



Volume 34 (2004)

Pennsylvania Bulletin
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February 7, 2004 (Pages 671-818)

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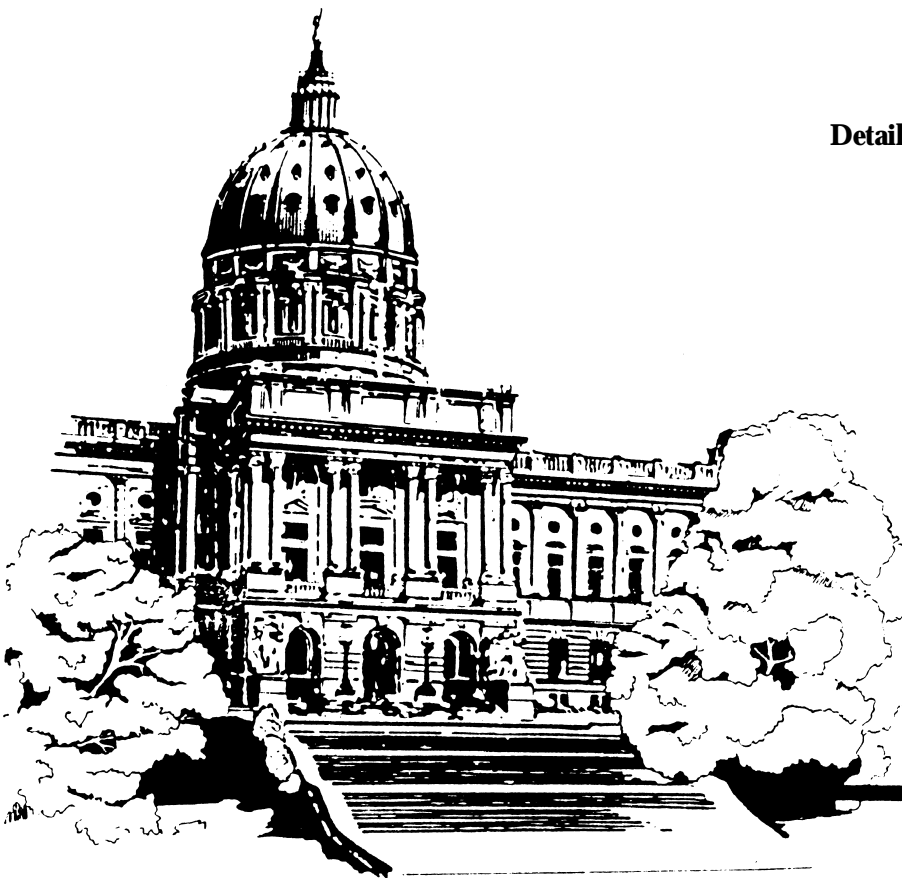
PENNSYLVANIA BULLETIN

Volume 34
Saturday, February 7, 2004 • Harrisburg, Pa.
Number 6
Pages 671—818

Agencies in this issue:

Department of Agriculture
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Governor's Office
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority

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No. 351, February 2004

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BULLETIN

(ISSN 0162-2137)

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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Title 28—HEALTH AND SAFETY

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) adopts final regulations dividing 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), amends §§ 1001.1—1001.5, 1003.27, 1005.3, 1005.10 and 1007.7 and adds Chapter 1051 (relating to out-of-hospital do-not-resuscitate orders) to read as set forth in Annex A.

Purpose and Background

To enable the prompt 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), 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 those regulations from review by the designated standing committees in the House and Senate and by the Independent Regulatory Review Commission (IRRC). The Department adopted interim regulations on December 14, 2002. They went into effect on March 1, 2003.

Act 59 requires the Department to adopt final regulations in accordance with customary rulemaking procedures following the Department's adoption of interim regulations through the abbreviated rulemaking process. After its adoption of the interim regulations, and in accordance with standard rulemaking procedures, the Department proposed amendments to the regulations. Proposed rulemaking was published at 33 Pa.B. 4450 (September 6, 2003). A 30-day comment period was provided.

These final regulations continue the changes to the Department's regulations made by the interim rulemaking process, with a few revisions. This includes the division of Part VII into Subparts A and B; the amendments the interim regulations made to §§ 1001.1—1001.5, 1003.27, 1005.3, 1005.10 and 1007.7a, which are regulations originally adopted under the Emergency Medical Services Act (EMS Act) (35 P. S. §§ 6921—6938); and the addition of Chapter 1051. The Department's proposed rulemaking announced the Department's intention to adopt as final regulations, with few changes, the same provisions the Department had previously adopted as interim regulations. The Department received comments from five sources, including IRRC, and thoroughly reviewed and considered those comments before adopting these regulations.

Summary

The proposed regulations to which no comments were addressed, are adopted for the reasons given in the preamble to the proposed regulations. Notwithstanding the absence of comments to those proposals, the Department reevaluated them for the purpose of determining whether revisions should be made in final rulemaking.

The only regulations that are discussed in this preamble are those that have been revised or to which comments were addressed in their proposed form.

Subpart A. EMERGENCY MEDICAL SERVICES SYSTEMS

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

This section was originally promulgated under the EMS Act to aid in the implementation of section 12(k) of the EMS Act (35 P. S. § 6932(k)), which gives the Department both the right and the responsibility to periodically inspect ambulance services as it deems appropriate and necessary.

Comment

The preamble to the proposed regulations stated the Department's intention to include a reference to Subpart A. The reference was not included in this section. Was it the Department's intention to include the reference to Subpart A in the subsections of the section?

Response

The Department has made no change to the regulation based on this comment.

Prior to the adoption of the interim regulations, this regulation addressed the duty of an ambulance service to cooperate with a Department inspection when the Department was investigating a violation of regulations it had adopted under the EMS Act. At that time, Part VII was comprised exclusively of regulations the Department had promulgated under the EMS Act. However, when the Department adopted the interim regulations, which were not adopted under the EMS Act, but, rather, under the DNR Act, the Department divided Part VII into Subpart A, which contains the regulations adopted under the EMS Act, and Subpart B, which contains the regulations adopted under the DNR Act. Because some of the regulations that were placed in Subpart A included a reference to Part VII instead of Subpart A, it became necessary to change the reference in those sections.

This change was made in the interim regulations. The reference to this "part" in subsection (a) was changed to "subpart." The proposed regulations proposed to retain that change and that change is retained in this final regulation.

Subpart B. MATTERS ANCILLARY TO EMERGENCY MEDICAL SERVICES SYSTEMS

§ 1051.3. Applicability.

This section identifies the persons to whom this chapter is applicable. No comments were received pertaining to this section. However, upon further review of subsection (b), the Department has decided to revise that subsection to clarify that in a hospital an emergency medical services (EMS) provider shall comply with an out-of-hospital do-not-resuscitate (DNR) order in the course of providing care to or transportation of an out-of-hospital DNR patient on behalf of an ambulance service.

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

This section addresses a qualified patient's right to request and revoke an out-of-hospital DNR order and the other out-of-hospital DNR items.

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

This section addresses a surrogate's right to request and revoke an out-of-hospital DNR order and the other out-of-hospital DNR items, and the patient's right to revoke an out-of-hospital DNR order issued upon a surrogate's request. The following comment applies to §§ 1051.11 and 1051.12 (relating to patient qualifications to request and revoke out-of-hospital DNR order; and surrogate's authority to request and revoke out-of-hospital DNR order).

Comment

If the patient or surrogate makes the decision to revoke an out-of-hospital DNR order, the patient or surrogate, not the physician, should have the responsibility to destroy the DNR items.

Response

The Department has made no change to the regulations based upon this comment.

