburgh ACOE District (Latitude: 40° 20' 21"—Longitude: 78° 57' 35") (Johnstown, PA Quadrangle N: 16.2 inches; W: 11.8 inches). The applicant proposes to expand the St. Clair Road Stockpile (No. 17) including the following activities: 1) to relocate and maintain 325 linear feet of an intermittent unnamed tributary to St. Clair Run (CWF). The length of the relocated channel will be reduced to 150 linear feet. 2) to restore and maintain

256.65 linear feet of the floodway of St. Clair Run (CWF) and 3) to permanently place and maintain fill in 0.36 acre of PEM wetland. The project proposes to directly impact, through relocation, 325 linear feet of intermittent stream (175 linear feet of stream will be lost), through restoration, 0.12 acre of floodway, and through placement of fill, 0.36 acre of PEM wetland. To compensate for the wetland impacts, the applicant shall make a monetary contribution to the Pennsylvania Wetland Replacement Project.

E65-829. Washington Township, 285 Pine Run Church Road, Apollo, PA 15613. Pleasant View Road Bridge in Washington Township, **Westmoreland County**, Pittsburgh ACOE District (Latitude: 40° 31' 49"—Longitude: 79° 33' 18") (Vandergrift, PA Quadrangle N: 5.48 inches; W: 7.65 inches). The applicant proposes to operate and maintain a single span bridge having a normal span of 55.0 feet and an underclearance of 13.4 feet across Beaver Run (TSF) located on Pleasant View Road.

E65-830. Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. S. R. 3093 Sections A01 Sony Interchange in East Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District (Mt. Pleasant, PA Quadrangle N: 11.8 inches; W: 12.2 inches). The applicant proposes to relocate S. R. 3093 and construct 1.9 miles of roadway along an existing railway corridor: 1) to extend and maintain an existing 72.0 foot long, 36-inch diameter reinforced concrete pipe for a distance of 30.0 feet on the downstream end and 45.0 feet on the upstream end in Belson Run (WWF) (Latitude: 40° 11' 24"—Longitude: 79° 35' 14"). 2) to extend and maintain an existing 60 foot long, 48-inch diameter corrugated metal pipe for a distance of 35 feet on the downstream end in an unnamed tributary to Belson Run (WWF) (Latitude: 40° 11' 30"—Longitude: 79° 35' 15"). This pipe extension qualifies for Department waiver 105.12(2). 3) to permanently place and maintain fill in 0.276 acre of PEM wetland (Latitude: 40° 11' 24"—Longitude: 79° 35' 14"). 4) to temporarily place and maintain fill in 0.199 acre of PEM/PFO wetland (Latitude: 40° 11' 24"—Longitude: 79° 35' 14"). 5) to construct and maintain a temporary wetland crossing consisting of our 12-inch diameter pipe (Latitude: 40° 11' 22"—Longitude: 79° 35' 12"). and 6) to compensate for the permanent wetland impacts, the applicant proposes creation of 0.276 acres of wetland replacement on site (Latitude: 40° 11' 22"—Longitude: 79° 35' 12"). The project proposes to directly affect, through new pipe extensions, 110 linear feet of perennial stream, permanently impact 0.276 acre of wetland, and temporarily impact 0.199 acre of wetland. Wetland creation of 0.276 acre is proposed.

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

E10-382, Crompton Corporation, 100 Sonneborn Lane, Petrolia, PA 16050. Gate 2 Bridge Replacement and Pedestrian Bridge, in Fairview Township, **Butler County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 2.1 inches; W: 12.8 inches).

The applicant proposes to remove the existing Gate 2 Bridge and a concrete bridge located 145 feet downstream of the Gate 2 Bridge and to 1) construct and maintain a 23.5-foot long precast concrete box culvert with wing walls having a 24.0-foot wide by 7.0-foot high waterway opening on a 77.37 degree skew in South Branch Bear Creek and 2) construct and maintain a steel pedestrian arch bridge having a clear span greater than 20.75 feet and an maximum underclearance greater than 8.0 feet on

a 90 degree skew across South Branch Bear Creek located 100 feet downstream of the Gate 2 Bridge within the Crompton Corporation facility approximately 1,000 feet northwest of the intersection of S. R. 268 and Redwood Road. South Branch Bear Creek is a perennial stream classified as a warm water fishery. The project proposes to directly affect a total of 30 linear feet of stream channel.

Wilkes-Barre District: District Engineer, 2 Public Square, Floor 5, Wilkes-Barre, PA 18711-0790.

E5411-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711. Foster Township, Schuylkill County, ACOE Philadelphia District.

The applicant proposes to construct an Abandoned Mine Land (AML) reclamation project to eliminate health and safety problems associated with the 23 acre site. The project will result in an encroachment of an unnamed tributary of the West Branch Schuylkill River. The project, which includes a stream enclosure and a diversion structure, will restore flow from an abandoned strip mine pit to the original channel. (Minersville, PA Quadrangle N: 16 inches; W: 10.2 inches).

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Pk. Rd., Ebensburg, PA 15931-4119.

EA5609-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Somerset Township, Somerset County, Pittsburgh ACOE District (Somerset Quadrangle N: 1.0 inch, W: 1.6 inches). The applicant (revised application) proposes to backfill an abandoned surface mine, which includes a 1,400-foot long dangerous highwall. The project will in-

clude the backfilling of (1) 0.36 acre of PEM wetland. A (2) 0.36 acre PEM replacement wetland will be constructed as part of the reclamation. The project will directly impact 0.036 acre of wetland. Wetland creation of 0.36 acre is proposed to compensate for wetland impacts. (Previously submitted as a final action in error.)

WATER QUALITY CERTIFICATIONS REQUESTS

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

Certification Request Initiated by: James A. Kendter, P. E., District Engineer, Engineering 3-0, Department of Transportation, P. O. Box 218, Montoursville, PA 17754-0218.

Project Description: The proposed project is to construct approximately 12 to 13 miles of new four-lane limited access highway on a new alignment in Snyder, Union and Northumberland Counties. The project is identified as S. R. 0015, Section 088 and is known as the Central Susquehanna Valley Transportation (CSVT) Project. The proposed new highway will extend from the existing Selinsgrove Bypass (US Routes 11/15) in Monroe Township, Snyder County, just north of Selinsgrove, to the interchange between PA Route 147 and PA Route 45 in West Chillisquaque Township, Northumberland County. The recommended preferred alternative (DAMA/RC5) for the project, presented in the Final Environmental Impact Statement (FEIS), proposes to impact a total of 7.77 acres of wetlands (4.82 acres PEM, 1.34 acres PSS, 0.91 acre PFO, and 0.72 acre POW). In addition the proposed work will impact the following streams: Rolling Green Run, West Branch Susquehanna River, Chillisquaque Creek and approximately 30 unnamed tributaries to Penns Creek, Susquehanna River, West Branch Susquehanna River and Chillisquaque Creek. Water use protection designations of these streams range from CWF to WWF. Stream and wetland mitigation will be required.

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 (NOIs) for coverage under General Permits. This Notice of Final Action is provided in accordance with regulations at 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 through 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 Permit(s). The approval for coverage under these 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. The 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 above the action.

Any person aggrieved by any of these actions may appeal that action to the Environmental Hearing Board, pursuant to 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). The appeal should be sent 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 may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 to 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 decisional law.

If you want to challenge an action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA-0036081	Lehigh County Authority P. O. Box 3348 1053 Spruce Street Allentown, PA 18106	North Whitehall Township Lehigh County	Lehigh River (2C)	Y
PA-0060747 IW	Ametek, Inc. 42 Mountain Avenue Nesquehoning, PA 18240	Carbon County Nesquehoning Borough	Nesquehoning Creek (2B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0023698	Vanport Township Municipal Authority 285 River Avenue Vanport, PA 15009	Beaver County Vanport Township	Twomile Run	N
PA0094927	Westmoreland County Housing Authority R. D. 6 Box 233 Greensburg, PA 15601-9308	Westmoreland County New Florence Borough	Conemaugh River	Y
PA0097268	J H A Markleyburg Inc. Henry Clay Villa 5253 National Pike Road Markleyburg, PA 15459	Fayette County Henry Clay Township	UNT of Hall Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0222348	Thomas J. Holden 40 Spicer Road Sheffield, PA 16347	Sheffield Township Warren County	Unnamed Tributary to the South Branch of Tionesta Creek	Y

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit No. PA0011568, Industrial Waste, **ISG Plate, Inc.**, 139 Modena Road, P. O. Box 3001, Coatesville, PA 19320-0911.

This proposed facility is located in City of Coatesville, **Chester County**.

Description of Proposed Action/Activity: Approval to reflect the change in ownership and the change in effluent limitation of Total Residual Chlorine at Outfall 001.

NPDES Permit No. PA0027383 Amendment No. 1, Sewage, **Southwest Delaware County Municipal Authority**, One Gamble Lane, Aston, PA 19104-0466.

This proposed facility is located in Aston Township, **Delaware County**.

Description of Proposed Action/Activity: Amendment to comply with the EPA's Phase II Stormwater regulations.

NPDES Permit No. PA0021512, Sewage, **Royersford Borough**, 300 Main Street, P. O. Box 188, Royersford, PA 19468.

This proposed facility is located in Upper Providence Township, **Montgomery County**.

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

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

NPDES Permit No. PA0246867, Sewage, **Allen McCormack**, 500 North Lockwillow Avenue, Harrisburg, PA 17112.

This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 6-C.

NPDES Permit No. PA0010227, Industrial Waste, **F. L. Smidth, Inc.**, 236 South Cherry Street, Manheim, PA 17545.

This proposed facility is located in Manheim Borough, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Chickies Creek in Watershed 7-G.

NPDES Permit No. PA0008893 (Transfer 1), **John Ferner, Team Ten, LLC**, P. O. Box 99, Tyrone, PA 16686.

This proposed facility is located in Tyrone Borough, **Blair County**.

Description of Proposed Action/Activity: Transfer of permit.

NPDES Permit No. PA0247189, CAFO, **Mark Breslin, Willow Hill Breeding Farm, Inc.**, P. O. Box 187, Myerstown, PA 17067.

This proposed facility is located in Metal Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to operate a 1,449-AEU swine CAFO in Watershed 13-C.

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

No. PA0028461, Sewerage 4952, **Borough of Mifflinburg**, 333 Chestnut Street, Mifflinburg, PA 17844.

The proposed facility is located in Mifflinburg Borough, **Union County**.

Description of Proposed Activity: Issuance of an amended NPDES permit to include discharge of site stormwater through Outfalls S01 and S02. The existing limits for treated effluent through Outfall 001 remain unchanged.

The receiving stream, Buffalo Creek, is in the State Water Plan watershed 10C and is classified for: CWF. The nearest downstream public water supply intake for Sunbury Municipal Authority is located on the Susquehanna River, 23.7 miles below the point of discharge. Approximately 0.02 million gallons per day of storm water will be discharged through each storm water Outfall (S01 and S02) during a rainfall intensity of 1 inch per hour. Additionally, the permit will be transferred from the Mifflinburg Borough Municipal Authority to the Borough of Mifflinburg.

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

NPDES Permit No. PA0239275, Sewage, **Michael Robel**, 11599 Sunset Drive, Conneaut Lake, PA 16316.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant discharging to the Unnamed

Tributary to Conneaut Outlet.

NPDES Permit No. PA0239259, Sewage, **David E. Davis**, 17 S. Water Street, Albion, PA 16401.

This proposed facility is located in Spring Township, **Crawford County**.

Description of Proposed Action/Activity tributary. This facility is authorized to discharge to Conneaut Creek.

NPDES Permit No. PA0239224, Sewage, **Gentile Enterprises**, 425 South Good Hope Road, Greenville, PA 16125.

This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity. This facility is authorized to discharge to an unnamed tributary to Big Run.

III. WQM industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 0903406, Sewerage, **Thomas Kemmerer**, 1277 Route 212, Quakertown, PA 18951.

This proposed facility is located in Haycock Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage treatment plant.

WQM Permit No. 0903408, Sewerage, **Glenn Neebe**, 265 Frogtown Road, Kintnersville, PA 18930.

This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a sewerage facility of a Bio Microbics system, consisting of an aeration tank, two parallel sand filters and ultraviolet disinfection.

WQM Permit No. 1501426, Amendment 1, Sewerage, **West Vincent Township**, P. O. Box 163, 2200 Flowing Springs Road, Birchrunville, PA 19421.

This proposed facility is located in West Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Construction and modification of sewerage facilities of Influent pump station, grinders, aerated lagoons, chlorination equipment and 44.04 acres of spray fields.

WQM Permit No. 2398405, Amendment 1, Sewerage, **Brandywine Operating Partnership**, 16 Campus Boulevard, Suite 150, Newtown Square, PA 19073.

This proposed facility is located in Newtown Township, **Delaware County**.

Description of Proposed Action/Activity: Upgrading of the sewage treatment plant and revisions to the effluent limitations for total nitrogen for the system serving office building located on Lot No. 7 at 11 Campus Boulevard.

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

WQM Permit No. 3603205, Sewerage, **Thomas Frey, Frey Dairy Farms, Inc.**, 2646 River Road, Conestoga, PA 17516.

This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction of a 6.07 MG storage lagoon.

WQM Permit No. 2202405, Sewerage, **Allen McCormack**, 500 North Lockwillow Avenue, Harrisburg, PA 17112.

This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of Sewage Treatment Facilities.

WQM Permit No. 3803402, Sewerage, **Palmyra Borough**, 325 South Railroad Street, Palmyra, PA 17078-3400.

This proposed facility is located in Palmyra Borough, **Lebanon County**.

Description of Proposed Action/Activity: Approval for modifications to the construction/operation of pump station(s).

WQM Permit No. 0703403, Sewerage, **Allegheny Township Sewer and Water Authority**, 3131 Old Sixth Avenue Road, North, Duncansville, PA 16635.

This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Approval for the construction/operation of Sewers and Appurtenances and a Pump Station.

WQM Permit No. 3603403, Scot Fertich, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603.

This proposed facility is located in Lancaster Township, **Lancaster County**.

Description of Proposed Action/Activity: Construct approximately 155 feet of 8-inch interceptor to connect to Southern Village residential development to the LASA sewer system.

WQM Permit No. 567S030, Amendment (03-1), Sewerage, **Deann Metro, Turnpike Commission**, 700 S. Eisenhower Boulevard, Middletown, PA 17057.

This proposed facility is located in Taylor Township, **Fulton County**.

Description of Proposed Action/Activity: Installation of two new equalization basins, a metering manhole and flow metering equipment.

WQM Permit No. 0103402, Sewerage, **Donald Poist, Oxford Township Board of Supervisors**, 180 Hanover Street, New Oxford, PA 17350.

This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Construction of 8-inch sewers and a suction lift pump station to serve the Simme Valley Estates Phase II single family residential development. The pump station will consist of dual 2 hp pumps rated for 80 GPM at 30' TDH and a 5-foot diameter PVC-lined concrete wet well. The 4-inch force main will discharge to existing manhole No. 14 in Phase I.

WQM Permit No. 3603404, Sewerage, **Patricia Seip, Secretary, East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519.

This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of Pump Station with dual 32 gpm grinder pumps and 2- and 3-inch force main to serve the Cedar Grove Estates development.

WQM Permit No. 2803201, CAFO, **Mark Breslin, Willow Hill Breeding Farm, Inc.**, P. O. Box 187, Myerstown, PA 17067.

This proposed facility is located in Metal Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for the construction and operation of manure storage facilities for a 1,449-AEU CAFO.

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

WQM Permit No. 1903403, Sewerage, SIC 4952, **John Mihalik**, 2177 Ikeler Road, Millville, PA.

This proposed facility will be located in Mt. Pleasant Township, **Columbia County**.

Description of Proposed Action/Activity: Permit is issued authorizing the construction and operation of a small flow treatment facility to serve a single residence. Discharge will be to an Unnamed Tributary to Little Fishing Creek, a Cold Water Fishery.

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

WQM Permit No. 0303402, Sewerage, **Mechling-Shakley Veteran Center**, 268 Center Inc., R. D. 1 Box 290, Cowansville, PA 16218.

This proposed facility is located in Sugarcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Construction of Sewage Treatment Plant to serve Mechling-Shakley Veterans.

WQM Permit No. 6503404, Sewerage, **James A. Cunkelman**, 115 St. Clair Circle, Ligonier PA 15658.

This proposed facility is located in Ligonier, Township, **Westmoreland County**.

Description of Proposed Action/Activity: Single Residence Small Flow Treatment Facility.

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

WQM Permit No. 2003417, Sewerage, **Michel Robel**, 11599 Sunset Drive, Conneaut Lake, PA 16316.

This proposed facility is located in Hayfield Township, **Crawford County**.

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

IV. NPDES Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4) Permit Actions**V. NPDES Waiver Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4) Actions****VI. NPDES Discharges Of Stormwater Associated With Construction Activities Individual Permit Actions**

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-D132	JMS Properties JMS Properties Subdivision 1825 Grant Avenue Philadelphia, PA 19115	Bucks	Milford Township	Unnamed Tributary Molasses Creek (HQ-TSF)
PAS10-G267-R	The Hankin Group Eagleview Corporate Center 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Upper Uwchlan Township	Tributary Marsh Creek (HQ-TSF-MF)
PAS10-G551	CMR Development CMR Residential Development 1330 Westminster Drive Downingtown, PA 19335	Chester	West Bradford Township	West Branch Brandywine Creek (EV)
PAI201 1502003	Toll Brothers, Inc. Charlestown Meadows Subdivision 3101 Philmont Avenue Huntingdon Valley, PA 19006	Chester	Charlestown Township	Pickering Creek (HQ)

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503012	Northampton County Area Community College 3585 Green Pond Rd. Bethlehem, PA 18017	Monroe	Pocono Twp.	Pocono Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0321-03-004	Walnut Bottom Medical Center LLC P. O. Box 146 Mount Holly Springs, PA 17065	Cumberland	South Middleton Twp.	LeTort Spring Run EV

Berks County Conservation District: 1238 County Welfare Rd., P. O. Box 520, Leesport PA 19533, (610) 372-4657, Ext. 201.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2-0006-03-076 Southern Slope Subdivision	Walter Greth Greth Development Group P. O. Box 305 Temple, PA 19560	Berks	S. Heidelberg Township	Hospital Creek (TSF)
PAG2-0006-03-075 AEC Joyland Pavilion and Log Cabin School	Lawrence Martin Allegheny East Conference Corp. P. O. Box 266 Pine Forge, PA 19548	Berks	Douglass Township	Manatawny Creek (CWF)
PAG2-0006-03-073 Christ Evangelical Free Church	Randy Eshelman Christ Evangelical Free Church 8477 Rt. 183 Bethel, PA 19507	Berks	Upper Tulpehocken Township	Birch Creek (CWF)

Juniata County Conservation District: R. R. No. 2 Box 302, Smith Road, Mifflintown, PA 17059, (717) 436-8953.