The Department agrees with the comment. These two regulations do not provide otherwise. The only circumstance under which a physician is required to destroy the DNR items issued by the physician is when they are returned to the physician, under the physician's request, if the physician determines that his diagnosis that the patient is in a terminal condition or permanently unconscious was in error. See § 1051.30(a) (relating to physician destruction of out-of-hospital DNR order, bracelet or necklace). Even when the physician communicates a misdiagnosis and requests the return of the out-of-hospital DNR items on that basis, if the patient or surrogate does not honor the physician's request to return them, the physician is relieved of the duty to destroy them. Under those circumstances, the physician is simply precluded from making an entry in the patient's record that the order has been destroyed without having confirmed the destruction of the DNR items issued by the physician. See § 1051.30(b).

§ 1051.13. Duties when person loses authority to function as a surrogate.

This section addresses responsibilities to the patient and to the attending physician of a replaced and replacement surrogate when a surrogate is replaced.

Comment

Should responsibilities similar to those the regulations place on former surrogates be placed on replacement surrogates?

Response

Some responsibilities should be placed on a replacement surrogate. The Department has revised the regulation by adding subsection (d) to require a replacement surrogate to make a reasonable effort to notify the physician of the change in surrogates if the new surrogate is made aware of the out-of-hospital DNR order, is provided information regarding the physician who issued it and has not already confirmed that the physician was apprised of the change in surrogates by the prior surrogate. Due to the addition of this subsection, which expands the scope of the matters addressed by the section, the Department has also changed the title from "Person who loses authority to function as a surrogate" to "Duties when person loses authority to function as a surrogate."

Comment

Does an out-of-hospital DNR order remain valid if a surrogate who is subsequently replaced requested it? If so, how could the new surrogate become aware of an existing out-of-hospital DNR order?

Response

In response to this comment, the Department is adding language to subsection (b) (previously subsection (c)) to require a former surrogate to apprise a new surrogate of the out-of-hospital DNR order if the former surrogate is able to do so. The text in subsection (b) is moved to subsection (c).

If a person has authority to function as a patient's surrogate at the time that person requests an out-of-hospital DNR order for the patient, and the attending physician issues the order, the order remains in effect regardless of whether the person later loses the authority to act as the patient's surrogate. Thereafter, the order may be revoked only by a subsequent surrogate, if there is one, or by the patient. For some patients, such as a patient who is competent and under 18 years of age when the order is secured by a parent, but later reaches 18 years of age, there will be no replacement surrogate. However, for some patients a prior surrogate will be replaced by a new one. There are numerous circumstances under which this might happen. In some instances, the former surrogate will be able to apprise the new surrogate of the order. In other instances, such as when a former surrogate dies or does not possess the capacity to communicate due to a disability such as a coma, the former surrogate will not be able to communicate the information to the replacement surrogate. However, the Department is amending the regulation to require a former surrogate to communicate the information to a succeeding surrogate when the circumstances permit.

It should be noted that if the out-of-hospital DNR items were issued at the request of a patient's former surrogate, these items would have the former surrogate's signature on them, not the signature of the replacement surrogate. From a legal perspective, the items continue to be effective and the new surrogate is also empowered to revoke the out-of-hospital DNR order. Nevertheless, as a practical matter an EMS provider is likely to hesitate complying with an attempted revocation by the replacement surrogate because the replacement surrogate's signature is missing on the out-of-hospital DNR item observed by the EMS provider. Consequently, the Department recommends that the replacement surrogate pursue the issuance of replacement out-of-hospital DNR items for the patient, containing the replacement surrogate's signature, to best ensure his ability to effectively exercise revocation authority.

Comment

Proposed subsections (b) and (c) require a former surrogate to help the physician locate "the patient or the patient's current surrogate." If the patient is unable to communicate it may be difficult for the physician to locate the current surrogate. Should the word "or" be replaced by "and"?

Response

The Department has made the recommended revision. The Department agrees that the former surrogate should provide the physician with any information he may have to help the physician locate the patient and the patient's current surrogate if the patient has a current surrogate.

As previously discussed, not all patients will need to continue to have a surrogate. The Department has amended the regulation to require the former surrogate, when he loses surrogate status, and if capable of doing so, to provide the physician with any information he may have to help the physician locate the patient and the patient's current surrogate if the patient has a current surrogate.

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

This section provides that only physicians or their agents may secure out-of-hospital DNR order forms, bracelets and necklaces.

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

This section 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 following comments apply to §§ 1051.21 and 1051.22 (relating to securing out-of-hospital DNR orders, bracelets and necklaces; and issuance of out-of-hospital DNR order).

Comment

The patient would be better served by obtaining an out-of-hospital DNR order, bracelet and necklace directly from the vendor than from the patient's attending physician. The responsibility of the attending physician in this regard should be to examine the patient to determine that the patient is qualified to receive the out-of-hospital DNR items, and then to issue an order authorizing the patient or the patient's surrogate to procure the items from the vendor.

Response

The Department has made no change to the regulations based upon this comment.

The DNR Act is clear on this matter. It provides for only a qualified patient's attending physician to "issue" an out-of-hospital DNR order and the other out-of-hospital DNR items. See 20 Pa.C.S. § 54A04(a)—(d) (relating to orders, bracelets and necklaces). It makes no provision for a patient or a patient's surrogate to secure any of these items from any source other than the patient's attending physician, and it makes no provision for a person other than a patient's attending physician to issue any of the items.

In addition to the statutory requirement that only an attending physician may issue the DNR items, the requirement that the necklace, bracelet and order include the dated signature of the physician (see 20 Pa.C.S. § 54A04(b)—(d)) makes it impractical for any of the items to be provided by a person other than the attending physician.

The attending physician's issuance of these items, after signing and dating the order, and signing and dating a tab the physician encloses and seals in the bracelet or necklace pendent, also makes it far more difficult for someone to create and use an unauthorized, illegal out-of-hospital DNR item. Direct physician control over the issuance of these items is a safeguard. It reduces the opportunity for a person to secure original unsigned out-of-hospital DNR items and insert a forged signature of a purported patient or surrogate on an out-of-hospital DNR order, or a forged and dated signature of a physician on any of the items.

Comment

Physicians should not be required to pay for out-of-hospital DNR items, should not be required to purchase these items in bulk and should not be required to stock these items so that they are available on demand.

Response

The Department has made no change to the regulations based upon this comment. The Department has, however, amended the regulation to clearly state that physicians are responsible for purchasing out-of-hospital DNR orders.

Nothing in the regulations requires physicians to bear the ultimate cost of these items. They may charge the patient or the patient's surrogate for providing the service, including the cost of the DNR items they issue, which currently ranges from 11¢ for the order to \$1.35 for the necklace.

The DNR Act provides for the Department to make the out-of-hospital DNR items available to physicians to issue to their patients. See 20 Pa.C.S. § 54A04(b)—(d). Section 6 of Act 59 provides that the Department may contract with any public or private entity to facilitate any of its responsibilities under Act 59. However, Act 59 made no appropriation of funds to the Department for the purpose of providing out-of-hospital DNR items to physicians and is silent regarding who is to pay for the out-of-hospital DNR items. Section 1051.21 explains that physicians may purchase the DNR items from the vendor with whom the Department has contracted, whose name the Department will publish in a notice in the *Pennsylvania Bulletin*. The Department has published the name of the vendor. See 33 Pa.B. 2226 (May 3, 2003). Additionally, the Department has posted on its website, www.health.state.pa.us, a link to a purchase order form attending physicians may use to purchase the items.

The vendor with whom the Department has made arrangements requires that the items be purchased in lots of 50 due to the low cost of each item negotiated with the Department. Nothing prevents physicians from jointly purchasing these items directly or through an agent, but at least one attending physician must be identified on the purchase order.

The comment that the proposed regulations would require an attending physician to have the out-of-hospital DNR items in stock, ready to provide to a patient or the patient's surrogate upon demand, is not correct. This requirement was not in the interim or proposed regulations, a requirement is not imposed by the final regulations. It is up to the physician to determine whether to secure these items in advance of a request or to wait until a request is made. Moreover, § 1051.26 (relating to physician refusal to issue an out-of-hospital DNR order) acknowledges that it is permissible for an attending physician to choose not to provide this service for qualified patients.