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2 0234 03 001	Walker Township Recreation Committee R. R. No. 4 Box 4712, Mifflintown, PA 17059	Juniata	Location, Township	Unnamed Trib. to Doe Run

Perry County Conservation District, P. O. Box 36, 31 W. Main St. New Bloomfield, PA 17068, (717) 582-8988, Ext. 4.

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0050-03-011	Lisa Tolbert 28 N. Market St. Duncannon, PA 17020	Perry	Penn Twp.	Unnamed Tributary to Susquehanna River Type of Earthmoving 1 Residential

VII. Approvals To Use NPDES And/Or Other General Permits

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

List of NPDES and or Other General Permit Types

- PAG-1 General Permit for Discharges From Stripper Oil Well Facilities
- PAG-2 General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
- PAG-3 General Permit for Discharges of Stormwater From Industrial Activities
- PAG-4 General Permit for Discharges From Single Residence Sewage Treatment Plant
- 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 (CSO)
- PAG-7 General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
- PAG-8 General Permit for Beneficial Use of Non-Exceptional 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 Concentrated Animal Feeding Operations (CAFOs)
- PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Whiteland Township Chester County	PAG200 1503053	Oaklands Business Parks, Inc. Lot 52, Oaklands Business Parks 120 Arrandale Boulevard Exton, PA 19341	Valley Creek (CWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Whiteland Township Chester County	PAG200 1503082	William Logan Logan Funeral Home 0805 Longacre Boulevard Yeadon, PA 19050-3319	Unnamed Tributary Valley Creek (CWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Collingdale Borough Delaware County	PAG200 2303037	Southeast School District P. O. Box 328 Folcroft, PA 19032	Darby Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Ridley Township Delaware County	PAG200 2303039	Harper Associates P. O. Box 384 Ridley Park, PA 19078-0304	Unnamed Tributary to Crum Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hatfield Township Montgomery County	PAG200 4603024	Gambone Development Co. The Arbors 1030 West Germantown Pike Fairview Village, PA 19409	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAG200 4603073	Amplifier Research 160 School House Road Souderton, PA 18964	Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Hanover Township Montgomery County	PAG200 4603103	Boyertown YMCA Boyertown East YMCA 301 West Spring Street Boyertown, PA 19512	Middle Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hatfield Township Montgomery County	PAG200 4603047	SJM Real Estates LLC P. O. Box 373 Springhouse, PA 19477	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Abington Township Montgomery County	PAG200 4603100	Meyers Paone Development Inc. Walnut Hill 1120 N Bethlehem Pike Springhouse, PA 19477	Pennypack Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10-T443-R	Pottstown Tent Rental Possum Hollow Industrial Park 1386 North State Street Pottstown, PA 19464	Pennypack Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAG200 4603099	Strategic Retail Properties, Inc. Proposed Eckerd Pharmacy 148 Daylesford Road Berwyn, PA 19312	Unnamed Tributary Brooks Evans Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Providence Township Montgomery County	PAR10-T889	Heritage Building Group, Inc. Cicchiello/Cark/Hiers Tracts 3326 Old York Road, Ste. A100 Furlong, PA 18929	Schoolhouse Run (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pottstown Borough Montgomery County	PAG200 4603122	Gambone Brothers Development Circle of Progress P. O. Box 287 Fairview Village, PA 19409	Manatawny Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Providence Township Montgomery County	PAR10-T401-R	Neil Sukonik Rosemont Estates Renewal 1250 Germantown Pike, Ste. 100 Plymouth Meeting, PA 19462	Mingo Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Salford Township Montgomery County	PAG200 4603059	Commerce Banks Proposed Commerce Banks 17000 Horizon Way, Ste. 100 Mt. Laurel, NJ 08054	West Branch Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Whitpain Township Montgomery County	PAG200 4603056	Philomeno and Salamone Spahr Subdivision 545 W. Germantown Pike, Ste. 200 Plymouth Meeting, PA 19462	Prophecy Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plymouth Township Montgomery County	PAG200 4603121	Chestnut Manor Land Dev., Inc. Johnson Commons Townhouses 545 West Germantown Pike Plymouth Meeting, PA 19462	Stony Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Saucon Twp. Lehigh Co.	PAR10Q157-1	Chick Development 7605 Hillview Circle Coopersburg, PA 18036	Tumble Brook CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Whitehall Twp. Lehigh Co.	PAG2003903019	Warren Stough 2801 E. Market St. P. O. Box 2821 York, PA 17401	Coplay Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Jenkins Twp. Luzerne Co.	PAG2004003019	Jenkins Twp. Properties, Inc. 490 N. Main St. Suite 103 Pittston, PA 18640	UNT to Susquehanna River, CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Butler Twp. Luzerne Co.	PAG2004003030	Sand Springs Golf Development Corp. 4511 Falmer Dr. Bethlehem, PA 18020	Nescopeck Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Plymouth Twp. Luzerne Co.	PAG2004003029	Department of Transportation Attn: Charles Mattei O'Neill Hwy. P. O. Box 111 Scranton, PA 18501	Harveys Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Lehigh Twp. Northampton Co.	PAG2004803031	Larry Kemmerer Kemmerer Corp. 3220 Valley View Dr. Bath, PA 18014	Hokendauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
East Norwegian Twp. Schuylkill Co.	PAG2005403017	Norwegian Real Estate Limited Partnership 454 N. Claude A Lord Blvd. Pottsville, PA 17901	Mill Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Centre County Benner Township	PAG2001403006	Paradise Hills Subdiv. SR 150 Bellefonte, PA 16823	Unt. Spring Creek CWF	Centre County Conservation District 415 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Montour County Mahoning Township	PAG2044703006	Geisinger System Services 100 N. Academy Ave. Danville, PA 17822	Mahoning Creek CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Northumberland County Milton Borough	PAR104923R	Milton Area Industrial Development Assoc. 1 S. Arch St. Milton, PA 17847	W. Br. Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114x4
Northumberland County Northumberland Borough	PAG2004903017	Branchview Inc. Branchview Subd. Phase IV-V 227 Wild Cherry Lane Northumberland, PA 17857	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114x4
Tioga County Middlebury Township	PAG2005903015	Rusty and Cheryl Walker 1779 Perkiomenville Rd. Harleysville, PA 19438	Losey Creek WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Tioga County Middlebury Township	PAG2005903016	Colleen Houghtalings R. R. 2 Box 239 Middlebury Center, PA 16935	Losey Creek CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Allegheny County Pine Twp.	PAR10A358 1	Salem Land Development, Co. 2500 Brooktree Road Wexford, PA 15090	UNT North Park Lake (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Moon Twp.	PAR10A609	Maronda Homes, Inc. RIDC 202 Park West Drive Pittsburgh, PA 15275	Montour Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Moon Twp.	PAG2000203012	Felix Caste P. O. Box 10360 Pittsburgh, PA 15234	Campbells Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAG2000203019	No. 1 Cochran Automotive 4200 William Penn Hwy. Monroeville, PA 15146	Abers Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Robinson Twp.	PAG2000203034	Montour School District 225 Clever Road McKees Rocks, PA 15136	Moon Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Robinson Twp.	PAG2000203035	Donald Snyder 4695 Campbells Run Rd. Pittsburgh, PA 15205	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Twp.	PAG2000203044	ENTP Development Kirkpatrick & Lockhart 535 Smithfield St. Pittsburgh, PA 15222	Bear Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Bethel Park Boro.	PAG2000203049	Surrey Woods Partners LP 529 Hillcrest Place Pittsburgh, PA 15216	Lick Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Pleasant Hills Boro.	PAG2000203052	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Peters Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Whitehall Boro.	PAG2000203053	Family Video Movie Club 1022 East Adams Springfield, IL 62703	UNT to Saw Mill Run (WWF)	Allegheny County CD (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Hampton Twp.	PAG2000203054	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Bethel Park Boro.	PAG2000203055	Municipality of Bethel Park 5100 West Library Avenue Bethel Park, PA 15102	Logan Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000203056	North Aiken Sr. Housing 33 Union Street Boston, MA 02108-2414	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Twp.	PAG2000203064	Kenneth J. Wolfe 705 Kingswood Lane McDonald, PA 15057	Millers Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Twp.	PAG2000203065	Ohio Township 1719 Roosevelt Road Pittsburgh, PA 15237	Lowries Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Marshall Twp.	PAG2000203066	Regional Learning Alliance 2000 Georgetown Rd. Sewickley, PA 15143	Brush Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Leetsdale Borough	PAG2000203068	Leetsdale Borough 85 Broad Street Leetsdale, PA 15056	Ohio River (WWF)	Allegheny County CD (412) 241-7645
Washington County Peters Twp.	PAG2006303036	Ed Moritz 295 King Richard Dr. McMurray, PA 15317	Brush Run (WWF)	Washington County CD (724) 228-6774

General Permit Type—PAG-3

<i>Facility Location Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Hazle Township Luzerne County	PAR802236	Pitt Ohio Express, LLC 15 27th Street Pittsburgh, PA 15222	Tomhicken Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Allentown City Lehigh County	PAR602211	Liberty Recycling Inc. P. O. Box 1014 Allentown, PA 18105	Jordan Creek TSF, MF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Scranton City Lackawanna County	PAR202203	Master-Halco, Inc. 1275 N. Keyser Ave. Scranton, PA 18504	Lackawanna River TSF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Scranton City Lackawanna County	PAR202203	Master-Halco, Inc. 1275 N. Keyser Ave. Scranton, PA 18504	Lackawanna River TSF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Leetsdale Borough Allegheny County	PAR216144	Alcoa World Chemicals LLC 501 W. Park Road Leetsdale, PA 15056	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
North East Township Erie County	PAR808376	USF Holland, Inc. 750 East 40th Street Holland, MI 49423	Unnamed Tributary to Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Mt. Pleasant Township Columbia County	PAG045162	John Mihalik 2177 Ikeler Road Millville, PA 17846	UNT to Little Fishing Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Kilbuck Township Allegheny County	PAG046124	Lyle and Mary Graber 7 Thorn Ridge Road Pittsburgh, PA 15202	Unnamed stream bed-swale	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
North Fayette Township Allegheny County	PAG046145	Frank E. Buck 1819 North Road McDonald, PA 15057	Fink Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Quemahoning Township Somerset County	PAG046273	Robert and Terry Leib 770 Lincoln Highway Stoystown, PA 15563	UNT to Oven Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Ligonier Township Westmoreland County	PAG046274	James A. Cunkelman 115 St. Clair Circle Ligonier, PA 15658	Fourmile Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Hemfield Township Mercer County	PAG048518	Susan I. Booth and James E. Leskovac 170 Saint Glory Road Greenville, PA 16125	Unnamed Tributary to the Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8**Facility Location*

<i>County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Hamilton Township Franklin County	PAG083560	Saint Thomas Township Municipal Authority 6442 Lincoln Way West St. Thomas, PA 17252	Norm Dice Farm Hamilton Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Conewago Township York County	PAG083825	Dover Township 2480 West Canal Road Dover, PA 17315	Dover Twp. WWTP Conewago Township York County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS (PWS)

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Any person aggrieved by these actions may appeal, pursuant to 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 may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 decisional law.

If you want to challenge this action, your appeal must reach the board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Operations Permit issued to: **Falls Township**, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030, (PWSID No. 1090022) Falls Township, **Bucks County** for the operation of facilities approved under Construction Permit No. 0902508.

Operations Permit issued to: **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, (PWSID No. 1460073) Tredyffrin Township, **Bucks County** on August 19, 2003 for the operation of facilities approved under Construction Permit No. 1500510.

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

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

Applicant	James Perano GSP Management Company Box 677 Morgantown, PA 19543
Township	Upper Fairfield Township
County	Lycoming County
Type of Facility	Public Water Supply—Construction of an 8,000 gallon storage tank.
Consulting Engineer	Alex A. McIntyre Consulting Engineer 1297 Wheatland Avenue Lancaster, PA 17603
Permit to Operate Issued	8/22/03

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

Operations Permit issued to: **Indian Creek Valley Water Authority**, P. O. Box 486, Indian Head, PA 15446, (PWSID No. 5260011) Stewart Township, **Fayette County** on August 22, 2003, for the operation of facilities approved under Construction Permit No. 2601501.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 10-1004, Water Allocations. Permit issued to the **Municipal Authority of Adams Township**, 134 Grand

Avenue, P. O. Box 807, Mars, PA 16046, Adams Township, **Butler County**. Granting the rights to purchase 3,400 GPD from Richland Township Municipal Authority. Acquisition provides most feasible source to provide necessary service in the Butler Street Extension area. Permit issued August 21, 2003.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
York City	50 W. King St. York, PA 17405	York

Plan Description: The approved plan provides for an acknowledgement of changes in flow allocations. By an agreement dated March 19, 2002, 0.5 MGD of allocated capacity was transferred from the City of York to Springettesbury Township. By an agreement dated February 25, 1999, 1.2 MGD of allocated capacity was transferred from West Manchester Township to York Township. Both of these agreements leave the transferor with sufficient allocated flow to meet the ultimate proposed flow. 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.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dillsburg Borough	151 S. Baltimore St. Dillsburg, PA 17019	York

Plan Description: The approved plan provides for Dillsburg Borough and Franklintown Borough to be served by the upgraded Old Mill Road Wastewater Treatment Facility through current institutional arrangements with the Dillsburg Area Authority. 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.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Prompt Interim Response

American Industrial Chromium Company, Swissvale Borough, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a prompt interim response at American Industrial Chromium Company. This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The site is located at 7500 Ardmore Street in the Borough of Swissvale, Allegheny County and consists of a two-story cement block building on a parcel of land near the railroad tracks in a mixed commercial and residential

area of Swissvale. Homes and businesses are located adjacent to the Site. The building is presently empty and deteriorating, there is the potential for trespasser entry through broken windows.

American Industrial Chromium Company operated a specialized electroplating (copper, silver, lead, chromium, cadmium and zinc) facility at this location starting around 1945. In 1987 the company ceased operations. George J. Lemak was president of American Industrial Chromium Company. The building has apparently been idle since the company ceased operations.

The Department sample results of soil/waste taken at the Site show elevated levels of lead, cadmium, arsenic, chromium and antimony. These hazardous substances are found inside and outside the building and they present a direct contact threat for persons entering the building and/or near it. The Site is located in a densely populated area with a mixture of commercial and residential properties located adjacent to it. There is also the potential for a release and/or threat of a release of hazardous substances to the groundwater as a result of leaks and/or spills from the facility's operations.

The object of the response is to remove the contamination that presents a release and/or threat of a release of hazardous substances to human health and/or the environment. The scope of the response will include the building and associated areas of contamination.

The following alternatives were analyzed:

Alternative 1. No action.

This alternative consists of taking no action to address the release and/or threat of release of hazardous substances at the site.

Alternative 2. Restrict Site access.

This alternative consists of placement of a fence around the building and/or otherwise restricting human access to the building and related areas of contamination to prevent direct contact to the areas of contamination.

Alternative 3. Demolish the building and remove contamination.

This alternative consists of demolition of the building in a safe and effective way to prevent the spread of contamination to adjacent areas, removal and proper disposal of demolition waste, and removal and disposal of contamination related to the building. The extent of contaminated media under the building slab will be delineated, excavated and disposed of.

Proposed Alternative

The selected alternative is Alternative 3. This alternative complies with the Department's requirements to a greater degree than Alternatives 1 and 2, it is permanent, and it is the most cost effective alternative. The performance standards for the prompt interim response are the requirements of the Land Recycling and Environmental Remediation Standards Act, Solid Waste Management Act, The Clean Streams Law and Hazardous Site Cleanup Act.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comments from September 6 until December 6. Persons may submit written comments into the record during this time only, by sending them to Barbara Gunter, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on October 22 at 7 p.m at the Swissvale Municipal Building, 7560 Roslyn Street, Swissvale. Persons wishing to present comments must register with Betsy Mallison before October 6 by telephone at (412) 442-4182 or in writing to her at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4182 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER

ACT 2, 1995

PREAMBLE 2

The following final 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 final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where 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.

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Former Penn Fuel Gas, Borough of Shippensburg, **Cumberland County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017, on behalf of PFG Gas Inc., a subsidiary of PPL Gas

Utilities Corporation, Two North Ninth Street, Allentown, PA 18101-1179, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with lead, BTEX and PAHs. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific standards.

PPL Earl Substation, New Holland Borough, **Lancaster County**. PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to the Statewide Health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its 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 non-residential 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under 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 listed. 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.

Former Claysburg Air Force Station, Pavia Township, **Bedford County**. US Army Corps of Engineers, 10 South Howard Street, 11th Floor, PP-E, Baltimore, MD 21201, submitted a Final Report concerning remediation of site soils contaminated with Fuel Oil No. 2, chlorinated solvents and other organics. The final report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 20, 2003.

New Holland North America Garage Area near Building 36, New Holland Borough, **Lancaster County**. CNH Global N. V., 700 State Street, Racine, WI 53404, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel, unleaded gasoline, leaded gasoline and used motor oil. The final report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 21, 2003.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for hazardous waste transporter license received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Clean Venture, Inc., 201 S. First Street, Elizabeth, NJ 07206. License No. PA-AH0299. Effective Date August 19, 2003.

Quality Carriers, Inc., 3802 Corporex Park Drive, Tampa, FL 33619-1109. License No. PA-AH0630. Effective Date August 5, 2003.

Sumter Transport Company, P. O. Box 1060, Sumter, SC 29151-060. License No. PA-AH0439. Effective Date July 8, 2003.

Hazardous Waste Transporter License Voluntarily Terminated

Enmanco Corp., P. O. Box 807, Mt. Clemens, MI 48046-0807. License No. PA-AH0574. Effective August 6, 2003.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for infectious and chemotherapeutic waste transporter license received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of June 28, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.61) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Abington Memorial Hospital, 1200 Old York Road, Abington, PA 19001. License No. PA-HC0095. Effective August 5, 2003.

Onyx Waste Services, Inc., P. O. Box O, Rt. 219 North, Brockway, PA 15824. License No. PA-AH0199. Effective August 5, 2003.

Weavertown Transport Leasing, Inc., 201 South Johnson Road, Houston, PA 15342. License No. PA-AH0020. Effective July 14, 2003.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

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

General Permit No. WMGR090R009. Martin Paving, Inc., P. O. Box 446, Ephrata, PA 17522.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 20, 2003.

General Permit No. WMGR090R010. IA Construction Corporation, 158 Lindsay Road, Zelenople, PA 16063.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 20, 2003.

General Permit No. WMGR090R011. Russell Standard Corporation, P. O. Box 86, Union City, PA 16438.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 20, 2003.

General Permit No. WMGR090R012. The Lane Construction Corporation, 965 East Main Street, Meriden, CT 06450.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 22, 2003.

General Permit No. WMGR090R013. Mayer Brothers Construction Company, 1902 Cherry Street, Erie, PA 16502.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on August 22, 2003.

**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.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 100585. Northwest Sanitary Landfill, 1436 West Sunbury Road, West Sunbury, PA 16061, Clay Township, **Butler County.** Major permit modification for the Landfill's Radiation Protection Plan and change to the Waste Analysis and Classification Plan. The permit was issued by the Northwest Regional Office on August 21, 2003.

Permit No. 100329. Lake View Landfill, 851 Robison Road East, Erie, PA, Summit Township, **Erie County.** Major permit modification for the Landfill's Radiation Protection Plan and Meteorological Monitoring Plan. The permit was issued by the Northwest Regional Office on August 19, 2003.

**MUNICIPAL AND RESIDUAL WASTE
TRANSPORTER AUTHORIZATION**

Issued applications for municipal and residual waste transporter interim authorization received under the Waste Transportation Safety Act, 27 Pa.C.S. §§ 6201—6209 and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Riccio Construction Hauling Services Inc., 15 Sterling Drive, Glocester, RI 02857. Authorization No. WH4203. Effective August 18, 2003.

Rick C. Romio, P. O. Box 632, Shamokin Dam, PA 17876. Authorization No. WH4398. Effective August 18, 2003.

Patriot Hauling Inc., 2208 Plainfield Pike, Johnston, RI 02919. Authorization No. WH4612. Effective August 18, 2003.

American Institutional Supply Inc., 2290 E. Butler St., Philadelphia, PA 19137-1010. Authorization No. WH4828. Effective August 18, 2003.

Philadelphia Housing Authority, 1310 W. Lehigh Ave., Philadelphia, PA 19131. Authorization No. WH5176. Effective August 18, 2003.

David F. Wambold, R. R. 2 Box 521, Shamokin, PA 17872-9634. Authorization No. WH5177. Effective August 18, 2003.

Koder's Home Improvements, R. R. 4 Box 4316, Dushore, PA 18614. Authorization No. WH5178. Effective August 18, 2003.

R. Hausman Trucking, 2054 Long Run Road, Lehigh, PA 18235-9436. Authorization No. WH5179. Effective August 18, 2003.

Suburban Contract Cleaning Inc., P. O. Box 850914, 55 Messina Dr., Braintree, MA 02185-0914. Authorization No. WH5180. Effective August 18, 2003.

Taurus Trucking Inc., 407 North Road, Califon, NJ 07830. Authorization No. WH5181. Effective August 18, 2003.

Tejpal Singh, 870 Route 130 N. T3, Burlington, NJ 08016. Authorization No. WH5182. Effective August 18, 2003.

Kenneth T. Pensyl Trucking, 210 Gettysburg Estates, Sunbury, PA 17801. Authorization No. WH5183. Effective August 18, 2003.

Foxbrook Renovations Inc., P. O. Box 24, New London, PA 19360-0024. Authorization No. WH5184. Effective August 18, 2003.

Wilbert Chacon, Apt. 2, 421 Plainfield Ave., Berkeley Heights, NJ 07922. Authorization No. WH0849. Effective August 19, 2003.

White Line Supply, 902 Primos Ave., Secane, PA 19018. Authorization No. WH5142. Effective August 19, 2003.

Pugliano Construction, 2000 Sheena Dr., Pittsburgh, PA 15239-1783. Authorization No. WH5175. Effective August 19, 2003.

Randell L. Neepor, Montgomery Run Road, R. R. 4 Box 33, Clearfield, PA 16830. Authorization No. WH5164. Effective August 20, 2003.

Santos & Santos Trucking Corp., P. O. Box 392, West Long Branch, NJ 07764. Authorization No. WH3527. Effective August 21, 2003.

Edward J. Gulino, Sr., 575 Old Pittsburgh Road, Smock, PA 15480. Authorization No. WH4671. Effective August 21, 2003.

Ricardo A. Nunez, 4543 D St., Philadelphia, PA 19120. Authorization No. WH4938. Effective August 21, 2003.

Garrett Churchill Inc., 1509 Edge Hill Road, Abington, PA 19001. Authorization No. WH5187. Effective August 21, 2003.

Mark S. Mechtly, 1600 Nicola Crossway, Williamsport, PA 17701. Authorization No. WH5188. Effective August 21, 2003.

Paul J. Yurinko Roofing and Remodeling, 6050 Hamilton Ave., Export, PA 15632. Authorization No. WH5190. Effective August 21, 2003.

Rambo Trucking Inc., Box 19, 2212 Saylor's Pond Road, Jobstown, NJ 08041. Authorization No. WH5191. Effective August 21, 2003.

Fabian Delahoz, Apt. 52, 185 East 3rd St., Paterson, NJ 07504. Authorization No. WH5192. Effective August 21, 2003.

US Army, Aberdeen Proving Grounds, AMSSB-GIOMP, Aberdeen Proving Grounds, MD 21005-5001. Authorization No. WH5193. Effective August 21, 2003.

B & G Trucking, P. O. Box 359, Midlothian, MD 21543. Authorization No. WH5194. Effective August 21, 2003.

S. R. Hinaman Construction, 280 Saratoga Road, Pottstown, PA 19465. Authorization No. WH5195. Effective August 21, 2003.

Julio C. Florez, 505-8 Russell St., Statesville, NC 28677. Authorization No. WH5197. Effective August 21, 2003.

Richard K. Jones, 1311 1st Ave., Altoona, PA 16602. Authorization No. WH5199. Effective August 21, 2003.

Baljinder Singh Uppal, Apt. G2, 1015 Lincoln St., Hazleton, PA 18201. Authorization No. WH5200. Effective August 21, 2003.

Lili Mary Trucking, 635 Anderson Ave., Cliffside Park, NJ 07010. Authorization No. WH5201. Effective August 21, 2003.

Mudds Pride Inc., 703 E. 24th St., Paterson, NJ 07504. Authorization No. WH5202. Effective August 21, 2003.

Marco A. Juarez, 6 Spring Road, Wayne, NJ 07470. Authorization No. WH5203. Effective August 21, 2003.

Grover Cohen, Jr., 3 Trebing Lane, Willingboro, NJ 08046. Authorization No. WH5204. Effective August 21, 2003.

Gillece Plumbing, Heating and Cooling, Inc., 3347 Industrial Blvd., Bethel Park, PA 15102. Authorization No. WH5205. Effective August 21, 2003.

Freddy A. Sanchez, 1200 Gilhan Street, Philadelphia, PA 19111. Authorization No. WH5150. Effective August 13, 2003.

Tim Morris Trucking LLC, P. O. Box 577, Madison, OH 44057. Authorization No. WH4582. Effective August 18, 2003.

D. S. C. Trucking, 24 Carters Lane, New Egypt, NJ 08533. Authorization No. WH4385. Effective August 18, 2003.

First Piedmont Hauling Inc., P. O. Box 1069, Chatham, VA 24531-1069. Authorization No. WH5104. Effective August 20, 2003.

Gilmore Trucking, PMB 129, 90-100 Route 206, Stanhope, NJ 07874. Authorization No. WH5101. Effective August 20, 2003.

Anthony R. Minneci, 673 Garfield Street, Hazleton, PA 18201. Authorization No. WH0017. Effective August 19, 2003.

Fidel P. Fernandez, 6017 Adams Street, West New York, NJ 07093. Authorization No. WH4968. Effective August 19, 2003.

Dauman Recycling Co., Inc., 33-37 Salt Meadow Road, Carteret, NJ 07008. Authorization No. WH5042. Effective August 19, 2003.

JAK Transportation, 8667 Tyrone Pike, Irvona, PA 16656. Authorization No. WH5124. Effective August 19, 2003.

FDML Equipment, Inc., P. O. Box 52, 900 Railroad Street, Penn, PA 15675-0052. Authorization No. WH5126. Effective August 19, 2003.

R & E Trucking, Inc., 2984 Western Boulevard, Baldwin, NY 11510-4613. Authorization No. WH5127. Effective August 19, 2003.

Keystone Filler & Manufacturing Co., P. O. Box 120, Muncy, PA 17756-1422. Authorization No. WH5129. Effective August 19, 2003.

Sechrist Construction, 415 Stony Gap Road, Cogan Station, PA 17728. Authorization No. WH5130. Effective August 19, 2003.

Kaisinger Corporation, 703 South Pine Street, Langhorne, PA 19047. Authorization No. WH5132. Effective August 19, 2003.

Wayne F. Miller, P. O. Box 449, Brookfield, OH 44403. Authorization No. WH5133. Effective August 21, 2003.

B. Blair Corporation, 472 Lower Holland Road, Holland, PA 18966-1976. Authorization No. WH5135. Effective August 19, 2003.

Gurpreet S. Chalal, 2802 Northampton Street, Easton, PA 18045. Authorization No. WH5136. Effective August 19, 2003.

Stevenson Excavating, 263 Bypass Drive, Jersey Shore, PA 17740. Authorization No. WH5138. Effective August 19, 2003.

Project-One Services, Inc., 899 Manor Road, Staten Island, NY 10314. Authorization No. WH5139. Effective August 19, 2003.

Harold M. Buchanan, Jr., 219 Fiegtown Road, Friedens, PA 15541. Authorization No. WH5140. Effective August 19, 2003.

Pollino Excavating, 645 Lover's Lane Extension, Kersey, PA 15846. Authorization No. WH5141. Effective August 19, 2003.

Timothy J. Sabol Masonry & General Contracting, 201 Allport Cutoff, Morrisdale, PA 16858-9724. Authorization No. WH4662. Effective June 16, 2003.

Ruiz Transportation, 1st Fl., 623 N. 7th St., Newark, NJ 07107. Authorization No. WH4669. Effective June 16, 2003.

Harold J. Buskirk Jr., 329 Old Grade Road, Windgap, PA 18091. Authorization No. WH4670. Effective June 16, 2003.

Professional Enterprises Inc., 140 Buckeye Road, Karns City, PA 16041-1408. Authorization No. WH4672. Effective June 16, 2003.

Delbert E. Beahr, 680 Roaring Run Road, Boswell, PA 15531. Authorization No. WH4676. Effective June 16, 2003.

Juan Flores, 205 Nelson Ave. Apt. C, Peekskill, NY 10566. Authorization No. WH4679. Effective June 16, 2003.

Stover's Grading & Excavating Inc., 778 Green Grove Road, Spring Mills, PA 16875-7700. Authorization No. WH4680. Effective June 16, 2003.

Auto Graph Fix Inc., R. R. 2 Box 285A, Wyalusing, PA 18853-9341. Authorization No. WH4681. Effective June 16, 2003.

King Construction Co., LLC, 601 Overly Grove Road, New Holland, PA 17557-9458. Authorization No. WH4682. Effective June 16, 2003.

Josh Steel Co., 46 Sixth St., Braddock, PA 15104. Authorization No. WH4683. Effective June 16, 2003.

Hilltop Lawn Service Inc., 16403 Pottsville Pike, Hamburg, PA 19526. Authorization No. WH4685. Effective June 16, 2003.

Bruce Trent Trucking Inc., 1795 Stoystown Road, Friedens, PA 15541-9724. Authorization No. WH4687. Effective June 16, 2003.

Kenhorst Borough Berks County, 339 S. Kenhorst Blvd., Kenhorst, PA 19607-2099. Authorization No. WH4693. Effective June 16, 2003.

Jason D. McDuffitt, 229 Nemaocolin Road, Carmichaels, PA 15320. Authorization No. WH4694. Effective June 16, 2003.

Ten Mile River Enterprises Inc., P. O. Box 500, Narrowsburg, NY 12764. Authorization No. WH4696. Effective June 16, 2003.

D. J. Fry Excavating, R. R. 2 Box 146B1, Clearfield, PA 16830. Authorization No. WH4697. Effective June 16, 2003.

Bulkmatic Transport Co., P. O. Box 276K, Martins Creek, PA 18063-0193. Authorization No. WH4699. Effective June 16, 2003.

JD Penrose Inc., Drawer F, 146 Chestnut Street, Robinson, PA 15949-0306. Authorization No. WH4802. Effective June 16, 2003.

JCR Builder Inc., 150 W. High Meadow Dr., Butler, PA 16002. Authorization No. WH4695. Effective June 16, 2003.

RPD Inc., 111 Sunset Ave., Selden, NY 11784. Authorization No. WH4661. Effective June 17, 2003.

Connolly Excavating Inc., 259 Dana St., Swoyersville, PA 18704. Authorization No. WH4673. Effective June 17, 2003.

MIBO Transportation Inc., 1, 87 Saratoga Ave., Yonkers, NY 10705. Authorization No. WH4856. Effective June 17, 2003.

Robert Hart Trucking LLC, 96 Perryville Road, Pittstown, NJ 08867-4212. Authorization No. WH3150. Effective June 17, 2003.

John E. Simon, 66 Grove Street, Edwardsville, PA 18704. Authorization No. WH4801. Effective June 17, 2003.

MK Truck Service, P. O. Box 39, Pine Grove, PA 17963. Authorization No. WH4803. Effective June 17, 2003.

Reider Endeavors Corp., P. O. Box 504, 3743 Old Hershey Road, Elizabethtown, PA 17022-0504. Authorization No. WH4804. Effective June 17, 2003.

T. Peters Construction, R. R. 1 Box 40B, Shelocta, PA 15774-9600. Authorization No. WH4805. Effective June 17, 2003.

Philip A. Dibello, 12 Scott Drive, Stroudsburg, PA 18360. Authorization No. WH4806. Effective June 17, 2003.

Dolla Construction Company, 208 North Main Street, Monocacy, PA 19542. Authorization No. WH4807. Effective June 17, 2003.

David Randall Associates Inc., P. O. Box 123, 219 Maple Avenue, Harleysville, PA 19438-0123. Authorization No. WH4808. Effective June 17, 2003.

Enrique A. Sanchez, 918 Church Street, Reading, PA 19601. Authorization No. WH4809. Effective June 17, 2003.

JPJ Transportation LLC, 40 Legion Place, Malverne, NY 11565. Authorization No. WH4810. Effective June 17, 2003.

B & C Auto Wreckers Inc., 4867 Route 15 Highway, Montgomery, PA 17752. Authorization No. WH4811. Effective June 17, 2003.

Kay A. Powell, 15 Chelsea Road, Eastamton, NJ 08060. Authorization No. WH4812. Effective June 17, 2003.

David P. Schilling, 2889 Ben Franklin Highway, Ebensburg, PA 15931. Authorization No. WH4814. Effective June 17, 2003.

Frank A. Malizia Jr., Inc., 2380 Bristol Road, Holland, PA 18966. Authorization No. WH4815. Effective June 17, 2003.

Stanziale Trucking LLC, 75 Orchard Street, Bloomfield, NJ 07003. Authorization No. WH4816. Effective June 17, 2003.

Randy B. Musselman, R. R. 2 Box 295, East Freedom, PA 16637. Authorization No. WH4817. Effective June 17, 2003.

PH Glatfelter Co., 228 S. Main St., Spring Grove, PA 17362-1000. Authorization No. WH4818. Effective June 17, 2003.

Valley GMC Sales & Service Inc., 409 Struble Road, State College, PA 16801. Authorization No. WH4819. Effective June 17, 2003.

Ronald J. Labrosse & Sons, 120 Hidden Valley Drive, Finleyville, PA 15332-9412. Authorization No. WH4821. Effective June 17, 2003.

HWS Trucking, 1st Floor, 811 15th St., Union City, NJ 07087. Authorization No. WH2719. Effective June 17, 2003.

Raul & Wilson LLC, Apt. 1, 1911 Pausade Ave., Union City, NJ 07087. Authorization No. WH2736. Effective June 17, 2003.

Marc Trans Inc., P. O. Box 127, Beaver, PA 15009. Authorization No. WH4644. Effective June 17, 2003.

Glenn B. Harris dba Jubilee Transportation, 281 William St., 1st Floor, Rahway, NJ 07065. Authorization No. WH4842. Effective June 17, 2003.

Trombetta Trucking, 1317 Farragut St., Conway, PA 15027. Authorization No. WH4861. Effective June 17, 2003.

T & M Inc., 143 Carmell Drive, Irwin, PA 15642. Authorization No. WH4485. Effective June 16, 2003.