Comment

Patients would be served more efficiently by being able to obtain the form to order out-of-hospital DNR items with the other out-of-hospital DNR materials the Department places on its website. Patients could then download the form and take it with them to their attending physicians.

Response

The Department has made no change to the regulations based upon this comment.

The regulations place upon the physician the responsibility to order the out-of-hospital DNR items. The Department's vendor requires purchases of each out-of-hospital DNR item in lots of 50. Once a physician makes one order there will likely be a considerable passage of time before another purchase needs to be made. Prior to that time, the physician would have no need to use each individual purchase order form brought to a physician by a patient or the patient's surrogate if the Department were to revise the regulations as suggested by the comment.

The Department could make different arrangements with a vendor and insist that the vendor permit physician purchases of out-of-hospital DNR items individually. However, this would simply take more time, involve more paperwork, increase mailing and add more costs for patients or physicians.

Furthermore, it is likely that many of the patients who seek out-of-hospital DNR items will be elderly and need assistance in the process, may have diminished capacity due to the condition that qualifies them for out-of-hospital DNR items or may not have access to the Internet or even know how to use a computer to accomplish what the comment suggests. These people should be able to rely upon and secure assistance from their attending physicians and the staffs of those physicians.

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

This section 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.

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

This section 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 following comments apply to §§ 1051.23 and 1051.24 (relating to disclosures to patient requesting out-of-hospital DNR order; and disclosures to surrogate requesting out-of-hospital DNR order).

Comment

The Department could better implement the DNR Act by developing a pamphlet for physicians to provide to their patients and patient surrogates, which discloses the pertinent information the regulations require the patient's attending physician to disclose to the patient or the patient's surrogate, as the case may be, before issuing an out-of-hospital DNR order for the patient.

Response

The Department has made no change to the regulations based upon this comment.

The Department agrees that it would simplify physician compliance and assist both patients and their surrogates if the Department prepared materials containing the suggested information. As announced in the preamble to the proposed regulations, the Department has already done that. The information is available to read and copy through the Department's website. The preamble to the proposed regulations expressly invited physicians to access and copy that material to distribute to their patients and surrogates. The Department repeats that invitation here. The Department believes that this is a better approach than the Department printing pamphlets for a variety of reasons. First, it is less costly. Act 59 did not

appropriate funds to the Department to print and distribute informational pamphlets. Second, the information is available to any person who has access to the Internet and wants to review it. Further, patients for whom an out-of-hospital DNR order has been issued and their surrogates may easily access the information at any time if they have access to the Internet, but could lose or misplace a pamphlet provided to them. Also, the Department may easily add to or clarify information available through its website, but would need to reprint and distribute new pamphlets to accomplish the same result if it elected to distribute pamphlets. Coupled with the amendment of the interim regulations made through this final rulemaking, the Department is also amending the information it provides through its website.

Comment

A patient who revokes an out-of-hospital DNR order should be required to apprise the attending physician who issued the order that the order has been revoked.

Response

The Department has made no change to the regulations based upon this comment.

The DNR Act provides that the patient or surrogate may revoke an order at any time, "and in any manner, including verbally or by destroying or not displaying the order, bracelet or necklace." See 20 Pa.C.S. § 54A05(c) (relating to revocation). The statute does not make revocation contingent upon the patient or surrogate notifying the patient's attending physician, and the Department may not impose this additional requirement by regulation.

The Department agrees that a patient or the patient's surrogate should keep the attending physician informed of decisions made to revoke the order, but this is not always feasible or practical. A patient or surrogate may decide to revoke the order one day by not displaying any of the out-of-hospital DNR items or by simply declaring that the order is revoked, and then change his mind the next day. As long as the patient or surrogate does not destroy all of the out-of-hospital DNR items that have been issued by the attending physician, that person may reinstate the order simply by displaying one of the items again. Certainly, however, nothing prevents the issuing physician from advising the patient and surrogate that he should contact the physician if the decision is made to revoke the order.

Comment

Whether or not the patient chooses to display a bracelet or necklace should be of no concern to the attending physician.

Response

The Department has made no change to the regulations based upon this comment.

The Department agrees. In the context of these regulations this should not be a concern of the physician. The regulations impose no requirement on the physician to keep abreast of whether the patient is or is not wearing or displaying a DNR item.

Comment

Why do proposed §§ 1051.23(9) and 1051.24(5) not require the attending physician to apprise the patient and surrogate that the physician will contact the patient or surrogate if the physician discovers that the diagnosis of a terminal condition was in error? If the premise for an out-of-hospital DNR order is in error, a mere "attempt" to

notify the patient or surrogate, as would be required by the proposed regulations, may not sufficiently protect the patient. This comment also applies to § 1051.29 (relating to duty to contact patient or surrogate).

Response

In response to this comment, the Department has amended §§ 1051.23(9) and 1051.24(5) to require the physician to disclose that the physician will make every reasonable effort to contact the patient or surrogate in the event the physician discovers that he erred in diagnosing the patient to be permanently unconscious or in a terminal condition. The Department has also amended § 1051.29 to impose the "every reasonable effort" standard upon the attending physician with respect to the physician contacting the patient or surrogate when the physician determines that he erred in making the diagnosis of the patient's condition.

The "every reasonable effort standard" is the same standard 20 Pa.C.S. § 5409(a) (relating to unwillingness to comply; transfer of declarant) imposes on an attending physician to assist a patient to find another physician who will follow the patient's advance directive when the attending physician cannot in good conscience comply with the advance directive. The regulation cannot require the physician to apprise the patient or surrogate that the physician will contact the patient because the physician may not be able to make contact despite the physician's best efforts.

Comment

Proposed § 1051.23(5) requires the attending physician to apprise a patient that an out-of-hospital DNR order is not effective when the patient is in a hospital, except under limited circumstances, and to also apprise the patient that a DNR order may be issued for the patient in a hospital in accordance with other procedures. The Department should specify what these procedures are by cross-referencing them or delete the phrase "in accordance with other procedures" from this subsection.

Response

The Department has left the phrase in the regulation and has not cross-referenced other procedures. However, the Department has added language to clarify the purpose of the disclosure, which is to convey to the patient that although EMS providers will generally not be able to comply with an out-of-hospital DNR order in a hospital, other avenues to secure a DNR order may exist in a hospital. There are no statutory or regulatory provisions to cross-reference at this time. That does not mean that provisions will not exist in the future. It is possible that a patient's advance directive in a declaration for health care issued under 20 Pa.C.S. §§ 5401—5416 (relating to the Advance Directive for Health Care Act) (ADHCA) may direct that a DNR order be issued that would be effective in a hospital, but the Department has no authority to assert that in its regulations.

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

This section 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. Under these circumstances, the section requires the physician to make every reasonable effort to assist the patient or surrogate to pursue the matter further with another physician.

Comment

Paragraph (2) should be stricken in its entirety. Beyond being overly burdensome, this section could be interpreted to require physicians to counsel patients on receiving a second medical opinion, which implicitly suggests to the patient that the attending physician's opinion should be treated as being suspect. A patient in this Commonwealth is already permitted to choose his own physician, and a physician should not be made responsible under any circumstances to require that his patient be referred to another physician for a second medical opinion.

Response

The Department has not removed the paragraph, but in response to the comment has revised the regulation to clarify that there is no duty to refer the patient to another physician when the reason the physician will not issue the order is that the person is not qualified to request it, or the physician had determined that the patient is not in a terminal condition or permanently unconscious.

Proposed paragraph (2) was not intended to convey the message described in the comment. The Department believes that nothing in the proposed paragraph suggests that a physician refer a patient to another physician for a second opinion if the physician determines that the patient is not permanently unconscious or in a terminal condition. However, the Department has revised the regulation to clarify this. Also, expressly excluded from the referral provision is any duty to refer when the patient's surrogate and the attending physician cannot agree on the information the physician is to provide to the patient when the surrogate has requested the order.

The regulation conveys that the attending physician may, for any reason, choose not to issue an out-of-hospital DNR order for a patient who qualifies for the order. The physician may have a conscientious objection to issuing an out-of-hospital DNR order for a patient notwithstanding the physician's diagnosis that the patient is permanently unconscious or in a terminal condition, or there may be some other reason. The regulation does not seek to limit the reasons for an attending physician's decision not to issue an out-of-hospital DNR order for a patient who is qualified to receive the order.

Nevertheless, the Department believes an attending physician has a responsibility to the patient that goes beyond a refusal to issue an out-of-hospital DNR order. If the patient or the patient's surrogate comes to the physician for the purpose of seeking an order, and the physician determines the patient is qualified to receive the order but the physician is unwilling to issue it, the Department believes that the physician should refer the patient or patient's surrogate to another physician who will issue the order requested.

It is rare for a statute to limit a patient's right to secure a service from only the patient's attending physician. Due to this extraordinary feature, some patients who qualify for an out-of-hospital DNR order may not know how to next proceed if the patient's attending physician refuses to issue the order, or may incorrectly believe that the only way to secure an order is to discontinue the physician-patient relationship with that physician and seek a new exclusive attending physician.

The Department believes that a physician who refuses to issue an out-of-hospital DNR order for a patient who is qualified to receive the order has a fiduciary responsibility to the patient to explain why the patient will not be able to secure the order from the physician, and to advise

that the patient may secure the service from another physician who qualifies as the patient's attending physician. The Department further believes that the physician's fiduciary responsibility to the patient requires the physician to offer the physician's assistance in finding another physician who will provide a service to which the patient is entitled by statute, but which that physician is unwilling to provide. This type of fiduciary duty is expressly imposed upon an attending physician under the ADHCA when the attending physician refuses to comply with the patient's health care choices in a declaration containing an advance directive for health care. That provision states as follows:

If an attending physician . . . cannot in good conscience comply with a declaration . . . the attending physician shall so inform the declarant The attending physician . . . shall make every reasonable effort to assist in the transfer of the declarant to another physician . . . who will comply with the declaration.

20 Pa.C.S. § 5409(a).

A patient's attending physician should have no less responsibility when the physician is unwilling to comply with a patient's or surrogate's choice that the physician issue an out-of-hospital DNR order for the patient when the patient qualifies for the order.

Comment

To what degree is a physician required to assist a patient to obtain an out-of-hospital DNR order from another physician? Will a referral be sufficient?

Response

In response to this comment, the regulation has been amended to impose the same standard for referral as 20 Pa.C.S. § 5409(a) imposes upon an attending physician who refuses to comply with advance directives for health care a patient makes in a declaration prepared under the ADHCA.

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

This section addresses an attending physician's duty to destroy out-of-hospital DNR items returned to the physician following a physician's disclosure to the patient or the patient's surrogate that the physician made an error in the diagnosis, or to confirm the destruction of the out-of-hospital DNR items if the physician is unable to retrieve the items following the disclosure.

Comment

The preamble to the proposed regulations stated that the physician needs to secure confirmation of the destruction of the out-of-hospital DNR items from a reliable person before recording the revocation of the out-of-hospital DNR order in the patient's medical record. However, the word "reliable" was not included in the text of the proposed regulation. The final regulation should be revised to prohibit physician notation of the revocation in the patient's record unless the physician destroys the items or secured confirmation of the revocation from a "reliable" source, and the term "reliable person" should be defined in the definitions section.

Response

The Department agrees with the comment as it relates to this section and has revised the regulation as suggested. The Department has not added the definition of "reliable person" in § 1051.2 (relating to definitions). The attending physician will need to make the determination,

on a case-by-case basis, of whether the destruction of the items has been confirmed by a reliable person. That determination will be somewhat subjective since it will apply the physician's own value system as to who the physician can depend upon to provide the physician with a truthful confirmation that the out-of-hospital DNR items have been destroyed.

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

This section deals with EMS provider compliance with out-of-hospital DNR orders.

Comment

Why is an EMS provider required to follow only a DNR item that includes the original signature of the attending physician? Also, how can the EMS provider readily determine if the items contain original signatures? The last sentence of subsection (a) should be revised as follows:

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 *or an unaltered copy thereof.*

The requirement for honoring an order only if it contains original signatures is not authorized by the act and creates unnecessary difficulties for the EMS providers.

Act 59 omitted a provision in 20 Pa.C.S. § 5413 (relating to emergency medical services) requiring "(a)n original declaration, signed by the declarant or other authorized person" to make a DNR order operative. This omitted language is replaced by a general rule requiring EMS providers to comply with the instructions of the medical command physician. The medical command physician may instruct EMS providers to "withhold or discontinue cardiopulmonary resuscitation for a declarant whose advance directive has become operative under section 5405 (relating to when the declaration becomes operative)." Under 20 Pa.C.S. § 5405 (relating to when declaration becomes operative), this advance directive becomes operative when the attending physician is provided with a copy. The legislative intent appears to allow copied documents to suffice to make the order operative.

Response

The Department disagrees with this interpretation of the DNR Act and the assessment of legislative intent demonstrated by Act 59 and rejects the recommendation.

The DNR Act requires that the order must contain the signature of the patient or the patient's surrogate and the signature of the attending physician. See 20 Pa.C.S. § 54A04(b). The DNR Act also authorizes and requires EMS providers to comply with an out-of-hospital DNR order only "if made aware of the order" by examining the bracelet, necklace or "the order itself." See 20 Pa.C.S. § 54A10(b)(1) (relating to emergency medical services). "The order itself" makes it clear that if the bracelet or necklace is not present, to comply with the out-of-hospital DNR order the EMS provider must observe the original order, not a copy of the order.

The statutory construction argument fails to support a disregard of the unambiguous language in 20 Pa.C.S. § 54A10(b)(1). That argument is based upon amendments to the ADHCA, not the DNR Act. Nevertheless, nothing about the Act 59 amendments to the ADHCA suggests that an EMS provider should be able to comply with an out-of-hospital DNR order by seeing a copy of that order instead of the original.

The amendments to the ADHCA removed one of the two processes that had previously existed under that statute for EMS personnel to follow an advance declaration for health care (which may include all types of health care directives and need not include a DNR directive), and it modified the other process. The removed process was the process authorizing the EMS practitioner to comply with an advance directive after personally observing the original declaration signed by the declarant or an authorized representative and then contacting a medical command physician to secure approval to comply with the advance directive. The amendments did not substitute for this process or amend the second process to permit an EMS provider to act on a copy of an advance directive—it removed an EMS provider's ability to act on any advance directive for health care document, an original or a copy, based upon the provider's observation of the document. This change to the ADHCA cannot be construed to demonstrate a legislative intent that the Act 59 language "examining . . . the order itself" in the DNR Act means anything other than what it clearly states.

The policy argument that the EMS practitioner's reliance on a copy makes it easier for the EMS practitioner also fails. As written, the regulation provides that if the EMS practitioner observes the order, bracelet or necklace, the practitioner is to accept that item as a DNR order and follow it. Compliance is made easy; the assessment is simple—if only an order is present comply with it if there is an original dated signature of the physician and do not comply with it if there is no original signature. If the regulation provides that the EMS practitioner does not need to observe an order with an original signature, and may follow an order with an "unaltered copy" of the signature, how would the EMS practitioner determine that a copy of the physician's signature (or even a copy of the patient's or surrogate's signature) is legitimate and has not been impermissibly inserted? Furthermore, what does an "unaltered signature" mean in the context of the regulation? How would the EMS practitioner make the determination that a signature is "unaltered" without observing the original signature? The introduction of the additional language would complicate, not simplify, the EMS provider's determination as to whether the provider should or should not comply with the order.