Joseph Massino Paving, 632 Tennis Avenue, Glenside, PA 19038. Authorization No. WH4486. Effective June 16, 2003.

Nelson Trucking, 9081 Peach Street, Waterford, PA 16441. Authorization No. WH4487. Effective June 16, 2003.

Michael E. Laird, 447 Fairview Avenue, Penndel, PA 19047. Authorization No. WH4488. Effective June 16, 2003.

Louis Kraft Company, 304 Duncomb Street, P. O. Box 957, Oil City, PA 16301-0957. Authorization No. WH4490. Effective June 16, 2003.

R. K. Virgile Trucking, 3 Union Street, Oil City, PA 16301. Authorization No. WH4491. Effective June 16, 2003.

Greger Topsoil, 1 Quarry Road, Douglassville, PA 19518. Authorization No. WH4494. Effective June 16, 2003.

K & S Water Service Inc., 102 O'Hare Road, Canonsburg, PA 15317. Authorization No. WH4495. Effective June 16, 2003.

Chestnutwood Hoffman Builders, 2059 Oakridge Drive, Box 119, Salix, PA 15952. Authorization No. WH4523. Effective June 16, 2003.

Castlerock Landscape and Lighting Inc., 605 Otsu Road, Willow Street, PA 17584. Authorization No. WH4524. Effective June 16, 2003.

Monaghan Construction, 1232 Pottstown Pike, West Chester, PA 19380. Authorization No. WH3899. Effective June 16, 2003.

Manzak Land Company Inc., R. R. 5 Box 93, Montrose, PA 18801. Authorization No. WH4700. Effective June 18, 2003.

Liberty Building Association, 1243 Liberty Street, P. O. Box 45, Franklin, PA 16323. Authorization No. WH4701. Effective June 18, 2003.

Care Environmental Corporation, 10 Orben Drive, Landing, NJ 17850-1806. Authorization No. WH4703. Effective June 18, 2003.

Bedford Valley Petroleum Corporation, 10228 Lincoln Highway, Everett, PA 15537. Authorization No. WH4705. Effective June 18, 2003.

Sheridan Printing Company Inc., 1425 Third Avenue, Alpha, NJ 08865. Authorization No. WH4706. Effective June 18, 2003.

Alberto Contreras, 557 Sayre Avenue, Perth Amboy, NJ 08861. Authorization No. WH4708. Effective June 18, 2003.

Wayne Stump Contracting, 8 Creek Road, P. O. Box 208, Virginville, PA 19564. Authorization No. WH4709. Effective June 18, 2003.

Eshelman Transportation Inc., 4339 Morgantown Road, Mohnton, PA 19540. Authorization No. WH4710. Effective June 18, 2003.

Guy M. Cooper Inc., 300 Davisville Road, Willow Grove, PA 19090. Authorization No. WH4715. Effective June 18, 2003.

Carl L. Monti, 9 Windeler Road, Howell, NJ 07731. Authorization No. WH4383. Effective June 20, 2003.

Saeger Trucking Company, P. O. Box 767, Bethlehem, PA 18016-0767. Authorization No. WH4688. Effective June 20, 2003.

Lucisano Brothers Inc., River Road, Tullytown, PA 19007. Authorization No. WH4716. Effective June 20, 2003.

Matthew Edwards Inc., 1840 Country Line Road, Huntingdon Valley, PA 19006. Authorization No. WH4717. Effective June 20, 2003.

Lorah Excavating Company, 4671 Myrtle Road, Walnutport, PA 18088-9424. Authorization No. WH4718. Effective June 20, 2003.

Nestlerode Construction Company Inc., 145 East Walnut Street, Lock Haven, PA 17745-3521. Authorization No. WH4719. Effective June 20, 2003.

Abel Industries, 3245 Phoenixville Pike, P. O. Box 506, Devault, PA 19432. Authorization No. WH4726. Effective June 20, 2003.

Sertsal Trucking Inc., 82 Main Street, Lodi, NJ 07644. Authorization No. WH4727. Effective June 20, 2003.

Blue Diamond Disposal Inc., P. O. Box 267, Succasunna, NJ 07876. Authorization No. WH4728. Effective June 20, 2003.

Schuylkill Products Inc., 121 River Street, Cressona, PA 17929-1108. Authorization No. WH4730. Effective June 20, 2003.

Mary Anne Susick d/b/a MAS Transit, P. O. Box 371, Perryopolis, PA 15473. Authorization No. WH4619. Effective June 19, 2003.

Robert D. Hughes, Swan Drive, P. O. Box 634, Connelville, PA 15425. Authorization No. WH4620. Effective June 19, 2003.

James H. Wachs d/b/a Jade Transit Lines, 280 Wachs Road, West Newton, PA 15089. Authorization No. WH4621. Effective June 19, 2003.

Warsava Transport, 48 Reinhardt Road, Montague, NJ 07827. Authorization No. WH4623. Effective June 19, 2003.

Jose E. Valenciano, 14004 Old Columbia Pike, Burtonsville, MD 20866. Authorization No. WH4624. Effective June 19, 2003.

P. B. Excavating Company, 14633 South Main Street, Waterford, PA 16441. Authorization No. WH4627. Effective June 19, 2003.

Dale R. Kingen, Woods Road, P. O. Box 102, Mill Village, PA 16427. Authorization No. WH4628. Effective June 19, 2003.

John A. Lipp Company, Inc., 5199 Mountaintop Lane, R. R. No. 3, Box 87a, Elizabeth, PA 15037. Authorization No. WH4629. Effective June 19, 2003.

Champion Express Transport, Inc., 59 South Nassau Street, Bethpage, NY 11714. Authorization No. WH4630. Effective June 19, 2003.

Morris Johnson & Sons, Inc., 596 Davidsville Road, Willow Grove, PA 19090. Authorization No. WH4631. Effective June 19, 2003.

Salvatore T. Mitchell, 4825 Mapledale Street, Munhall, PA 15120. Authorization No. WH4633. Effective June 19, 2003.

George Kuhlman d/b/a Ground Control, 827 Boal Avenue, Boalsburg, PA 16827. Authorization No. WH4635. Effective June 19, 2003.

Euro Fibers, Inc., Mail Drop 4000, 1408 West Baltimore Pike, Franklin Center, PA 19091. Authorization No. WH4636. Effective June 19, 2003.

Gregory W. Schroyer, 3104 West Crawford Avenue, Connellsville, PA 15425. Authorization No. WH4637. Effective June 19, 2003.

John Vincent Vitalie d/b/a Total Remodeling, 400 Redwood Avenue, Johnstown, PA 15905. Authorization No. WH4638. Effective June 19, 2003.

Weihaus Construction, Inc., 299 Douglass Road, Beaver Falls, PA 15010-6903. Authorization No. WH4639. Effective June 19, 2003.

Samco Construction and Development LLC., 1037-3 Mars-Evans City Road, Mars, PA 16046. Authorization No. WH4640. Effective June 19, 2003.

Denied applications for municipal and residual waste transporter interim authorization received under the Waste Transportation Safety Act, 27 Pa.C.S. §§ 6201–6209) and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

J. D. Larock Trucking, R. R. 2 Box 102, Reynoldsville, PA 15851. Authorization No. WH1017. Effective August 7, 2003.

Stockard Home Improvements, 167 Cullen Road, Oxford, PA 19363. Authorization No. WH3829. Effective August 7, 2003.

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 Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

GP3-05-03014: WSI Sandy Run Landfill (995 Landfill Road, Hopewell, PA 16650) on August 22, 2003, authorized to operate a portable nonmetallic mineral processing plant under GP3 in Broad Top Township, **Bedford County**.

Plan approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0112B: Palmer International, Inc. (2036 Lucon Road, Skippack, PA 19474) on August 20, 2003, to operate a thermal oxidizer in Skippack Township, **Montgomery County**.

46-0018C: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) on August 20, 2003, to operate a lithographic printing press in Upper Hanover Township, **Montgomery County**.

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

43-011A: Greenville Metals, Inc. (99 Crestview Drive, Transfer, PA 16154) on August 14, 2003, to operate an exothermic reaction process in Pymatuning Township, **Mercer County**.

Plan approval revisions issued including extensions, minor modifications and transfers of ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

23-0094: Steinbeis Packaging, LLC (1515 Garnet Mine Road, Boothwyn, PA 19061) on August 19, 2003, to operate rotogravure printing presses in Bethel Township, **Delaware County**.

46-0037I: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on August 19, 2003, to operate building 55, Ta/Nb production in Douglass Township, **Montgomery County**.

09-0074A: PCR Acquisitions—dba Campania Intl. Inc. (401 Fairview Ave., Quakertown, PA 18951) on August 19, 2003, to operate reinforced fiberglass manufacturing in Quakertown Borough, **Bucks County**.

09-0008: Tavo Packaging, Inc. (2 Canal Road, Fairless Hills, PA 19030) on August 19, 2003, to operate a flexographic printing press in Falls Township, **Bucks County**.

15-0027D: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on August 19, 2003 to operate coating line No. 7 and SCR in Tredyffrin Township, **Chester County**.

15-0029C: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335) on August 19, 2003, to operate a flexographic printing press in Downingtown Borough, **Chester County**.

46-0112: Palmer International, Inc. (2036 Lucon Road, Skippack, PA 19474) on August 15, 2003, to operate a thermal oxidizer in Skippack Township, **Montgomery County**.

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

11-00252: C and C Smith Lumber (197 Tower Road, Summerhill, PA 15958) on August 19, 2003 to construct a sawdust dehydration unit in Croyle Township, **Cambria County**. This plan approval was extended.

32-00238A: Weimer's Iron and Scrapmetal (5639 Tunnelton Road, Saltsburg, PA 15681) on August 21, 2003 to install an aluminum melting furnace in Conemaugh Township, **Indiana County**. This plan approval was extended.

26-00534A: Fayette Thermal, LLC (755 Opossum Lake Road, Carlisle, PA 17013) on August 20, 2003 to install boilers at their East Millsboro Steam Plant in Luzerne Township, **Fayette County**. This plan approval was extended.

Title V operating permits issued 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. Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05026: North American Fluoropolymers Co. (P. O. Box 704, Leesport, PA 19533) on August 20, 2003, to operate a Teflon crumb manufacturing facility in Ontelaunee Township, **Berks County**. This is a renewal of the operating permit.

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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

21-03021: ASF Keystone, Inc. (3470 Simpson Ferry Road, Camp Hill, PA 17011) on August 21, 2003, to operate a railroad equipment manufacturing facility in Lower Allen Township, **Cumberland County**.

21-03055: Fry Communications, Inc.—Plant Number 4, Building 4 (101 Fry Drive, Mechanicsburg, PA 17055) on August 22, 2003, to operate a lithographic printing operation in Silver Spring Township, **Cumberland County**.

21-05037: Union Quarries, Inc. (P. O. Box 686, Carlisle, PA 17013) on August 20, 2003, to operate their

crushing, concrete and asphalt plants at their existing facility in South Middleton Township, **Cumberland County**.

28-05018: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307) on August 18, 2003, to operate their Chambersburg fruit processing facility in Chambersburg Borough, **Franklin County**.

36-03001: Nichia America, Corp. (3775 Hempland Road, Mountville, PA 17554) on August 22, 2003, to operate their luminescent materials manufacturing facility in West Hempfield Township, **Lancaster County**.

36-05118: R. R. Donnelly and Sons, Co. (P. O. Box 3780, Lancaster, PA 17604-3133) on August 20, 2003, to operate their printing facility in the City of Lancaster, **Lancaster County**.

67-05057: Fypon Ltd. (22 West Pennsylvania Avenue, Stewartstown, PA 17363) on August 20, 2003, to operate their molded millwork production facility in Stewartstown Borough, **York County**.

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

25-00951: Bay City Forge 2002, Inc. (1802 Cranberry Street, Erie, PA 16502) on August 12, 2003, for a Natural Minor Permit to operate a forging shop using carbon, alloy and stainless steels in City of Erie, **Erie County**. The air pollution sources at the facility include three forge furnaces.

Operating permit revisions issued including administrative amendments, minor modifications or transfers of ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

67-05011: Tate Access Floors, Inc. (P. O. Box 398, Red Lion, PA 17356) on August 18, 2003, to operate their Red Lion facility in Windsor Township, **York County**. The Title V operating permit was administratively amended to reflect the correct name of the company from Kingspan Holdings to Tate Access Floors Inc. This is Revision No. 2 of the operating permit.

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

24-00120: Dominion Transmission, Inc.—Ardell Station (Quahanna Highway, State Road No. 2004, Luthersburg, PA 15848) on August 18, 2003, to correct several typographical errors in the emission restrictions of their natural gas turbine in Benezette Township, **Elk County**. This is an administrative amendment of their facility's amended Title V Operating Permit issued on May 6, 2003.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief, (215) 685-9476.

S00-001: EcoTechnology, Inc. Biosolids Drying Facility (7800 Penrose Ferry Road, Philadelphia, PA 19153) on August 21, 2003, administratively amended to change the contact information in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor operating permit was originally issued on June 19, 2001.

The City of Philadelphia, Air Management Services administratively amended operating permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices for the following facilities:

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); 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 such 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 Permit Actions

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

30841602. NPDES Permit No. PA0215562, Duquesne Light Co. (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick Mine No. 2 Prep Plant in Monongahela Township, **Greene County**, renewal, no additional discharges. Permit issued August 22, 2003.

30841602. NPDES Permit No. PA0215562, Duquesne Light Co. (Warwick Mine No. 3, P. O. Box 457, Greensboro, PA 15338), to revise the permit for the Warwick Mine No. 2, Coal Prep Plant in Monongahela Township, **Greene County**, to revise to install stream crossing, permit, no additional discharges. The first downstream potable water supply intake from the point of discharge is Masontown Borough, 3.48 miles. Permit issued August 22, 2003.

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

33920106 and NPDES Permit No. PA0211273. Beverly Hill Coal Company (P. O. Box 39, Rockton, PA 15856). Renewal of an existing bituminous strip and auger operation in Henderson Township, **Jefferson County** affecting 64.0 acres. Receiving streams: Unnamed tributary to East Branch Mahoning Creek. Application received: January 27, 2003. Permit Issued: August 18, 2003.

43020103 and NPDES Permit No. PA0242136. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip and coal ash placement operation in Sandy Lake Township, **Mercer County** affecting 95.4 acres. Receiving streams: Unnamed tributary B to Sandy Creek. Application received: July 17, 2002. Permit Issued: August 11, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17020110 and NPDES Permit No. PA 0243311. RAMM Coal Company, R. R. 1, Box 16, Rockton, PA 15856. Commencement, operation and restoration of a bituminous surface mine-auger permit in Sandy and Brady Townships, **Clearfield County** affecting 143.6 acres. Receiving streams: LaBorde Branch to Sandy Lick Creek to Red Bank Creek to the Allegheny River to the Ohio River to the Mississippi River to the Gulf of Mexico. Application received: November 18, 2002. Permit issued: August 7, 2003.

17870129 and NPDES Permit No. PA 0116190. Sky Haven Coal, Inc., R. R. 1, Box 180, Penfield, PA 15849. Renewal of an existing bituminous surface mining permit in Morris Township, **Clearfield County** affecting 498.3 acres. Receiving streams: Emigh Run to Moshannon Creek and an unnamed tributary to Laurel Run also a tributary to Moshannon Creek. Application received: December 16, 2002. Permit issued: August 4, 2003.

17990122 and NPDES Permit No. PA 0242772. AMFIRE Mining Company, LLC, One Energy Place, Suite 7500, Latrobe, PA 15650. Transfer of an existing bituminous surface mine permit from Laurel Energy, LP, located in Brady and Bloom Townships, **Clearfield County**, affecting 107.2 acres. Receiving streams: unnamed tributary No. 1 to Little Anderson Creek to Anderson Creek to the West Branch of the Susquehanna River. Application received: April 4, 2003. Permit issued: August 19, 2003.

17930129 and NPDES Permit No. PA 0219738. AMFIRE Mining Company, LLC, One Energy Place, Suite 7500, Latrobe, PA 15650. Transfer of an existing bituminous surface mine permit from Laurel Energy, LP, located in Jordan Township, **Clearfield County**, affecting 436.4 acres. Receiving streams: Potts Run, unnamed tributaries to Gazzam Run and McNeel Run. Application received: April 4, 2003. Permit issued: August 19, 2003.

Noncoal Permit Actions

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

25950802. Tom Francis (10528 Wattsburg Road, Erie, PA 16509). Final bond release for a small noncoal mining operation in Venango Township, **Erie County**. Restoration of 1.0 acre completed. Receiving streams: Unnamed tributary to French Creek, classified for the following uses: WWF. Application received: July 9, 2003. Final bond release approved: August 12, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17030801. Ash English Trucking, 90 Fawn Lane, Morrisdale, PA 16858. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Bradford Township, **Clearfield County** affecting 4.6 acres. Receiving streams: Valley Fork Run, tributary to Roaring Run. Application received: May 7, 2003. Application withdrawn: August 5, 2003.

08020811. Joseph Stutzman, R. R. 3, Box 221, Wyalusing, PA 18853. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Pike Township, **Clearfield County** affecting 5 acres. Receiving streams: unnamed tributary, tributary to Rockwell Creek. Application received: September 25, 2002. Application returned: August 18, 2003.

14030802. Timothy F. Tressler and Michael C. Fedor, 26 Sandrock Court, Port Matilda, PA 16870. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Huston Township, **Centre County**, affecting 5 acres. This permit authorizes a variance to conduct surface mining activities within 100 feet of unnamed tributary No. 1 to Bald Eagle Creek, between Steel Hollow and Martha Furnace. Application received: June 5, 2003. Permit issued: August 1, 2003.

08010818. Kenneth Shedden, R. R. 1, Box 99F, LeRaysville, PA 18829. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Asylum Township, **Bradford County** affecting 2 acres. Receiving streams: tributary to Durell Creek. Application received: July 24, 2001. Permit issued: August 13, 2003.