More importantly, the requirement that the signature be an original protects the patient or surrogate in ensuring that that person's wishes are followed—particularly when, after the order is secured, the patient or surrogate has a change of heart. A patient or surrogate may revoke an out-of-hospital DNR order by simply destroying it or removing it from sight. See 20 Pa.C.S. § 54A05(c). The patient or surrogate need not apprise anyone else of the revocation. In some circumstances, such as when a patient is alone and decides to revoke an out-of-hospital DNR order immediately before losing consciousness, the patient may have no opportunity to communicate that decision to another person.

If there is only one effective order, and the patient or surrogate conceals or destroys it, there is far less opportunity for a mistake to be made than when there are multiple copies that could be relied upon, not all of which the patient or surrogate has destroyed. If copies are available, there is a possibility that someone will intentionally or unwittingly substitute a copy when the original cannot be located because it was revoked, or not remove a copy after the revocation because the person did not know that the order was revoked by the destruction or concealment of the original.

Moreover, it seems clear that the Legislature crafted the DNR Act to protect patients from unscrupulous persons who might seek to hasten a patient's death against the patient's wishes by falsifying or forging an order and signature or hiding the revocation of the order. The DNR Act makes this conduct a criminal homicide if the conduct causes the hastening of the patient's death by the withholding or withdrawal of life-sustaining treatment with the intent to do so contrary to the wishes of the patient. See 20 Pa.C.S. § 54A12 (relating to penalties).

If the patient or the patient's surrogate destroys the original order, and the original order is the only copy of the order that can direct an EMS provider to withhold CPR in the event the patient experiences cardiac or respiratory arrest, it may not be impossible for another person to create a forged original order, but it is certainly more difficult to do that than to illegally manufacture a purported copy of the order or substitute a true copy of the order the patient or the surrogate has acted to revoke.

Effective Date/Sunset Date

The regulations are effective upon publication in the *Pennsylvania Bulletin* as final regulations. No sunset date is imposed. The Department will monitor the regulations to ensure that they meet needs that are within the scope of the Department's authority to address through regulations adopted under Act 59.

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, bracelets and necklaces. The purchase order form physicians are to use to order out-of-hospital DNR forms, bracelets and necklaces is available through a link to the Department's website. A physician may copy the purchase order form and send it to the vendor by facsimile or regular mail. Purchase order 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—whenever a contract is about to expire and the Department needs to enter into a new contract or contracts.

The Department has published a notice in the *Pennsylvania Bulletin* identifying the vendor from whom attending physicians may procure out-of-hospital DNR order forms, bracelets and necklaces. The Department will need to publish new notices if new vendors are chosen in the future. The Department will also need to publish notices in the *Pennsylvania Bulletin* identifying states that pro-

vide 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 required by the 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.

Financial Impact

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 DNR Act and the 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.

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 \$18,100. 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 are 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 shall publish final regulations to assist in the implementation of the DNR Act.

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 the notice of proposed rulemaking, published at 33 Pa.B. 4450, to IRRC and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 7, 2004, the final-form

rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 8, 2004, and approved the final-form rulemaking. The Office of Attorney General approved the regulations on January 21, 2004.

Contact Person

Questions regarding these final regulations may be submitted to Margaret E. Trimble, Director, Emergency Medical Services Office, Department of Health, 1032 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-8740. Persons with disabilities may submit questions in alternative formats, such as by audiotape or Braille. Speech or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT). Persons with disabilities who would like to obtain this document in an alternative format (that is, large print, audiotape or Braille) should contact Margaret E. Trimble so that necessary arrangements may be made.

Findings

The Department finds:

(1) Public notice of intention to adopt the regulations 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered and forwarded to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare.

(3) The adoption of the final-form regulations is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The regulations of the Department, 28 Pa. Code, Part VII, Emergency Medical Services, are amended by dividing 28 Pa. Code Part VII (relating to emergency medical services) into Subpart A (relating to emergency medical services systems) and Subpart B (relating to matters ancillary to emergency medical services systems), amending §§ 1001.1—1001.5, 1003.27, 1005.3, 1005.10 and 1007.7 and by amending §§ 1051.1—1051.3, 1051.11—1051.13, 1051.21—1051.30, 1051.51, 1051.52, 1051.61, 1051.81 and 1051.101 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* This document formally adopts the interim regulations which appeared at 32 Pa.B. 6117, effective March 1, 2003; and then proposed at 33 Pa.B. 4450 (September 6, 2003).)

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

(c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

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

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

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

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 536 (January 24, 2004).)

Fiscal Note: 10-174. (1) General Fund; (2) Implementing Year 2002-03 is \$13,000; (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 implement the requirements of Act 59 of 2002. These amounts are included in the 2002-03 and 2003-04 budgets.

Annex A

TITLE 28. HEALTH AND SAFETY

PART VII. EMERGENCY MEDICAL SERVICES

Subpart A. EMERGENCY MEDICAL SERVICES SYSTEMS

CHAPTER 1001. ADMINISTRATION OF THE EMS SYSTEM

Subchapter A. GENERAL PROVISIONS GENERAL INFORMATION

§ 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

Subchapter B. PREHOSPITAL EMS 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, 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 ANCILLARY TO EMERGENCY MEDICAL SERVICES SYSTEMS

CHAPTER 1051. OUT-OF-HOSPITAL DO-NOT-RESUSCITATE 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 under 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.

DNR—Do not resuscitate.

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.

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 under 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 CPR may not 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, except that in a hospital an EMS provider shall comply with an out-of-hospital DNR order in the course of providing care to or transportation of an out-of-hospital DNR patient on behalf of an ambulance service.

(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. Duties when person 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 request-

ing 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 person loses surrogate status.* If capable of doing so, 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 apprise a replacement surrogate, if any, of the patient's out-of-hospital DNR items and of other pertinent information relating to those items. The former surrogate shall also provide to the replacement surrogate or to the patient if the patient is no longer represented by a surrogate, the name of the physician who issued the out-of-hospital DNR order and any information the person has to help the patient or new surrogate locate the physician. The former surrogate, if capable of doing so, shall also 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 and the patient's current surrogate.

(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.

(d) *Duty of replacement surrogate.* A person who replaces another person as the patient's surrogate after an out-of-hospital DNR order has been issued for the patient, and who is made aware of the order and given information regarding the attending physician who issued the order, shall make a reasonable effort to contact the physician to apprise the physician of the change in surrogates unless the new surrogate is able to confirm that the former surrogate has already made the disclosure.

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 by purchasing them 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 vendor 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 it may be possible for a DNR order to 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 make every reasonable effort 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 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 make every reasonable effort to contact the surrogate to ask the surrogate 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 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. If the request is made by a patient's surrogate, or by a patient who qualifies to make the request under § 1051.11 (relating to patient qualifications to request and revoke out-of-hospital DNR order), and the physician determines that the patient is qualified to receive an out-of-hospital DNR order, the physician shall also do the following:

(1) Explain to the patient or surrogate 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) Make every reasonable effort 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 every reasonable 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 used again 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 from a reliable person 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 under 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 under 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 implementation of 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 apprises 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. 04-209. Filed for public inspection February 6, 2004, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Research Project Contractors

The Department of Agriculture (Department) is soliciting names of research institutions that have an interest in conducting agricultural research from July 1, 2004, to June 30, 2005, and continuing. Institutions that respond will be provided with a preproposal format and a list of research topic areas. Institutions that responded for fiscal year 2003-04 will automatically receive a solicitation and

do not need to respond again. The Department, through a selection process, will decide which projects are to be placed under contract. For more information, interested parties should submit their name, address and telephone number to Fred Wertz, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 783-3577.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-210. Filed for public inspection February 6, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be

published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0035271	Tall Timbers Village TTV-6 Factoryville, PA 18419	Lackawanna County LaPlume Township	South Branch Tunkhannock Creek 4F	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0008761 Industrial Waste	Armstrong World Industries Marietta Ceiling Plant 1507 River Road Marietta, PA 17547	Lancaster County East Donegal Township	Susquehanna River 7G	Y
PAR100403-R	New Joy Brethern in Christ Church 206 Marion Terrace Ephrata, PA 17543	Lancaster County Ephrata Borough	Cocalico Creek WWF	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0103772	Hodapp Apartments 9291 Kuhl Road Erie, PA 16510	Greene Township Erie County	Four Mile Creek 15-FM	Y
PA0101877	Bradford Regional Airport Star Route Box 176 Lewis Run, PA 16738	Lafayette Township McKean County	Unnamed Tributary to Kinzua Creek 16-B	Y
PA0035696	Ramada Inn 6101 Wattsburg Road Erie, PA 16509-4037	Millcreek Township Erie County	Unnamed tributary to Mill Creek 15-MC	Y

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

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

PA0051535, Sewage, **Kenneth and Christine Lord**, P. O. Box 244, Eagleville, PA 19408. This proposed facility is in Lower Providence Township, **Montgomery County**.