08020809. Kim L. Mapes, 704 S. Fourth Street, Towanda, PA 18848. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Standing Stone Township, **Bradford County** affecting 2 acres. Application received: July 8, 2002. Application returned: August 21, 2003.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

40034026. Latona Trucking (620 South Main Street, Pittston, PA 18640) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Pittston Township, **Luzerne County** with an expiration date of July 30, 2004. Permit issued: August 18, 2003.

06034043. Pavex, Inc., (4400 Gettysburg Road, Camp Hill, PA 17011) and **Kesco, Inc.** (127 Oneida Valley Road, Butler, PA 16001), construction blasting in Tilden Township, **Berks County** with an expiration date of September 30, 2003. Permit issued: August 18, 2003.

09034022. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Nockmixon Township, **Bucks County** with an expiration date of September 30, 2004. Permit issued: August 18, 2003.

45034034. Keystone Hollow Corporation (P. O. Box 1158, Marshalls Creek, PA 18355) and **Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of November 20, 2005. Permit issued: August 18, 2003.

23034013. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in Radnor Township, **Delaware County** with an expiration date of September 11, 2004. Permit issued: August 18, 2003.

67034056. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in East Manchester Township, **York County** with an expiration date of June 12, 2004. Permit issued: August 18, 2003.

48034028. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Com-**

pany, (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting in Allen Township, **Northampton County** with an expiration date of April 30, 2004. Permit issued: August 18, 2003.

21034046. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in South Middleton Township, **Cumberland County** with an expiration date of March 23, 2004. Permit issued: August 18, 2003.

28034026. Geological Technologies, Inc. (715 Baltimore Street, Martinsburg, WV 25401), construction blasting in Antrim Township, **Franklin County** with an expiration date of April 12, 2004. Permit issued: August 18, 2003.

36034084. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Lancaster City, **Lancaster County** with an expiration date of December 31, 2003. Permit issued: August 18, 2003.

36034083. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Earl Township, **Lancaster County** with an expiration date of September 12, 2004. Permit issued: August 18, 2003.

21034045. Rogele, Inc. (1025 South 21st Street, P. O. Box 1757, Harrisburg, PA 17105-1757), construction blasting in South Middleton Township, **Cumberland County** with an expiration date of March 12, 2004. Permit issued: August 18, 2003.

15034033. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in East Caln Township, **Chester County** with an expiration date of September 12, 2004. Permit issued: August 18, 2003.

45034035. Holbert Explosives, Inc. (237 Masthlope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Stroud Township, **Monroe County** with an expiration date of September 22, 2006. Permit issued: August 18, 2003.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

14034016. John Spearly Construction, 523 Seibert Road, Bellefonte, PA 16823, for construction blasting, located in Benner Township, **Centre County** with an expected duration of 15 days. Permit issued: August 20, 2003.

Persons aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—705 (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 may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 to 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 decisional law.

For individuals who wish to challenge an action, your appeal 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 you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717-787-3483) for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by these actions 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 may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing 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 to 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 decisional law.

For individuals who wish to challenge an action, your appeal 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 you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (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 P.S. §§ 691.1—691.702) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-860. Westrum Land Development, LLC. 370 Commerce Drive, Suite 100, Fort Washington PA 19034, New Britain Township, **Bucks County**, Philadelphia ACOE District (Doylestown, PA Quadrangle N: 3.1 inches; W: 11.5 inches).

To perform the following activities in and along an unnamed tributary of Mill Creek (TSF-MF) watershed associated with the proposed 87 lot single-family dwelling Residential Subdivision on 45.88-acre tract of land known as the Hopkins Tract:

1. An Environmental Assessment approval for impacts associated with the removal of an existing on-stream nonjurisdictional dam and to reconstruct, operate and maintain in its place an on-stream nonjurisdictional dam for stormwater management purposes.

2. To modify an existing on-stream 0.18-acre reservoir (POW) associated with the dam noted in item 1 by deepen filling and enlarge the body of water.

3. To relocate 180 linear feet of the unnamed intermittent tributary to Mill Creek (TSF-MF) by construction and maintenance of an approximately 40 linear feet of new channel and enclose approximately 130 linear feet of stream. The enclosure starts at catch basin CB-32 continues through 85 linear feet of 30 inch RCP, to Catch Basin CB-47, continues through 40 linear feet of 42-inch RCP, and then rejoin the modified reservoir noted in item 2 at endwall EW-02 and is associated with the proposed Road "B." Work also includes installation and maintenance of the 8-inch PVC sanitary sewer line and 8-inch TDIP water main crossings beneath the proposed enclosure.

4. To place fill in the abandoned channel relocated in item 3, and place fill in 0.03 acre of adjacent wetlands (PEM).

5. To remove a 24-inch RCP culvert which conveys an unnamed tributary of Mill Creek under Upper State Road and to construct in its place a culvert starting at manhole MH-OFF1 associated with the dam noted in item 1 continuing through 20 linear feet of 24 inch by 60-inch Box Culvert to catch basin CB-OFF1, continuing through 28 linear feet of 24-inch by 60 inch Box Culvert to endwall EW-04.

6. To construct and maintain three complete span pedestrian bridges crossings of an unnamed intermittent tributary of Mill Creek associated with the proposed walking trail.

The project will impact 180 linear feet of watercourse, 0.18 acre of reservoir (POW), and 0.03 acre of wetland. The site is located approximately 300 feet northwest of the intersection of School House Road and Upper State Road (Doylestown, PA USGS Quadrangle N: 3.1 inches; W: 11.5 inches).

E23-428. Belmont 17 LLC, 100 Baltimore Pike, P. O. Box 100, Chadds Ford, PA 19317, Bethel Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Belmont Subdivision situated in and along 0.20 acre of wetland (PFO/PEM) within the watersheds of unnamed tributaries to Webb Creek (TSF, MF) and unnamed tributaries to Beaver Creek (WWF, MF):

1. To construct an 8-inch PVC sanitary sewer utility line crossing of wetland (PEM) adjacent to a tributary of Webb Creek temporarily disturbing 0.04 acre.

2. To construct and maintain a 63-foot long culvert consisting of 8-inch RCP and associated fill in and along a

tributary of Beaver Creek and within 0.03 acre of adjacent wetlands (PFO) associated with the construction of Belmont Lane.

3. To place fill within 0.04 acre of wetland (PEM) adjacent to a tributary of Beaver Creek associated with the construction of Sarasota Lane.

4. To place fill in 0.01 acre of wetland (PEM) adjacent to a tributary of Beaver Creek associated with the construction of a pedestrian trail.

5. To install and maintain an 8-inch PVC sanitary sewer utility line crossing of wetlands (PEM and PFO) adjacent to a tributary of Beaver Creek temporarily disturbing 0.09 acre.

This permit also includes an environmental assessment approval for impacts associated with proposed work to construct, modify and maintain three nonjurisdictional dams which shall include the following activities:

1. To modify the outlet works of an existing non-jurisdictional dam and to maintain the nonjurisdictional dam for storm water management facility "D" which will impact approximately 8 linear feet of a tributary to Beaver Creek.

2. To modify the outlet works of an existing non-jurisdictional dam, which will impact approximately 34 square feet of wetland (PEM) adjacent to a tributary of Webb Creek associated with the construction of Half Mile Post North Road. The waterbody will serve as storm water management facility "B."

The permittee has proposed to construct 0.10 acre of replacement wetlands to compensate for impacts associated with the proposed work..

The site is located on a 95.5-acre parcel along the southwest corner of Ebright Road and Naamans Creek Road in (Wilmington North, PA Quadrangle; 16.1 inches North and 3.3 inches West).

E46-934. PennDOT, 7000 Geerdes Boulevard, King of Prussia, PA 19406, West Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities in and along Gulf Creek, a perennial stream classified as Warm Water Fishery:

1. To replace an existing 20-foot by 20-foot arch bridge with a 10-foot under clearance and appurtenant structures.

2. To construct and maintain a 52-foot by 46-foot single span concrete bridge with a 16-foot under clearance.

3. To place 140 linear feet of R-8 riprap for scour protection on the banks and along the footers of the proposed bridge.

4. To place a temporary cofferdam and pipes to dewater 175 linear feet of the streambed and to convey flows around the proposed footer work.

5. To realign approximately 175 linear feet of stream channel.

The project proposes to directly affect a total of 175 linear feet of stream channel. Also, several utilities will be relocated underground as a result of the proposed activity and will be authorized under General Permits (GP-5 Utility Line Stream Crossings) to the respective owners. The project is located along S.R. 0023 (Norristown, PA Quadrangle N: 13.3 inches, W: 9.3 inches).

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

E52-184. Tennessee Gas Pipeline, 197 Tennessee Road, Coudersport, PA 16915. Lackawaxen, Shohola and Milford Townships, **Pike County**, Army Corps of Engineers Philadelphia District.

To repair and maintain stream and wetland crossings along an existing 24-inch-diameter high-pressure natural gas pipeline known as the TGP 300-1 Line. Temporary impacts total 1,599 linear feet of HQ-CWF and EV streams and 1.23 acres of PEM wetlands. Work will include excavation to expose sections of the pipeline, removal of the external coating and reapplication of a new coating at approximately 14 crossings. The project is located within the existing pipeline right-of-way, extending southeasterly from a point approximately 2,000 feet northwest of Little Teedyuskung Lake (Narrowsburg, NY-PA Quadrangle N: 2.1 inches; W: 14.4 inches). Subbasin: 1B, D.

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

E38-139: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Union and Swatara Townships, **Lebanon County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a two span bridge with a total span of 242 feet on a 70 degree skew with a minimum average underclearance of 13.5 feet across Swatara Creek (WWF) on SR 1022, Section 001, Segment 0020, offset 2811 and to fill in 0.01 acre of de minimis wetland located about 1.2 miles north of the Village of Lickdale (Indiantown Gap, PA Quadrangle N: 16.85 inches; W: 0.85 inch) in Union and Swatara Townships, Lebanon County. The applicant will provide 0.01 acre of replacement wetland onsite.

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

E59-443. Three Pines Hunting Club, 2029 Sauer Rd., Harrisburg, PA 17110. Three Pines Foot Bridge, in Covington Township, **Tioga County**, ACOE Baltimore District (Blossburg, PA Quadrangle N: 13.5 inches; W: 8 inches).

To construct, operate and maintain a single span arched footbridge 3 feet wide by 50 feet long. The structure shall be elevated 1 foot from the existing stream bank. The bridge is located on East Creek, which carries a water quality designation of Cold Water Fishery and is located 0.5 mile on East Creek Road from the intersection with Ruhl Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

[Pa.B. Doc. No. 03-1750. Filed for public inspection September 5, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Meadville Medical Center for Exception

A notice for Meadville Medical Center was incorrectly published at 33 Pa.B. 4036 (August 9, 2003) as a request for exception to 28 Pa. Code § 571.1 (relating to minimum standards). The request for exception should have been for 28 Pa. Code § 153.1 (relating to minimum standards).

The request is on file with the Department of Health (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.

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 require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-1751. Filed for public inspection September 5, 2003, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, September 17, 2003, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17108.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cynthia Trafton, Bureau of Health Planning, (717) 772-5298, ctrafton@state.pa.us or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 03-1752. Filed for public inspection September 5, 2003, 9:00 a.m.]

Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(b) (relating to toilet facilities):

Holy Family Manor, Inc.
1200 Spring Street
Bethlehem, PA 18018

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from 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 this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

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

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

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

[Pa.B. Doc. No. 03-1753. Filed for public inspection September 5, 2003, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Bradford County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing reinforced concrete slab bridge carrying State Route 14 over a tributary to Sugar Creek in Troy Borough, Bradford County. As part of the project, right-of-way will be required from the Troy Historic District, which is eligible for listing on the National Register of Historic Places.

Information describing the project together with the associated environmental analysis is contained in the Environmental Documentation Evaluation/Section 2002 Evaluation that was prepared for this project.

The Environmental Documentation Evaluation/Section 2002 Evaluation satisfies all State environmental evaluation requirements as published in section 2002 of Pennsylvania Act 120.

Based upon studies, there is no prudent and feasible alternative to the use of this National Register eligible resources. The effect of this project on the Troy Historic District will be mitigated by measures outlined in the Memorandum of Agreement, which include:

1. The design of the parapets on the new bridge will resemble those of the original structure. These parapets will be modified to comply with the current standards of the Federal Highway Administration.
2. All historic preservation work is carried out by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualification Standards for Architectural Historian Professionals.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 03-1754. Filed for public inspection September 5, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Jeffrey G. Howell; Doc. No. SC03-08-064

Notice is hereby given of the Order to Show Cause issued on August 25, 2003, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: the Motor Vehicle Physical Damage Appraiser Act (63 P. S. § 856) and 31 Pa. Code § 62.2(b)(3) and (4) (relating to experience and fitness requirements for licensing).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure); and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1755. Filed for public inspection September 5, 2003, 9:00 a.m.]

American Independent Insurance Company; Private Passenger Auto Rate Filing

On August 21, 2003, the Insurance Department (Department) received from American Independent Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.7% increase amounting to \$604,000 annually, to be effective October 1, 2003.

Unless formal administrative action is taken prior to October 20, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us, within 30

days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1756. Filed for public inspection September 5, 2003, 9:00 a.m.]

Michele M. Catanzano; Prehearing

Appeal of Michele M. Catanzano under 40 P. S. §§ 991.2101—991.2193; Doc. No. HC03-08-031

A telephone prehearing conference initiated by this office shall be conducted on October 16, 2003, at 10:30 a.m. Parties shall provide the Hearings Administrator telephone numbers to be used for the prehearing telephone conference on or before September 9, 2003. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 2, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before October 6, 2003.

Persons with a disability, who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1757. Filed for public inspection September 5, 2003, 9:00 a.m.]

Oakland Orthopaedic Associates; Prehearing

Appeal of Oakland Orthopaedic Associates under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-08-034

On or before September 24, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for October 15, 2003, at 1 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 9, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 1, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to

intervene, if any, shall be filed on or before October 8, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1758. Filed for public inspection September 5, 2003, 9:00 a.m.]

Pennsylvania Property & Casualty Insurance Guaranty Association; Prehearing

Appeal of Pennsylvania Property & Casualty Insurance Guaranty Association under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-08-032

On or before September 23, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for October 14, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 9, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 30, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before October 7, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1759. Filed for public inspection September 5, 2003, 9:00 a.m.]

Penn Treaty Network America Insurance Company; Rate Increase Filing for Long-Term Care Series IL94

Penn Treaty Network America Insurance Company is requesting approval to increase the premium 38% for the Home Health Care Forms IL94(PA)-N, IL94(PA)-P, IL94R(PA)-P and the associated riders. The average premium will increase from \$1,252 to \$1,728 and will affect 2,219 policyholders in this Commonwealth.

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1760. Filed for public inspection September 5, 2003, 9:00 a.m.]

**Penn Treaty Network America Insurance Company;
Rate Increase Filing for Long-Term Care Series
PF2600**

Penn Treaty Network America Insurance Company is requesting approval to increase the premium 24% for the Long-Term Care Forms PF2600(PA)-P, PF2600(PA)-N and the associated riders. The average premium will increase from \$2,083 to \$2,582 and will affect 4,830 policyholders in this Commonwealth.

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1761. Filed for public inspection September 5, 2003, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Appeal of Kathleen A. Cerny; file no. 03-181-07214; Buckeye Union Insurance Company (Encompass Insurance); doc. no. P03-08-027; October 1, 2003, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer

documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1762. Filed for public inspection September 5, 2003, 9:00 a.m.]

Paul Rodriguez-Feo, M.D.; Prehearing

**Appeal of Paul Rodriguez-Feo, M.D. under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc.
No. MM03-08-033**

On or before September 25, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for October 16, 2003, at 1 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 9, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 2, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before October 7, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1763. Filed for public inspection September 5, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Lycoming County, Wine & Spirits Shoppe #4106, 2067 Lycoming Creek Road, Williamsport, PA 17701-1129.

Lease Expiration Date: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space along Lycoming Creek Road from the intersection of Mill Lane to the south and Sweely Avenue to the north, Old Lycoming Township.

Proposals due: September 26, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Monroe County, Wine & Spirits Shoppe #4503, Route 390, RR 2, Box 2392, Cresco, PA 18326-9515.

Lease Expiration Date: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 3,500 net useable square feet of new or existing retail commercial space on State Route 390 between secondary Routes 191 and 447 within Barrett Township.

Proposals due: September 26, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Joseph P. Hannon, (717) 657-4228

Northampton County, Wine & Spirits Shoppe #4809, Bath Shopping Center, 362 South Walnut Street, Bath, PA 18014-1025.

Lease Expiration Date: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 3,500 net useable square feet of new or existing retail commercial space within the Borough of Bath.

Proposals due: September 26, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Joseph P. Hannon, (717) 657-4228

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 03-1764. Filed for public inspection September 5, 2003, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Drinking Water State Revolving Fund Projects; Public Hearing on Federal FY 2004 and 2005 Project Priority List and FY 2004 Intended Use Plan

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared a combined Federal fiscal year (FY) 2004 and 2005 drinking water program Project Priority List (PPL) and the FY 2004 Intended Use Plan (IUP) which includes a list of drinking water projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from FY 2004 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) program.

The FY 2004/2005 DWSRF PPL was developed in conformance with the requirements of the Safe Drinking Water Act Amendments of 1996 (act) and Federal guidance. The act stipulates that states must maintain a PPL of drinking water projects from which to develop the annual IUP list of projects to be funded.

The projects to be considered for a loan from the DWSRF must meet the Federal requirements for funding in accordance with section 1452 of the Federal Safe Drinking Water Act. Accordingly, the projects included in the IUP are expected to meet the requirements applicable for use of the DWSRF loan funds. Projects listed in the FY 2004 IUP are on the Commonwealth's FY 2004/2005 PPL and are expected to proceed with design and engineering or to construction in the near future. Other projects on the DWSRF PPL are projects that are in development or will be developed for future loan consideration. Any project removed from an IUP is maintained on the PPL unless otherwise completed.

The FY 2004 IUP has 13 drinking water projects listed with a total dollar value of approximately \$33.9 million. The DWSRF will be capitalized with approximately \$25.8 million of Federal FY 2004 funds from the Environmental Protection Agency (EPA) and approximately \$5.2 million of State funds. The Commonwealth intends to also use \$10.8 million of recycled DWSRF funds. Additionally, PENNVEST and the Department reserve the right to transfer up to 1/3 of the DWSRF grant amount between the Clean Water State Revolving Fund and the DWSRF. Some \$8 million of available FY 2004 Federal funds will be set aside for program administration costs, technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under section 1452 of the act. The IUP also includes a narrative work plan further describing how these set-aside funds will be used.

A public hearing will be held, as described in this notice. After the public hearing and assessment of the comments received, the final FY 2004 IUP will be completed, and potentially it may include other projects from the PPL. A project must appear on the PENNVEST approved IUP before it can receive a loan from the DWSRF. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP. Consequently, the rank ordered list of projects on the PPL does not dictate the order in which projects will be chosen for inclusion in the IUP.

Federal guidance on development of the PPL, IUP and set-aside work plan requires that they be subject to public review and comment before being submitted to the EPA.

The Department has scheduled a public hearing for 10 a.m., October 22, 2003, in the Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The hearing is scheduled for the purpose of receiving comments from the public regarding the FY 2004/2005 PPL and the FY 2004 IUP. Interested persons are invited to express their views on the narrative portion of the IUP, the set-aside work plan or the priority rating or ranking of projects on the IUP and the PPL at the public hearing. Persons wishing to offer comments should contact the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply and Wastewater Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, AMaisano@state.pa.us by 4 p.m., October 21, 2003. Where written statements are prepared and will be submitted at the hearing, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments. Speakers will be called to present their comments generally in the order of receipt of the notice of intent to appear at the hearing.

It is not necessary to appear at the public hearing to present comments on the narrative portion of the IUP, the set-aside work plan or the PPL or IUP list of projects. Interested persons may submit written comments to the Department at the previous address. Written comments will be considered equivalent to oral statements presented at the hearing. To be considered by the Department and PENNVEST, the written comments must be received by the Administrative Services Section on or before the date of the hearing.

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

The FY 2004/2005 DWSRF PPL and FY 2004 DWSRF IUP list of projects follow this notice. Copies of these lists,

as well as the narrative portion of the IUP and set-aside work plan, are available for public review in the following offices and are accessible electronically through the Department's website, as follows:

http://www.dep.state.pa.us/dep/deputate/watermgt/WSM/WSM_TAO/Finan_Tech_Asst.htm

DEP—Southeast Region:
Water Supply Manager
Lee Park, Suite 6010, 555 North Lane,
Conshohocken, PA 19428
(610) 832-6060

DEP—Northeast Region:
Water Supply Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(570) 826-2511

DEP—Southcentral Region:
Water Supply Manager
900 Elmerton Avenue, Harrisburg, PA 17110
(717) 705-4708

DEP—Northcentral Region:
Water Supply Manager
208 West 3rd Street, Williamsport, PA 17701
(Telephone 570-327-3675)

DEP—Southwest Region:
Water Supply Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4217

DEP—Northwest Region:
Water Supply Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6899

DEP—Bureau of Water Supply and
Wastewater Management,
Division of Municipal Financial Assistance,
Administrative Services Section
10th Floor, RCSOB, 400 Market Street,
Harrisburg, PA 17101
(717) 787-6744

PENNVEST
22 S. Third Street, 4th Floor,
Keystone Building, Harrisburg, PA 17101
(717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
FY 2004 INTENDED USE PLAN PROJECT**

September 6, 2003

APPLICANT: SPRING TOWNSHIP AUTHORITY	COUNTY: CENTRE	PROJECT RATING: 68
STREET: 1309 BLANCHARD STREET	REGION: WILLIAMSPORT	PROJECT RANK: 1
CITY: BELLEFONTE, PA 16823	PWSID: 4140118	PROJECT COST: \$2,849,000
	PPL YR: 2004-05	PROJECT TYPE: SRC, TREAT, TRANS, WS

PROBLEM: Existing water sources under influence of surface water and deficiencies in the distribution system

PROJECT: Construct a new groundwater supply source, well control and disinfection building, approx. 6,000 feet of transmission line, a 550,000 gallon elevated finished water storage tank, and a booster pumping station

APPLICANT: NEWPORT BOROUGH WATER AUTHORITY	COUNTY: PERRY	PROJECT RATING: 67
STREET: 231 MARKET STREET	REGION: HARRISBURG	PROJECT RANK: 2
CITY: NEWPORT, PA 17074	PWSID: 7500022	PROJECT COST: \$3,750,000
	PPL YR: 2004-05	PROJECT TYPE: SRC, TRANS, TREAT, WS

PROBLEM: Lack of reliable water source from the existing groundwater supply.

PROJECT: Construct a river intake structure, raw water transmission line, control structure, treatment plant and water storage tank

APPLICANT: PA SUBURBAN WC (MEYERS).	COUNTY: MONTGOMERY	PROJECT RATING: 55
STREET: 762 LANCASTER AVE.	REGION: CONSHOHOCKEN	PROJECT RANK: 3
CITY: BRYN MAWR, PA 19010	PWSID: 1460073	PROJECT COST: \$883,025
	PPL YR: 2004-05	PROJECT TYPE: TREAT

PROBLEM: Arsenic must be removed from source well water to assure compliance with the new arsenic standard of 10 ug/l.

PROJECT: Construct additions to the Meyers Tract Facility including two co-precipitation media filters for iron and arsenic, two backwash holding tanks, and a building addition to house the filters

APPLICANT: LIMESTONE TOWNSHIP GENERAL AUTHORITY	COUNTY: CLARION	PROJECT RATING: 48
STREET: 161 Gahagen Road	REGION: MEADVILLE	PROJECT RANK: 4
CITY: FAIRMONT CITY, PA 16224	PWSID: 0000002	PROJECT COST: \$5,738,640
	PPL YR: 2004-05	PROJECT TYPE: WS, DS

PROBLEM: Bacteriologically contaminated private water sources, water outages exceeding one week, undrinkable water also unsuitable for bathing or laundry, frequent water heater replacements, inadequate fire protection.

PROJECT: Construct a water system that will have approximately 104,000 LF of mains and a 250,000 gallon storage system. Water will be supplied by PA American Water Company.

APPLICANT: BARKEYVILLE MUNICIPAL AUTHORITY	COUNTY: VENANGO	PROJECT RATING: 45
STREET: RD #1	REGION: MEADVILLE	PROJECT RANK: 5
CITY: HARRISVILLE, PA 16038	PWSID: 6610036	PROJECT COST: \$603,267
	PPL YR: 2004-05	PROJECT TYPE: SRC, TREAT, DS

PROBLEM: Water use increase due to commercial development, with inadequate supply and greensand filters in poor condition

PROJECT: Construct a new 200 GPM water treatment plant, a new water well and associated distribution lines.

APPLICANT: HEGINS-HUBLEY JOINT AUTHORITY	COUNTY: SCHUYLKILL &	PROJECT RATING: 38
STREET: 915 W MAPLE STREET	REGION: WILKES-BARRE	PROJECT RANK: 6
CITY: VALLEY VIEW, PA 17983	PWSID: 3540047	PROJECT COST: \$1,188,763
	PPL YR: 2004-05	PROJECT TYPE: DS

PROBLEM: Insufficient water to maintain jobs and expansion of business is being hindered

PROJECT: Construct new Well No. 7 and approx. 3 miles of 12-inch water line to Wenger Foods—Hegins Valley Farm

APPLICANT: CHARLEROI, AUTH. OF THE BORO. OF
STREET: 325 MCKEAN AVE, P. O. BOX 211
CITY: CHARLEROI, PA 15022

COUNTY: WASHINGTON &
REGION: PITTSBURGH
PWSID: 5630039
PPL YR: 2004-05

PROJECT RATING: 33
PROJECT RANK: 7
PROJECT COST: \$8,887,000
PROJECT TYPE: TREAT

PROBLEM: Lack of compliance with Safe Drinking Act requirements for filtration, monitoring water quality, CT requirements, and disinfection byproducts.

PROJECT: Construct treatment plant modifications for a conversion from a rapid sand filtration plant to an ultrafiltration plant using a continuous membrane filtration process.

APPLICANT: WINDSOR BOROUGH COUNCIL
STREET: 2 WEST MAIN ST, P. O. BOX 190
CITY: WINDSOR, PA 17366

COUNTY: YORK
REGION: HARRISBURG
PWSID: 7670065
PPL YR: 2004-05

PROJECT RATING: 30
PROJECT RANK: 8
PROJECT COST: \$514,394
PROJECT TYPE: DS

PROBLEM: Water losses; rust and scale causes cloudy water in 1916 cast iron pipes with leaded joints.

PROJECT: Construct approx. 8,800 LF of 8-in dia. water main replacements throughout the Boroughs. Install a fire service meter and 4 new fire hydrants.

APPLICANT: WESTMORELAND COUNTY MA
STREET: P. O. BOX 730
CITY: GREENSBURG, PA 15601

COUNTY: WESTMORELAND
REGION: PITTSBURGH
PWSID: 5650032
PPL YR: 2004-05

PROJECT RATING: 30
PROJECT RANK: 9
PROJECT COST: \$762,000
PROJECT TYPE: DS

PROBLEM: Residential properties are currently served by private supplies of unacceptable quantity and quality.

PROJECT: Construct approximately 29,100 LF of waterline to service 129 residential properties.

APPLICANT: BENTLEYVILLE MUNICIPAL AUTHORITY
STREET: 513 MAIN STREET
CITY: BENTLEYVILLE, PA 15314

COUNTY: WASHINGTON
REGION: PITTSBURGH
PWSID: 5630030
PPL YR: 2004-05

PROJECT RATING: 30
PROJECT RANK: 10
PROJECT COST: \$180,200
PROJECT TYPE: DS

PROBLEM: Poor water quality, lack of reliable water source, and no fire protection. Potential contamination of shallow wells by malfunctioning on-lot sewage systems.

PROJECT: Construct a waterline extension in Somerset Township consisting of 4,044 LF of 12-in. pipe and 3 fire hydrants to serve 28 customers.

APPLICANT: CONEMAUGH TWP MUN AUTHORITY
STREET: BOX 13, R. D. #3
CITY: HOLLSOPPLE, PA 15935

COUNTY: SOMERSET
REGION: PITTSBURGH
PWSID: 4560048
PPL YR: 2004-05

PROJECT RATING: 30
PROJECT RANK: 11
PROJECT COST: \$1,287,250
PROJECT TYPE: DS

PROBLEM: The need for a more adequate and desirable water supply for residents using private wells and springs in the Soap Hollow Road area.

PROJECT: Construct 24,625 LF of waterline, a 200,000 gallon water storage tank, and a booster pump station

APPLICANT: EBENSBURG, MA OF THE BOROUGH OF
STREET: P. O. BOX 387
CITY: EBENSBURG, PA 15931

COUNTY: CAMBRIA
REGION: PITTSBURGH
PWSID: 4110009
PPL YR: 2004-05

PROJECT RATING: 24
PROJECT RANK: 12
PROJECT COST: \$3,500,000
PROJECT TYPE: SRC, TRANS, WS

PROBLEM: Lack of secondary source of water for Ebensburg

PROJECT: Construct 70,000 LF of water main, an 0.7 MG storage tank, and two pumping stations.

APPLICANT: SEWICKLEY BOROUGH WATER AUTHORITY **COUNTY:** ALLEGHENY **PROJECT RATING:** 21
STREET: 601 THORN STREET **REGION:** PITTSBURGH **PROJECT RANK:** 13
CITY: SEWICKLEY, PA 15143 **PWSID:** 5020050 **PROJECT COST:** \$3,818,770
PPL YR: 2002-03 **PROJECT TYPE:** WS, DS

PROBLEM: Low pressure and inadequate flow for fire protection

PROJECT: Construct a 0.5 MG water storage tank, approximately 22,000 LF of water line, and pump station modifications

NUMBER OF PROJECTS ON IUP: 13
TOTAL AMOUNT: \$33,962,309

LEGEND FOR PROJECT TYPE: SRC = SOURCE TRANS = TRANSMISSION TREAT = TREATMENT WS = WATER DS = DISTRIBUTION

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
FY 2004 - 2005 PROJECT PRIORITY LIST
SEPTEMBER 6, 2003**

APPLICANT: PA SUBURBAN WC (SHICKSHINNY) STREET: 26 MAIN ROAD CITY: SHICKSHINNY, PA 18655 COUNTY: LUZERNE	REGION: WILKES-BARRE PWSID: 2400029 IUP YEAR: 2003 MTGDATE: 11/20/2002	PROJECT RATING: 72 PROJRANK: 1 PROJECT COST: \$321,522 PROJECT TYPE: TRANS, TREAT, WS, DS
APPLICANT: PA SUBURBAN WC (TAFTON) STREET: 762 LANCASTER AVE. CITY: BRYN MAWR, PA 19010 COUNTY: PIKE	REGION: WILKES-BARRE PWSID: 2520061 IUP YEAR: 2003 MTGDATE: 7/17/2002	PROJECT RATING: 70 PROJRANK: 2 PROJECT COST: \$1,093,000 PROJECT TYPE: SRC, TREAT, TRANS, WS,
APPLICANT: PA SUBURBAN WC (WAPWALLOPEN) STREET: R. D.3 BOX 3032 CITY: WAPWALLOPEN, PA 18660 COUNTY: LUZERNE	REGION: WILKES-BARRE PWSID: 2400066 IUP YEAR: 2003 MTGDATE: 11/20/2002	PROJECT RATING: 70 PROJRANK: 3 PROJECT COST: \$334,797 PROJECT TYPE: SRC, WS, DS
APPLICANT: SPRING TOWNSHIP AUTHORITY STREET: 1309 BLANCHARD STREET CITY: BELLEFONTE, PA 16823 COUNTY: CENTRE	REGION: WILLIAMSPORT PWSID: 4140118 IUP YEAR: 2004 MTGDATE:	PROJECT RATING: 68 PROJRANK: 4 PROJECT COST: \$2,849,000 PROJECT TYPE: SRC, TREAT, TRAN, WS
APPLICANT: NEWPORT BOROUGH WATER AUTHORITY STREET: 231 MARKET STREET CITY: NEWPORT, PA 17074 COUNTY: PERRY	REGION: HARRISBURG PWSID: 7500022 IUP YEAR: 2004 MTGDATE:	PROJECT RATING: 67 PROJRANK: 5 PROJECT COST: \$3,750,000 PROJECT TYPE: SRC, TRANS, TREAT, WS
APPLICANT: ALEXANDRIA BOROUGH WATER AUTHORITY STREET: P. O. BOX 336 CITY: ALEXANDRIA, PA 16611 COUNTY: HUNTINGDON	REGION: HARRISBURG PWSID: 4310021 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 66 PROJRANK: 6 PROJECT COST: \$2,000,000 PROJECT TYPE: TREAT, WS
APPLICANT: NEW ENTERPRISE WATER ASSOCIATION STREET: R. D. #1 BOX 326 CITY: NEW ENTERPRISE, PA 16664 COUNTY: BEDFORD	REGION: HARRISBURG PWSID: 4050033 IUP YEAR: 2003 MTGDATE: 7/17/2002	PROJECT RATING: 66 PROJRANK: 7 PROJECT COST: \$1,450,000 PROJECT TYPE: TRANS, WS, DS

APPLICANT: COUDERSPORT BOROUGH AUTHORITY STREET: 201 SOUTH WEST STREET CITY: COUDERSPORT, PA 16915 COUNTY: POTTER	REGION: WILLIAMSPORT PWSID: 6530009 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 57 PROJRANK: 8 PROJECT COST: \$10,782,491 PROJECT TYPE: TREAT, WS, DIST
APPLICANT: ANSONVILLE WATER COMPANY STREET: R. D. 1 BOX 79 CITY: IRVONA, PA 16656 COUNTY: CLEARFIELD	REGION: WILLIAMSPORT PWSID: 6170003 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 56 PROJRANK: 9 PROJECT COST: \$152,100 PROJECT TYPE: SRC
APPLICANT: KENNEDY MOBILE HOME PARK STREET: P. O. BOX 226 CITY: SLIPPERY ROCK, PA 16057 COUNTY: BUTLER	REGION: MEADVILLE PWSID: 5100044 IUP YEAR: 2003 MTGDATE: 7/17/2002	PROJECT RATING: 56 PROJRANK: 10 PROJECT COST: \$43,812 PROJECT TYPE: TRANS, DS
APPLICANT: MANHEIM BOROUGH AUTHORITY STREET: 20 E HIGH ST P. O. BOX 236 CITY: MANHEIM, PA 17545 COUNTY: LANCASTER	REGION: HARRISBURG PWSID: 7360078 IUP YEAR: 2003 MTGDATE: 11/20/2002	PROJECT RATING: 56 PROJRANK: 11 PROJECT COST: \$1,300,000 PROJECT TYPE: TREAT
APPLICANT: HAZLE HURST WATER COMPANY STREET: P. O. BOX 195 CITY: HAZEL HURST, PA 16733 COUNTY: MCKEAN	REGION: MEADVILLE PWSID: 6420017 IUP YEAR: Other Funding Approved MTGDATE: 11/20/2002	PROJECT RATING: 55 PROJRANK: 12 PROJECT COST: \$883,850 PROJECT TYPE:
APPLICANT: PA SUBURBAN WC (MEYERS). STREET: 762 LANCASTER AVE. CITY: BRYN MAWR, PA 19010 COUNTY: MONTGOMERY	REGION: CONSHOHOCKEN PWSID: 1460073 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 55 PROJRANK: 13 PROJECT COST: \$883,025 PROJECT TYPE: TREAT
APPLICANT: RIVERSEDGE MOBILE HOME PARK STREET: 112 N. COURTLAND STREET CITY: EAST STROUDSBURG, PA 18301 COUNTY: NORTHAMPTON	REGION: WILKES-BARRE PWSID: 3480035 IUP YEAR: Other Funding Available MTGDATE:	PROJECT RATING: 53 PROJRANK: 14 PROJECT COST: \$100,000 PROJECT TYPE: SRC,TREAT,WS
APPLICANT: PA AMERICAN WC (BUTLER) STREET: 2736 ELLWOOD ROAD CITY: NEW CASTLE, PA 16101 COUNTY: BEAVER/BUTLER	REGION: MEADVILLE PWSID: 6370011 IUP YEAR: 2003 MTGDATE: 7/17/2002	PROJECT RATING: 51 PROJRANK: 15 PROJECT COST: \$5,995,000 PROJECT TYPE: TRANS, DS
APPLICANT: GREENFIELD TWP MUN. AUTH. STREET: R. D. #1, BOX 948 CITY: CLAYSBURG, PA 16625 COUNTY: BLAIR	REGION: HARRISBURG PWSID: 4070058 IUP YEAR: Other Funding Approved MTGDATE: 7/18/2001	PROJECT RATING: 50 PROJRANK: 16 PROJECT COST: \$7,294,000 PROJECT TYPE: TREAT,WS,DS, OTHER