Description of Proposed Activity: Discharge of 400 gallons per day of treated sewage into Perkiomen Creek.

The receiving stream, Perkiomen Creek, is in the State Water Plan watershed 3E and is classified for WWF, aquatic life and recreation.

The proposed effluent limits for Outfall 001 are 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>Maximum Daily Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (GPD)				
CBOD ₅	25			
Total Suspended Solids	30			
Ammonia as N	20			
Fecal Coliform	200/100ml			
pH	6.0 STD			9.0 STD
Total Chlorine Residual	Monitor and Report			Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: submit annual Monitoring Report; dispose of sludge according to applicable regulations; and abandon treatment plant when municipal sewage facilities become available.

PA0012891, Industrial Waste, NAICS: 221, **Upper Hanover Authority**, P. O. Box 205, East Greenville, PA 18041. This proposed facility is in Upper Hanover Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated domestic and industrial wastewater.

The receiving stream, Perkiomen Creek, is in the State Water Plan watershed 3E and is classified for TSF. The nearest downstream public water supply intake for the Philadelphia Suburban Water Company is on the Perkiomen Creek, 26.81 miles below the point of discharge.

The following proposed effluent limits for Outfall 001, are based on a design flow of 60,000 gallons per day from permit issuance through completion of plant expansion and upgrade:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	12.5	25	25	50	63
Total Suspended Solids	15	30	30	60	75
NH ₃ -N					
(5-1 to 10-31)	2.5		5.0		13.0
(11-1 to 4-30)	7.5		15.0		38.0
Phosphorus as P	0.25		0.5		1.2
Total Dissolved Solids	500	1,000	1,000	2,000	2,500
Fecal Coliform			200 col/100 ml		
Dissolved Oxygen			3.0 min.		
Copper, Total			0.55	1.1	1.4
Lead, Total			Monitor	Monitor	Monitor
pH (STD)			6.0 min.		9.0
Total Residual Chlorine			0.5		1.3

The following proposed effluent limits for Outfall 001, are based on a design flow of 98,000 gallons per day from completion of plant expansion and upgrade through permit expiration:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	20	40	25	50	63
Total Suspended Solids	25	50	30	60	75
NH ₃ -N					
(5-1 to 10-31)	4.0		5.0		13.0
(11-1 to 4-30)	12.0		15.0		38.0
Phosphorus as P	0.4		0.5		1.2
Total Dissolved Solids	817	1,635	1,000	2,000	2,500
Fecal Coliform			200 col/100 ml		
Dissolved Oxygen			3.0 min.		
Copper, Total			0.43	0.86	1.07
Lead, Total			Monitor	Monitor	Monitor
pH (STD)			6.0 Min.		9.0

The following proposed effluent limits for Outfall 002, are based on a stormwater discharge from roof drains and parking lots:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅					
Total Suspended Solids				Monitor	
Total Phosphorus as P				Monitor	
pH				Monitor	
COD				Monitor	
Oil and Grease				Monitor	
Total Kjeldahl Nitrogen				Monitor	
Iron Dissolved				Monitor	

In addition to the effluent limits, the permit contains the following major special conditions: DMR to the Department; remedial measures; sludge disposal; upgrade/expansion of the plant; TMDL limits; operations and maintenance plan; and laboratory certification.

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

PAS232211, Industrial, SIC Code 3058, **Consolidated Container Co.**, 3101 Towercreek Parkway, Atlanta, GA 30339. This proposed facility is in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: Request for NPDES permit to discharge site stormwater.

The receiving stream, an unnamed tributary to Iron Run, is in the State Water Plan watershed no. 02C and is classified for HQ CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Keystone Water Company, Yardley District is on the Delaware River, 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of N/A.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD ₅				Monitor and Report
COD				Monitor and Report
Oil and Grease				Monitor and Report
pH				Monitor and Report
Total Suspended Solids				Monitor and Report
Total Kjeldahl Nitrogen				Monitor and Report
Total Phosphorous				Monitor and Report
Effluent Guideline Pollutants				Monitor and Report
Dissolved Iron				Monitor and Report

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

PA0085677, Groundwater Cleanup, **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402. The facility is in Springettsbury Township, **York County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of up to 0.576 million gallons of treated groundwater per day.

The receiving stream, unnamed tributary of Codorus Creek, is in Watershed 7-H and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake, Wrightsville Water Supply Co., is approximately 17 miles downstream on the Susquehanna River. The discharge is not expected to adversely affect the water supply.

The proposed effluent limitations and monitoring requirements for Outfall 003 are:

Parameter	Average Monthly (mg/l)	Average Daily (mg/l)	Instantaneous Maximum (mg/l)
pH (S. U.)		6.0 to 9.0 at all times	
1,1-Dichloroethylene	0.00008	0.00016	0.0002
Tetrachloroethylene	0.001	0.002	0.0025
Trichloroethylene	0.00375	0.0075	0.0094
Methylene Chloride	XXX	Monitor and Report	XXX
Vinyl Chloride	XXX	Monitor and Report	XXX
cis-1,2-Dichloro-ethylene	XXX	Monitor and Report	XXX

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

The EPA waiver is in effect.

PA0087793, Industrial Waste, SIC Code 4941, **United Water Pennsylvania, Inc.**, 4211 East Park Circle, Harrisburg, PA 17111-0151. This facility is in Mechanicsburg Borough, **Cumberland County**.

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

The receiving stream, Trindle Spring Run, is in Watershed 7-B and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Steelton Municipal Waterworks is on the Susquehanna River, approximately 21.8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.030 MGD are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		from 6.0 to 9.0 inclusive	
Total Aluminum	1.40	2.80	3.50
Total Iron	0.25	0.50	0.62
Total Manganese	0.40	0.80	1.00

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

The EPA waiver is in effect.

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

PA0014311, Industrial Waste, SIC, 3315, **Keystone Profiles**, 220 Seventh Avenue, Beaver Falls, PA 15010. This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from the Beaver Falls Plant in Beaver Falls, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Walnut Bottom Run and Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Beaver Falls Municipal Authority, P. O. Box 400, Beaver Falls, PA 15010, 0.75 mile below the discharge point.

Outfall 101: existing discharge, design flow of 0.024 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Suspended Solids	14.5	33.9	30	70	88
Oil and Grease			15		30
Lead	0.049	0.191	0.15	0.45	0.56
Zinc	0.065	0.259	0.1	0.3	0.38
Chromium	0.057	0.143	0.4	1.0	1.3
Nickel	0.043	0.129	0.3	0.9	1.1
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Copper			Monitor and Report		
Manganese			Monitor and Report		
Zinc			Monitor and Report		

Outfall 002: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Temperature (°F)					110
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfalls 003—008, 010 and 011: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Lead			Monitor and Report		
Zinc			Monitor and Report		

Outfall 009: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Temperature (°F)					110
Iron, dissolved			Monitor and Report		
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0090964, Industrial Waste, SIC, 1213, **CQ, Inc.**, 160 Quality Center Road, Homer City, PA 15748. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from coal slurry ponds in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Cherry Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Authority at Saltsburg, 17.4 miles below the discharge point.