APPLICANT: FAIRCHANCE BOROUGH STREET: 125 WEST CHURCH STREET CITY: FAIRCHANCE, PA 15436	REGION: PITTSBURGH PWSID: 5260007 IUP YEAR: Other Funding Approved	PROJECT RATING: 48 PROJRANK: 17 PROJECT COST: \$662,930
COUNTY: FAYETTE	MTGDATE: 11/20/2002	PROJECT TYPE: SRC,TRANS
APPLICANT: LIMESTONE TOWNSHIP GENERAL AUTHORITY STREET: 161 GAHAGEN ROAD CITY: FAIRMONT CITY, PA 16224 COUNTY: CLARION	REGION: MEADVILLE PWSID: IUP YEAR: 2004 MTGDATE:	PROJECT RATING: 48 PROJRANK: 18 PROJECT COST: \$5,738,640 PROJECT TYPE: WS, DIST
APPLICANT: BARKEYVILLE MUNICIPAL AUTHORITY STREET: R. D. #1 CITY: HARRISVILLE, PA 16038 COUNTY: VENANGO	REGION: MEADVILLE PWSID: 6610036 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 45 PROJRANK: 19 PROJECT COST: \$1,356,600 PROJECT TYPE: SRC,TREAT, DS
APPLICANT: PA AMERICAN WC (FARMINGTON) STREET: 1786 ROUTE 286 SOUTH CITY: INDIANA, PA 15701 COUNTY: CLARION	REGION: MEADVILLE PWSID: 6160001 IUP YEAR: 2003 MTGDATE: 11/20/2002	PROJECT RATING: 45 PROJRANK: 20 PROJECT COST: \$2,860,000 PROJECT TYPE: TREAT, DS, PS
APPLICANT: GARRETT BOROUGH STREET: P. O. BOX 218 CITY: GARRETT, PA 15542	REGION: PITTSBURGH PWSID: 4560035 IUP YEAR: Other Funding Approved	PROJECT RATING: 43 PROJRANK: 21 PROJECT COST: \$650,000
COUNTY: SOMERSET	MTGDATE: 3/20/2002	PROJECT TYPE: DS
APPLICANT: PA AMERICAN WC (CLARION) STREET: 1786 ROUTE 286 SOUTH CITY: INDIANA, PA 15701 COUNTY: CLARION	REGION: MEADVILLE PWSID: 6160001 IUP YEAR: 2002 Transfer MTGDATE: 11/14/2001	PROJECT RATING: 43 PROJRANK: 22 PROJECT COST: \$18,671,000 PROJECT TYPE: TRANS, TREAT, WS, DS
APPLICANT: KNOXVILLE BOROUGH STREET: P. O. BOX 191 CITY: KNOXVILLE, PA 16928	REGION: WILLIAMSPORT PWSID: 2590036 IUP YEAR: Other Funding Approved	PROJECT RATING: 41 PROJRANK: 23 PROJECT COST: \$200,000
COUNTY: TIOGA	MTGDATE: 7/17/2002	PROJECT TYPE: WS
APPLICANT: FALLS CREEK BOROUGH MUNICIPAL STREET: 117 TAYLOR AVE. CITY: FALLS CREEK, PA 15840	REGION: MEADVILLE PWSID: 6330007 IUP YEAR: Other Funding Approved	PROJECT RATING: 40 PROJRANK: 24 PROJECT COST: \$3,450,000
COUNTY: JEFFERSON	MTGDATE: 11/20/2002	PROJECT TYPE: WS,DS
APPLICANT: WESTMORELAND COUNTY MA STREET: P. O. BOX 730 CITY: GREENSBURG, PA 15601 COUNTY: WESTMORELAND	REGION: PITTSBURGH PWSID: 5650032 IUP YEAR: 2003 MTGDATE: 11/20/2002	PROJECT RATING: 40 PROJRANK: 25 PROJECT COST: \$5,403,461 PROJECT TYPE: DS
APPLICANT: HEGINS-HUBLEY JOINT AUTHORITY STREET: 915 W MAPLE STREET CITY: VALLEY VIEW, PA 17983 COUNTY: SCHUYLKILL & DAUPHIN	REGION: WILKES-BARRE PWSID: 3540047 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 38 PROJRANK: 26 PROJECT COST: \$1,188,763 PROJECT TYPE: DS

APPLICANT: PAINT TOWNSHIP MUNICIPAL WATER STREET: P. O. BOX 128 CITY: SHIPPENSVILLE, PA 16254 COUNTY: CLARION	REGION: MEADVILLE PWSID: IUP YEAR: Project Deferred MTGDATE:	PROJECT RATING: 38 PROJRANK: 27 PROJECT COST: \$1,489,190 PROJECT TYPE: DS
APPLICANT: HARMONY BOROUGH WATER AUTHORITY STREET: 217 MERCER STREET CITY: HARMONY, PA 16037 COUNTY: BUTLER	REGION: MEADVILLE PWSID: 5100042 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 36 PROJRANK: 28 PROJECT COST: \$140,000 PROJECT TYPE: DS
APPLICANT: REDBANK VALLEY MUNICIPAL AUTHORITY STREET: 212 LAFAYETTE ST CITY: NEW BETHLEHEM, PA 16242 COUNTY: CLARION	REGION: MEADVILLE PWSID: 6160010 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 36 PROJRANK: 29 PROJECT COST: \$626,500 PROJECT TYPE: DS
APPLICANT: CHARLEROI, AUTH. OF THE BORO. OF STREET: 325 MCKEAN AVE, P. O. BOX 211 CITY: CHARLEROI, PA 15022 COUNTY: WASHINGTON &	REGION: PITTSBURGH PWSID: 5630039 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 33 PROJRANK: 30 PROJECT COST: \$8,907,000 PROJECT TYPE: TREAT
APPLICANT: RURAL VALLEY BOROUGH STREET: MAIN STREET CITY: RURAL VALLEY, PA 16249 COUNTY: ARMSTRONG	REGION: PITTSBURGH PWSID: 5030012 IUP YEAR: Other Funding Approved MTGDATE: 3/20/2002	PROJECT RATING: 33 PROJRANK: 31 PROJECT COST: \$2,402,000 PROJECT TYPE: SRC,TREAT,WS,DS
APPLICANT: IRVONA MUNICIPAL AUTHORITY STREET: P. O. BOX 247 CITY: IRVONA, PA 16656 COUNTY: CLEARFIELD	REGION: WILLIAMSPORT PWSID: 6170025 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 31 PROJRANK: 32 PROJECT COST: \$2,537,000 PROJECT TYPE: TREAT, DS
APPLICANT: NORTH EAST BOROUGH WATER AUTHORITY STREET: 58 EAST MAIN ST CITY: NORTH EAST, PA 16428 COUNTY: ERIE	REGION: MEADVILLE PWSID: 6250061 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 31 PROJRANK: 33 PROJECT COST: \$11,250,000 PROJECT TYPE: WS,TRANS,TREAT
APPLICANT: PA SUBURBAN WC (NESHAMINY) STREET: 762 LANCASTER AVE. CITY: BRYN MAWR, PA 19010 COUNTY: BUCKS	REGION: CONSHOHOCKEN PWSID: 1460073 IUP YEAR: 2003 MTGDATE: 7/17/2002	PROJECT RATING: 31 PROJRANK: 34 PROJECT COST: \$4,562,625 PROJECT TYPE: TRANS, WS
APPLICANT: BENTLEYVILLE MUNICIPAL AUTHORITY STREET: 513 MAIN STREET CITY: BENTLEYVILLE, PA 15314 COUNTY: WASHINGTON	REGION: PITTSBURGH PWSID: 5630030 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 30 PROJRANK: 35 PROJECT COST: \$202,200 PROJECT TYPE: DS
APPLICANT: CONEMAUGH TWP MUN AUTHORITY STREET: BOX 13, R. D. #3 CITY: HOLLSOPPLE, PA 15935 COUNTY: SOMERSET	REGION: PITTSBURGH PWSID: 4560048 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 30 PROJRANK: 36 PROJECT COST: \$1,497,250 PROJECT TYPE: DS

APPLICANT: PITTSBURGH WATER AND SEWER AUTHORITY STREET: 441 SMITHFIELD ST. CITY: PITTSBURGH, PA 15222 COUNTY: ALLEGHENY	REGION: PITTSBURGH PWSID: 5020038 IUP YEAR: Other Funding Approved MTGDATE: 7/17/2002	PROJECT RATING: 30 PROJRANK: 37 PROJECT COST: \$4,821,500 PROJECT TYPE: TRANS, DS
APPLICANT: WESTMORELAND COUNTY MA STREET: P. O. BOX 730 CITY: GREENSBURG, PA 15601 COUNTY: WESTMORELAND	REGION: PITTSBURGH PWSID: 5650032 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 30 PROJRANK: 38 PROJECT COST: \$742,000 PROJECT TYPE: DS
APPLICANT: WINDSOR BOROUGH COUNCIL STREET: 2 WEST MAIN ST, P. O. BOX 190 CITY: WINDSOR, PA 17366 COUNTY: YORK	REGION: HARRISBURG PWSID: 7670065 IUP YEAR: 2004 MTGDATE: 7/23/2003	PROJECT RATING: 30 PROJRANK: 39 PROJECT COST: \$614,394 PROJECT TYPE: DS
APPLICANT: BLACKLICK VALLEY MUNICIPAL AUTHORITY STREET: P. O. BOX 272 CITY: TWIN ROCKS, PA 15960 COUNTY: CAMBRIA	REGION: PITTSBURGH PWSID: 4110077 IUP YEAR: Other Funding Approved MTGDATE: 7/17/2002	PROJECT RATING: 28 PROJRANK: 40 PROJECT COST: \$2,700,000 PROJECT TYPE: WS,TRANS,DS
APPLICANT: ELIZABETHVILLE AREA AUTHORITY STREET: R. D.#1, BOX 20 CITY: ELIZABETHVILLE, PA 17023 COUNTY: DAUPHIN	REGION: HARRISBURG PWSID: 7220003 IUP YEAR: Other Funding Approved MTGDATE: 7/17/2002	PROJECT RATING: 28 PROJRANK: 41 PROJECT COST: \$600,000 PROJECT TYPE: DS
APPLICANT: TRI-COUNTY JOINT MUNICIPAL AUTHORITY STREET: BOX 758 CITY: FREDERICKTOWN, PA 15333 COUNTY: WASHINGTON	REGION: PITTSBURGH PWSID: 5630045 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 28 PROJRANK: 42 PROJECT COST: \$390,000 PROJECT TYPE: DS
APPLICANT: LAPORTE BORO. STREET: P. O. BOX 125 CITY: LAPORTE, PA 18626 COUNTY: SULLIVAN	REGION: WILLIAMSPORT PWSID: 2570004 IUP YEAR: 2003 MTGDATE: 11/15/2000	PROJECT RATING: 27 PROJRANK: 43 PROJECT COST: \$457,850 PROJECT TYPE: SRC, TRANS, TREAT, DS
APPLICANT: EBENSBURG, MA OF THE BOROUGH OF STREET: P. O. BOX 387 CITY: EBENSBURG, PA 15931 COUNTY: CAMBRIA	REGION: PITTSBURGH PWSID: 4110009 IUP YEAR: 2004 MTGDATE:	PROJECT RATING: 24 PROJRANK: 44 PROJECT COST: \$3,500,000 PROJECT TYPE: SRC,TRANS,WS
APPLICANT: AUBURN MUNICIPAL AUTHORITY STREET: 3RD STREET CITY: AUBURN, PA 17922 COUNTY: SCHUYLKILL	REGION: WILKES-BARRE PWSID: 3540015 IUP YEAR: Other Funding Approved MTGDATE: 7/17/2002	PROJECT RATING: 23 PROJRANK: 45 PROJECT COST: \$319,695 PROJECT TYPE: WS

APPLICANT: PA SUBURBAN WC (CANAAN) STREET: 255 BELMONT STREET CITY: WAYMART, PA 18472 COUNTY: WAYNE	REGION: WILKES-BARRE PWSID: 2640032 IUP YEAR: 2003 MTGDATE: 3/20/2002	PROJECT RATING: 23 PROJRANK: 46 PROJECT COST: \$1,456,750 PROJECT TYPE: TRANS
APPLICANT: QUAKERTOWN BOROUGH STREET: P. O. BOX 727 CITY: QUAKERTOWN, PA 18951 COUNTY: BUCKS	REGION: CONSHOHOCKEN PWSID: 1090082 IUP YEAR: Other Funding Approved MTGDATE: 5/7/2003	PROJECT RATING: 23 PROJRANK: 47 PROJECT COST: \$6,379,300 PROJECT TYPE: DS
APPLICANT: SEWICKLEY BOROUGH WATER AUTHORITY STREET: 601 THORN STREET CITY: SEWICKLEY, PA 15143 COUNTY: ALLEGHENY	REGION: PITTSBURGH PWSID: 5020050 IUP YEAR: 2004 MTGDATE:	PROJECT RATING: 21 PROJRANK: 48 PROJECT COST: \$3,818,770 PROJECT TYPE: WS, DS
APPLICANT: WEST COCALICO TOWNSHIP WATER STREET: P. O. BOX 95 CITY: REINHOLDS, PA 17569 COUNTY: LANCASTER	REGION: HARRISBURG PWSID: 7360141 IUP YEAR: Other Funding Approved MTGDATE: 7/17/2002	PROJECT RATING: 21 PROJRANK: 49 PROJECT COST: \$834,820 PROJECT TYPE: SRC,TREAT, TRANS
APPLICANT: STROUDSBURG MUNICIPAL AUTHORITY STREET: 410 STOKES AVE. P. O. BOX 237 CITY: EAST STROUDSBURG, PA 18301 COUNTY: MONROE	REGION: WILKES-BARRE PWSID: 2450034 IUP YEAR: Other Funding Approved MTGDATE: 7/17/2002	PROJECT RATING: 18 PROJRANK: 50 PROJECT COST: \$3,693,017 PROJECT TYPE: DS

LEGEND FOR PROJECT TYPE:

SRC = SOURCE TRANS = TRANSMISSION SYSTEM TREAT=TREATMENT WS = WATER STORAGE
DS = DISTRIBUTION SYSTEM

[Pa.B. Doc. No. 03-1765. Filed for public inspection September 5, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation Order

Public Meeting held
August 21, 2003

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

Essential.com, Inc. Letter-Application to Abandon EGS License; A-110120

Cancellation Order

Now before the Commission is a July 1, 2003, letter filed by Essential.com, Inc. (Essential) requesting that its electric generation supplier (EGS) license be abandoned. The letter states that Essential filed for bankruptcy relief in the United States Bankruptcy Court for the District of Massachusetts on June 29, 2001. Shortly thereafter, Essential ceased all EGS operations. Consequently, Essential requests to have its EGS license cancelled. We will treat this correspondence as an abandonment application. We note that by order entered October 29, 2002, the Commission cancelled Essential's authority to provide telecommunications services at A-310853 for failure to file its 2000 Annual Report. In addition, by order entered November 25, 2002, the Commission cancelled Essential's natural gas supplier (NGS) license at A-125024 for failure to file its 2001 Annual Report. The EGS license, which is the subject of this order, is the only remaining authority granted by the Commission to Essential.

A brief recitation of the history of Essential's EGS license is in order. On August 10, 1999, Essential filed an application for a license. The application was approved and a license granted by Commission order entered January 13, 2000. On February 8, 2001, Essential filed a petition to reduce the amount of its security bond from \$250,000 to 10% of its gross receipts. By order entered March 23, 2001, the Commission denied the petition and directed Essential to maintain its bond level of \$250,000. Essential filed for bankruptcy shortly after the March 23, 2001, denial, and ceased doing business as an EGS in this Commonwealth.

Additionally, an investigation by Commission staff found that Essential has no filing history with the Department of Revenue with regard to its gross receipts taxes and has not reported its gross receipts to the Commission on a quarterly basis. Commission records also show that Essential owes \$5,653 for its 2001 Annual Assessment. A proof of claim was not filed to recover the \$5,653 assessment, because at the time of the bankruptcy filing the debt was not owed. The assessment bill was dated August 17, 2001, making the debt a post-petition debt, not recoverable through the bankruptcy proceeding. Once Essential filed for bankruptcy, it no longer provided any EGS services.

By letter dated June 26, 2003, Commission staff contacted Essential's attorney seeking information regarding Essential's bankruptcy status and confirmation whether Essential had ceased doing business in this Commonwealth. By response dated July 1, 2003, Essential's attorney confirmed that Essential had indeed filed for Chapter 11 bankruptcy in June 2001 and had ceased all

operations regarding its EGS license in this Commonwealth. In essence, the July 1, 2003, letter requested that the Commission grant abandonment of Essential's EGS service and cancel its EGS license.