Outfall 001: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Iron	Monitor and Report				
Manganese	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 101: existing discharge, design flow of 0.005 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			35		70
Iron			3		4
Manganese			2		4
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PAS216105, Industrial Waste, SIC, 5032, **Lehigh Cement Company**, 3111 Water Street, Richmond, VA 23223. This application is for issuance of an NPDES permit to discharge untreated stormwater from the Aliquippa Terminal in the City of Aliquippa, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the ARCO Chemical Company at Monaca, approximately 9.0 miles below the discharge point.

Outfall 001: new discharge of stormwater runoff.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30		60
Oil and Grease	Monitor and Report				
Aluminum	Monitor and Report				
Barium	Monitor and Report				
Boron	Monitor and Report				
Iron	Monitor and Report				
Copper	Monitor and Report				
Lead	Monitor and Report				
Nickel	Monitor and Report				
Zinc	Monitor and Report				
Selenium	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: The flow rate at each outfall is dependent on the intensity of rainfall.

Outfall 002: new discharge of stormwater runoff.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30		60
Oil and Grease	Monitor and Report				
Aluminum	Monitor and Report				
Barium	Monitor and Report				
Boron	Monitor and Report				
Iron	Monitor and Report				
Copper	Monitor and Report				
Lead	Monitor and Report				
Nickel	Monitor and Report				

NOTICES

<i>Parameter</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Zinc				Monitor and Report	
Selenium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: new discharge of stormwater runoff.

<i>Parameter</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30		60
Oil and Grease				Monitor and Report	
Aluminum				Monitor and Report	
Barium				Monitor and Report	
Boron				Monitor and Report	
Iron				Monitor and Report	
Copper				Monitor and Report	
Lead				Monitor and Report	
Nickel				Monitor and Report	
Zinc				Monitor and Report	
Selenium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: new discharge of stormwater runoff.

<i>Parameter</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30		60
Oil and Grease				Monitor and Report	
Aluminum				Monitor and Report	
Barium				Monitor and Report	
Boron				Monitor and Report	
Iron				Monitor and Report	
Copper				Monitor and Report	
Lead				Monitor and Report	
Nickel				Monitor and Report	
Zinc				Monitor and Report	
Selenium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: new discharge of stormwater runoff.

<i>Parameter</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30		60
Oil and Grease				Monitor and Report	
Aluminum				Monitor and Report	
Barium				Monitor and Report	
Boron				Monitor and Report	
Iron				Monitor and Report	
Copper				Monitor and Report	
Lead				Monitor and Report	
Nickel				Monitor and Report	
Zinc				Monitor and Report	
Selenium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 006: new discharge of stormwater runoff.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30		60
Oil and Grease				Monitor and Report	
Aluminum				Monitor and Report	
Barium				Monitor and Report	
Boron				Monitor and Report	
Iron				Monitor and Report	
Copper				Monitor and Report	
Lead				Monitor and Report	
Nickel				Monitor and Report	
Zinc				Monitor and Report	
Selenium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0093874, Sewage, **Blairsville-Saltsburg School District**, 100 School Lane, Blairsville, PA 15717. This application is for renewal of an NPDES permit to discharge treated sewage from Saltsburg Elementary School STP in Loyalhanna Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.00465 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	9.5			19.0
(11-1 to 4-30)	28.5			57.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0205761, Sewage, **Sandra Simpson, S-2 Properties**, P. O. Box 24509, Pittsburgh, PA 15234-4509. This application is for renewal of an NPDES permit to discharge treated sewage from Harshbarger Mobile Home Park in Hanover Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Little Traverse 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 Municipal Authority.

Outfall 001: existing discharge, design flow of 0.0125 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.08			0.18

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217921, Sewage, **Indiana Investments, Inc.**, R. D. 2 Box 305, Shelocta, PA 15774. This application is for renewal of an NPDES permit to discharge treated sewage from Urling Mine No. 3 Portal STP in Armstrong Township, **Indiana County**.

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

Outfall 001: existing discharge, design flow of 0.00625 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen	22			44
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0239411, Sewage, **Michael's Restaurant and Motel**, 970 New Castle Road, Butler, PA 16001. This proposed facility is in Franklin Township, **Butler County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is on the Little Connoquenessing Creek (Harmony Borough Water Authority), approximately 13.21 miles below point of discharge.

The receiving stream, an unnamed tributary to Mulligan Run, is in watershed 20-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 mgd.

Parameter	Concentrations		
	Average Monthly	Average Weekly	Instantaneous Maximum
Flow			
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100ml as a geometric average		
Total Residual Chlorine	1.4		3.2
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

PA0239437, Sewage, **Edgewood Group Home—Human Services Center**, 130 West North Street, Pulaski, PA 16101. This proposed facility is in Pulaski Township, **Lawrence County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the New Castle District of Pennsylvania American Water Company and the Shenango River at New Castle, 8.8 miles below point of discharge.

The receiving stream, an unnamed tributary to the Shenango River, is in watershed 20-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0022 MGD.

Parameter	Concentrations		
	Average Monthly	Average Weekly	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Fecal Coliform			
(5-1 to 9-30)		200/100ml as a geometric average	
(10-1 to 4-30)		7,000/100ml as a geometric average	
Total Residual Chlorine	0.9		2.1
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

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

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

WQM Permit No. 1503432, Sewerage, **London Grove Township Municipal Authority**, 372 Rosehill Road, Suite 300, West Grove, PA 19390. This proposed facility is in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of additional wetwell storage volume at Clay Creek Pump Station.

WQM Permit No. 1583402, Amendment, Sewerage, **County of Chester**, 14 East Biddle Street, West Chester, PA 19380-0991. This proposed facility is in Pocopson Township, **Chester County**.

Description of Proposed Action/Activity: Amending and modifying existing permit.

WQM Permit No. 4603422, Sewerage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370. This proposed facility is in Douglass and New Hanover Townships, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of proposed sanitary sewage collection system.

WQM Permit No. 0903421, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a sewage pumping station for a 134-unit community building.

WQM Permit No. 0903201, Industrial, **United States Steel Corporation, Fairless Works**, Fairless Hills, PA 19030. This proposed facility is in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Amending existing permit to reflect changes to the terminal treatment plant.

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

WQM Permit No. 3903201, Industrial Waste, **Northampton Borough Municipal Authority**, 1 Clear Springs Drive, P. O. Box 156, Northampton, PA 18067-0156. This proposed facility is in North Whitehall and Whitehall Townships, **Lehigh County**.

Description of Proposed Action/Activity: This project consists of the construction of an industrial waste treatment plant to treat filter backwash and rinse water from the Northampton Borough Municipal Authority's new 8.0 mgd water treatment plant.

WQM Permit No. 4003404, Sewerage, **Alfonso Bellucci**, 685 South Mountain Boulevard, Mountaintop, PA 18707. This proposed facility is in Dorrance Township, **Luzerne County**.

Description of Proposed Action/Activity: This project is for the installation of sewage treatment plant for a small office complex (600 gpd).

WQM Permit No. 4004401, Sewerage, **Dallas Area Municipal Authority**, 530 S. Memorial Highway, Shavertown, PA 18708-9603. This proposed facility is in Kingston Township, **Luzerne County**.

Description of Proposed Action/Activity: This project involves the upgrading of Dallas Area Municipal Authority's existing Hillside Road Sewage Pumping Station for the purpose of alleviating existing, periodic surcharging and also to accommodate increased future flow rates.