Because Essential is no longer operating as an EGS, we find no valid reason to deny Essential's request to abandon service and cancel its EGS license at A-110120. We will however, direct the Bureau of Administrative Services' Fiscal Office to refer the outstanding assessment amount of \$5,653 to the Office of Attorney General for collection as they deem appropriate. We take this action because Essential filed for bankruptcy under Chapter 11 reorganization. Should Essential emerge from bankruptcy and decide to again provide services in this Commonwealth, payments of outstanding amounts due to the Commonwealth should be a condition of receiving any certificate or license; *Therefore,*

It Is Ordered That:

1. The letter-application to abandon filed by Essential.com, Inc., dated July 1, 2003, is hereby granted.
2. The EGS license held by Essential.com at A-110120 is hereby cancelled.
3. The Secretary strike the name of Essential.com, Inc. from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.
4. Notice of this Cancellation Order shall be published in the *Pennsylvania Bulletin*.
5. The Bureau of Administration Services' Fiscal Office is hereby directed to write off the outstanding assessment of \$5,653 and refer that obligation to the Office of Attorney General for collection.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1766. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Alternate Communications Tech. (2002.0398); C-20039305; A-310017

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Alternate Communications Tech. (the Respondent), a reseller of toll service certificated at A-310017. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an

order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on January 27, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Alternate Communications Tech.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Alternate Communications Tech. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Alternate Communications Tech. at A-310017 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1767. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. American Telepath, Inc. (2002.0398); C-20039307; A-311078

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against American Telepath, Inc. (the Respondent), a reseller of toll service certificated at A-311078. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on January 27, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of American Telepath, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. American Telepath, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by American Telepath, Inc. at A-311078 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1768. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Chernow Communications, Inc. (2002.0398); Doc. No. C-20039313; A-311045

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Chernow Communications, Inc. (the Respondent), a reseller of toll service certificated at A-311045. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was refused. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Chernow Communications, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Chernow Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Chernow Communications, Inc. at A-311045 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1769. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Citycom Telecomm., Inc. (2002.0398); C-20039314; A-311093

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Citycom Telecomm., Inc. (the Respondent), a reseller of toll service certificated at A-311093. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on February 4, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Citycom

Telecomm., Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Citycom Telecomm., Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Citycom Telecomm., Inc. at A-311093 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1770. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Connect!Ld Inc. (2002.0398); C-20039296; A-310847

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Connect!Ld Inc. (the Respondent), a reseller of toll service certificated at A-310847. In the Complaint, Prosecutory Staff alleged

that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on January 27, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Connect!Ld Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Connect!Ld Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Connect!Ld Inc. at A-310847 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1771. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Convergent Communications Services (2002.0398); Doc. No. C-20039297; A-310763

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Convergent Communications Services (the Respondent), a reseller of toll service certificated at A-310763. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was not perfected because the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Convergent Communications Services's certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That Convergent Communications Services immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Convergent Communications Services at A-310763 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1772. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission; Law Bureau Prosecutory Staff v. Emergent Communications, LLC (2002.0398); C-20039302; A-311107

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Emergent Communications, LLC (the Respondent), a reseller of toll service and a competitive local exchange carrier certificated at A-311107. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on January 29, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Emergent Communications, LLC's certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Emergent Communications, LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Emergent Communications, LLC at A-311107 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1773. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Federal Transtel, Inc. (2002.0398); Doc. No. C-20039286; A-310338

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Federal Transtel, Inc. (the Respondent), a reseller of toll service certificated at A-310338. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was not perfected because the company had moved. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Federal Transtel, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Federal Transtel, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Federal Transtel, Inc. at A-310338 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1774. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. IG2, Inc. (2002.0398); Doc. No. C-20039290; A-310832

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against IG2, Inc. (the Respondent), a toll carrier, a switched access carrier, and a

competitive local exchange carrier certificated at A-310832. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was not perfected because the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of IG2, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. IG2, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by IG2, Inc. at A-310832 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1775. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Lightship Telecom, LLC (2002.0398); C-20039274; A-310943

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Lightship Telecom, LLC (the Respondent), a competitive access provider, a toll carrier, a switched access carrier, and a competitive local exchange carrier certificated at A-310943. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected, but no date was listed on the certified mail card. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Lightship Telecom, LLC's certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Lightship Telecom, LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public

convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Lightship Telecom, LLC at A-310943 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1776. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. MSN Communications, Inc. (2002.0398); Doc. No. C-20039279; A-310508

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against MSN Communications, Inc. (the Respondent), a reseller of toll service certificated at A-310508. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of MSN Communications, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. MSN Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by MSN Communications, Inc. at A-310508 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1777. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Murdock Communications Corp. (2002.0398); C-20039280; A-310238

Default Order

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Murdock Communications Corp. (the Respondent), a reseller of toll service certificated at A-310238. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on January 29, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Murdock Communications Corp.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Murdock Communications Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Murdock Communications Corp. at A-310238 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1778. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Novo Networks Metro Services, Inc. (2002.0398); Doc. No. C-20039255; A-311074

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Novo Networks Metro Services, Inc. (the Respondent), a reseller of toll service

certificated at A-311074. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Novo Networks Metro Services, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Novo Networks Metro Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Novo Networks Metro Services, Inc. at A-311074 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1779. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Sterling Time Company (2002.0398); C-20039266; A-310934

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Sterling Time Company (the Respondent), a reseller of toll service certificated at A-310934. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on January 30, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Sterling Time Company's certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Sterling Time Company immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the

20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Sterling Time Company at A-310934 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1780. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Tricom USA, Inc. (2002.0398); C-20039270; A-311118

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Tricom USA, Inc. (the Respondent), a reseller of toll service certificated at A-311118. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected, but no date was listed on the certified mail card. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of Tricom USA, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Tricom USA, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Tricom USA, Inc. at A-311118 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1781. Filed for public inspection September 5, 2003, 9:00 a.m.]

Default Order

Public Meeting held
August 21, 2003

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

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. U.S. Operators, Inc. (2002.0398); C-20039271; A-310783

Default Order

By the Commission:

On January 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against U.S. Operators, Inc. (the Respondent), a reseller of toll service certificated at A-310783. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that under 66 Pa.C.S. § 504 its 2001 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2001 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2001 Annual Report.

According to the United States Postal Service return receipt, the Complaint was perfected on January 31, 2003. To date, more than 20 days later, no answer has been filed to the Complaint and the 2001 Annual Report has not been filed. In addition, we are not aware that

Respondent has any current customers in this Commonwealth, and Respondent was never assigned any NXX codes.

Based on Respondent's failure to file its 2001 Annual Report, we conclude that revocation of U.S. Operators, Inc.'s certificate of public convenience is in the public interest. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. U.S. Operators, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by U.S. Operators, Inc. at A-310783 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1782. Filed for public inspection September 5, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Projects #03-157.P and #03-158.P, Purchase of Plumbing Supplies, until 2 p.m. on Thursday, September 18, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available September 9, 2003. PRPA

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

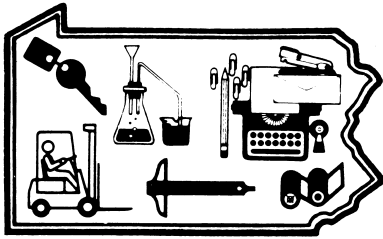
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

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. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

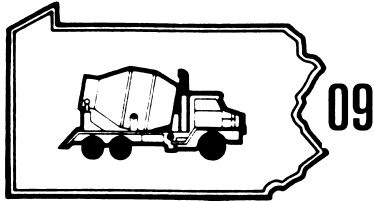
ADV-190 Indiana University of Pennsylvania (IUP), a member of the PA State System of Higher Education, will be seeking bids on an as needed basis for copy paper to replenish stock in our Central Stores Warehouse throughout the period September 2003 through September 30, 2004. Requests for copies of bid packages should be made in writing referencing Advertisement #ADV-190 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@iup.edu. 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: Mrs. Roxie M. Johnson, (724) 357-3077

ADV-191 Indiana University of Pennsylvania (IUP), a member of PA State System of Higher Education, will have a need to replenish stock in our Central Stores Warehouse for computer, office, printing and housekeeping supplies at various times during the period, September 2003 through June 30, 2004. The following supplies that may be included but not limited to are: HP and/or Canon Toner Cartridges, Epson and/or HP Ink and Print Cartridges, #10 Hammermill Bond Envelopes, Printing Papers, and Plastic Bags (trash can liners), etc. Requests for copies of bid packages for any of these supplies should be made in writing referencing Advertisement #ADV-191 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: rmjohnsn@iup.edu. When requesting a copy of bid package, please indicate the specific item/s that you want to bid on. The University encourages responses from small and disadvantaged, minority, and woman-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Contact: Mrs. Roxie M. Johnson, (724) 357-3077

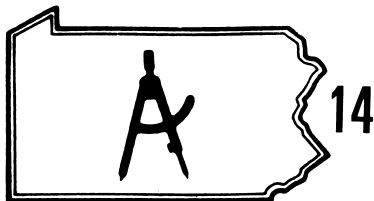
SERVICES



Construction & Construction Maintenance

63-0167 West Chester University of the State System of Higher Education is soliciting sealed bids in the Construction Procurement Office, 201 Carter Drive, Suite 200, Room 210, West Chester University, West Chester, PA 19383 for East Campus Parking and Roads Project No. 63-0167. The work consists of the following: The construction of East Campus Drive, a surface parking lot, South High Street roadway improvements, improvements at Matlack Street and an area east of Matlack Street requiring reconfiguration; extension of utilities to service a new School of Music and Performing Arts Center and a new Parking Structure; preparation of a pad for construction of the Parking Structure by others and associated site amenities including a storm water management system, site utilities, site lighting and site planting. The bids are due and will be publicly opened at 11:00 a.m. on September 23, 2003 at 201 Carter Drive, Suite 200, Room 220, West Chester, PA. A Pre-Bid Meeting/Site visit will be conducted at 10:00 a.m. on September 9, 2003 meeting at Facilities Planning and Construction Office, 201 Carter Drive, Suite 300, West Chester, PA. Separate Primes for General Construction and Electrical work will be awarded. Prevailing wages apply. A bid bond and contract bonds will be required. The work can not commence until the Highway Occupancy Permit ("HOP") has been obtained by the University. Once the HOP has been obtained, work must start within 10 days and be completed within 180 days. All responsible bidders are invited to participate, including MBE/WBE firms. Plans and specifications are available from West Chester University by calling 610-436-2705, faxing the request to 610-436-2720 or via e-mail at mpeffallwcu.edu. The project is estimated at One Million Six Hundred Thousand Dollars (\$1,600,000.00).

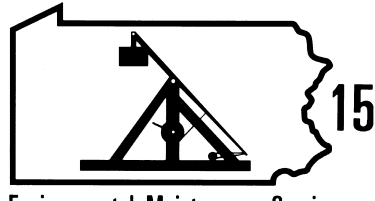
Department: State System of Higher Education
Location: West Chester University, West Chester, Chester County, PA
Duration: 180 days after Highway Occupancy Permit has been obtained.
Contact: Marianne Peffall, (610) 436-2705



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

OSM 54(3652)101.1 Abandoned Mine Reclamation, Newton West. The principal items of work and approximate quantities include 384,450 cubic yards of grading, 5,670 cubic yards of drainage excavation, 4,872 square yards of rock lining and 55.3 acres of seeding. This project issues on September 5, 2003, and bids will be opened on September 25, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$37.8 million for Pennsylvania's 2001 AML Grant.

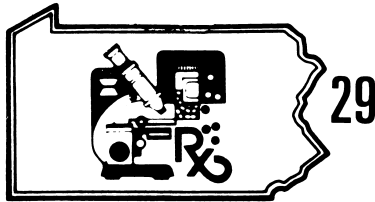
Department: Environmental Protection
Location: Reilly Township, Schuylkill County, PA
Duration: 450 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

BOGM 02-12A Cleaning Out and Plugging Eighteen (18) Abandoned and Orphan Oil and Gas Wells, (Mr. and Mrs. Henry Wagerer, Ms. Syria Shriners, Mr. and Mrs. Joseph W. Unger, Jr., Mr. Charles S. Lenzner, Mr. James O. Campbell, Mr. David A. Wayman, Mr. Norman P. Hammerlee, Jr., Township of Shaler, C. Arthur West III, Mr. Michael J. Gallenstein, Mr. David Poczynski and Mr. Fred Gropp Properties). The principal items of work include cleaning out and plugging eighteen abandoned and orphan oil and gas wells to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. The wells are estimated to be between 1,609-3,724 feet in depth. This project issues on September 5, 2003, and bids will be opened on September 25, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project is scheduled; however, a date has not been set. Please use the contact information provided in this advertisement to find out more about the pre-bid conference.

Department: Environmental Protection
Location: Marshall, Harmar, Mt. Nebo, Ohio, Shaler and Pine Townships, and the Borough of Franklin Park, Allegheny County, Pennsylvania
Duration: 200 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

BOGM 03-14 Cleaning Out and Plugging Forty-Four (44) Abandoned and Orphan Oil and Gas Wells, (Mr. and Mrs. Francis Littlefield, Mr. and Mrs. Carl Leichtenberger, Allegheny National Forest and Mr. and Mrs. Robert J. Seybert Properties). The principal items of work include cleaning out and plugging forty-four (44) abandoned and orphan oil and gas wells to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. The wells are estimated to be between 1,310-1,580 feet in depth. This project issues on September 5, 2003, and bids will be opened on September 25, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project had been planned but a date has not been set. Please use the contact information provided in this advertisement to find out more about the pre-bid conference.

Department: Environmental Protection
Location: Sheffield Township, Warren County, PA
Duration: 200 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



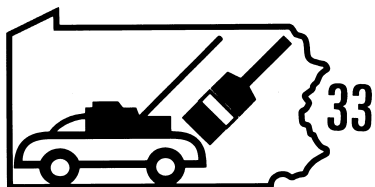
Medical Services

CN00004703 Provide physical therapy service on site at the Scranton State School For The Deaf during the school year. Some summer work may be required. Estimated 1,000 hours per year. Contract will be from the effective date through June 30, 2008. DO NOT CALL FOR INFORMATION. All information is in the bid package. FAX 570-963-4544 to obtain a bid package. Bid package is not available electronically. Bid Opening: 3 PM, 9/22/03.

Department: Education
Location: Scranton State School For The Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: Five year contract with yearly cost changes.
Contact: Merrill Mayenschein, FAX: (570) 963-4544

CN00004705 Provide occupational therapy service on site at the Scranton State School For The Deaf during the school year. Some summer work may be required. Estimated 1,000 hours per year. Contract will be from the effective date through June 30, 2008. DO NOT CALL FOR INFORMATION. All information is in the bid package. FAX 570-963-4544 to obtain a bid package. Bid package is not available electronically. Bid Opening: 3 PM, 9/22/03.

Department: Education
Location: Scranton State School For The Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: Five year contract with yearly cost changes
Contact: Merrill Mayenschein, FAX: (570) 963-4544



Property Maintenance

FM 8684 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Fern Ridge Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop N, Fern Ridge Station, HC#1, Box 1327, Blakeslee, PA 18610
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8683 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Hazleton Headquarters. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop N, Hazleton, 250 Dessen Drive, West Hazleton, PA 18202
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8682 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Dublin Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop M, Dublin Station, 3218 Rickert Road, Perkasio, PA 18944
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8685 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Swiftwater Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop N, Swiftwater Station, P. O. Box 949, Swiftwater, PA 18370
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8686 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Shickshinny Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop P, Shickshinny Station, 872 Salem Boulevard, Berwick, PA 18603
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8687 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Dunmore Headquarters. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop R, Dunmore Headquarters, 85 Keystone Industrial Park, Dunmore, Pa 18512
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8681 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Schuylkill Haven Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop L, Schuylkill Haven Station, 23 Meadowbrook Drive, Schuylkill Haven, PA 17972
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8688 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Gibson Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop R, Gibson Station, RD #1, Box 227B, New Milford, PA 18834
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8675 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Bedford Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop G, Bedford Station, 1475 Country Ridge Road, Bedford, PA 15522
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8672 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Milton Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Milton Station, 50 Lawton Lane, Milton PA 17847
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8678 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Frackville Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop L, Frackville Station, 4 Eleanor Drive, Frackville, PA 17931
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8669 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Meadville Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop E, Meadville Station, 11176 Murray Road, Meadville, PA 16335
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8674 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Stonington Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Stonington Station, R.D. #2, Box 83, Sunbury, PA 17801
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8680 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Jonestown Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop L, Jonestown Station, 2632 SR 72, Jonestown, PA 17038
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8676 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, York Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop H, York Station, 110 North Street, York, PA 17403
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8677 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Reading Headquarters. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop L, Reading, 600 Kenhorst Boulevard, Reading, PA 19611
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8666 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Erie Crime Lab. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Erie Crime Lab, 4310 Iroquois Ave, Erie, PA 16511
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8668 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Girard Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop E, Girard Station, 5950 Meadville Road, Girard, PA 16417
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8670 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Lamar Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Lamar Station, 7127 Nittany Valley Drive, Mill Hall, PA 17751
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8679 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Hamburg Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop L, Hamburg Station, 90 Industrial Drive, Hamburg, PA 19526
Duration: 11/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8667 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Corry Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop E, Corry Station, 11088 Route 6 East, Union City, PA 16438
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8671 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Mansfield Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Mansfield Station, 1745 Valley Road, Mansfield, PA 16933
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

FM 8673 Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas as required at the PA State Police, Selinsgrove Station. Totals are based on estimated snow removal and salting/cindering/calcium in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from Facility Management Division, 717-705-5951.

Department: State Police
Location: Troop F, Selinsgrove Station, R.D. #1, Box 131, Selinsgrove, PA 17870
Duration: 11/01/03 to 6/30/06
Contact: Sandy Wolfe, (717) 705-5951

[Pa.B. Doc. No. 03-1787. Filed for public inspection September 5, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