WQM Permit No. 4504401, Sewerage, **Blue Mountain Lake Associates, L. P.**, 2 Blue Mountain Lake, East Stroudsburg, PA 18301. This proposed facility is in Stroud Township, **Monroe County**.

Description of Proposed Action/Activity: This project is to modify the existing approved sludge holding tanks to an aerobic sludge digestion system including two aerobic tanks and a thickener. Also included is a request to modify the size of the flow equalization tank and improve the flow equalization pump system.

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

WQM Permit No. 0704401, Sewerage, **Shawn and Tracy McElravy**, P. O. Box 83, Blandburg, PA 16619. This proposed facility is in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system to serve a single family residence on 13 acres on Belltip Road.

WQM Permit No. 3604403, Sewerage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545. This proposed facility is in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a submersible pump station to serve the Brookshire—Phase 1.

WQM Permit No. 6704401, Sewerage, **New Freedom Borough Authority**, 49 East High Street, New Freedom, PA 17349. This proposed facility is in New Freedom Borough, **York County**.

Description of Proposed Action/Activity: Construction of the Summer's Glen pumping station and sewer extension.

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

WQM Permit No. 6304401, Sewerage, **Michael Santalucia**, 262 Justabout Road, Venetia, PA 15367. This proposed facility is in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewerage treatment plant to serve the Santa Lucia residence.

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

WQM Permit No. 3704402, Sewerage, **Wayne Township Municipality Authority**, 1418 Wampum Road, Ellwood City, PA 16117. This proposed facility is in Wayne Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction of an area-wide collection and conveyance system to serve the Squaw Run Drainage Area.

WQM Permit No. 1072405, Sewerage Amendment No. 1, **Evans City Borough**, 220 Wahl Avenue, Evans City, PA 16033. This proposed facility is in Borough of Evans City, **Butler County**.

Description of Proposed Action/Activity: This project is for the addition of dechlorination stage to process wastewater.

IV. NPDES Applications for Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI132214	Bethlehem Township 4225 Easton Ave. Bethlehem, PA 18015	Northampton	Bethlehem Township	Lehigh River WWF Monocacy Creek HQ-CWF Nancy Run HQ-CWF, MF Bushkill Creek HQ-CWF Unnamed tributaries to Lehigh River, Monocacy Creek and Nancy Run CWF	Y
PAI132201	Macungie Borough 21 Locust St. Macungie, PA 18049	Lehigh	Macungie Borough	Little Lehigh Creek HQ-CWF	Y
PAI132218	Hanover Township 3230 Jacksonville Rd. Bethlehem, PA 18017	Northampton	Hanover Township	Catasauqua Creek CWF Monocacy Creek HQ-CWF	Y
PAI132235	Harveys Lake Borough P. O. Box 60 Harveys Lake, PA 18618	Luzerne	Harveys Lake Borough	Harveys Lake Harveys Creek HQ-CWF	Y

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use	Department Protocol
PAI132216	City of Easton One South Third St. Room 417 Easton, PA 18042	Northampton	City of Easton	Bushkill Creek HQ-CWF Lehigh River WWF Delaware River WWF-MF	Y
PAI132209	Salisbury Township 2900 S. Pike Ave. Allentown, PA 18103	Lehigh	Salisbury Township	Trout Creek CWF Little Lehigh Creek HQ-CWF Black River CWF Lehigh River WWF	Y

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

Applicant Name and Address	County	Municipality	Receiving Water/Use
Clinton Township R. R. 1, Box 1401 Waymart, PA 18472	Wayne	Clinton Township	Lackawanna River HQ-CWF

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.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI011503115	BK Campbell, Inc. Conner Road Subdivision 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Chester	Lower Oxford Township	West Branch Big Elk Creek HQ-TSF-MF
PAI011503116	Bancroft Development Company Coltsfoot Development 44 Bancroft Mills Wilmington, DE 19806	Chester	West Bradford Township	Broad Run 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.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI023904002	Parkwood Read Estate Trust, LLC 2451 Parkwood Dr. Allentown, PA 18103	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI024804001	Forks Center, LLC c/o Posh Properties Real Estate 2216 Willow Park Road Bethlehem, PA 18020	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024804002	R. B. Associates Two Courtney Place, Suite 140 3864 Courtney St. Bethlehem, PA 18017	Northampton	Forks Township	Bushkill Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U109R	Joleone Kinney 1569 Teels Road Pen Argyl, PA 18072	Northampton	Plainfield Township	Bushkill Creek HQ-CWF
PAI024804003	Nic Zawarski & Sons Developers, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503023	Francis and Joyce Bankes P. O. Box 425 Pocono Lake, PA 18347	Monroe	Tunkhannock Township	Tunkhannock Creek HQ-CWF
PAI024503022	Nextel Partners, Inc. 4000 Crums Mill Rd., Suite 101 Harrisburg, PA 17112	Monroe	Chestnuthill Township	McMichael Creek EV
PAI024503024	West End Little League R. R. 2, Box 2261 Saylorsburg, PA 18353	Monroe	Coolbaugh Township	Devi's Hole Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025203018	Department of Transportation Engineering District 4 P. O. Box 111 Scranton, PA 18501	Pike	Lackawaxen and Blooming Grove Townships	UNT to Shohola Creek HQ-CWF

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3574.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041204001	Cameron County Commissioners East 5th St. Emporium, PA 15834	Cameron	Shippen Township	West Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404001	Timberton Estates Development Inc. 2790 W. College Ave., Suite 900 State College, PA 16801	Centre	Patton Township	Buffalo Run HQ-CWF
PAI041404002	Lindsey Kiefer 2990 Ernest Lane State College, PA 16801	Centre	Ferguson Township	UNT Spruce Creek HQ-CWF

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

Somerset County Conservation District: North Ridge Building, 1590 North Center Avenue, Suite 103, Somerset, PA 15501-7000, (814) 445-4652.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055603003	Seven Springs Municipal Authority 290 Lagoon Lane Champion, PA 15622	Somerset	Middlecreek Township	UNT to Allen Creek, Laurel Hill Creek HQ-CWF

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

PAG-12 CAFOs
 PAG-13 Stormwater Discharges from MS4

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0904501, Public Water Supply.

Applicant **Bedminster Municipal Authority**
 Township Bedminster
 Responsible Official Jay L. Heacock
 3112 Bedminster Road
 Bedminster, PA 18910
 Type of Facility PWS
 Consulting Engineer Gilmore and Associates, Inc.
 350 E. Butler Avenue
 New Britain, PA 18901
 Application Received January 22, 2004
 Date

Description of Action Construction of two wells, a booster pump station, storage tank and expansion of the distribution system to serve a proposed 37-lot residential development.

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

Permit No. 3503503, Public Water Supply

Applicant **Pennsylvania Suburban Water Company**
 HC 6 Box 6040
 Hawley, PA 18428
 Township or Borough Moscow Borough, **Lackawanna County**
 Responsible Official Roswell McMullen, P. E.
 Type of Facility PWS
 Consulting Engineer Entech Engineering
 Application Received December 11, 2003
 Date

Description of Action Relocation of the Moscow Pump Station to an aboveground structure.

Permit No. 4503508, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Township or Borough Middle Smithfield Township, **Monroe County**
 Responsible Official Steven J. Seidl, Vice President of Engineering
 Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility PWS
 Consulting Engineer James P. Palumbo, P. E.
 Quad Three Group, Inc.
 37 North Washington Street
 Wilkes-Barre, PA 18071
 Application Received December 23, 2003
 Date

Description of Action The applicant requests approval to construct a new source of supply (well no. 5) and treatment consisting of disinfection and sequestration for the well.

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

Permit No. Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**
Steven J. Seidl, Vice President of Engineering
P. O. Box 888
Hershey, PA 17033

Township Rush Township, **Centre County**

Responsible Official Steven J. Seidl, Vice President of Engineering
Pennsylvania American Water Company
P. O. Box 888
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Bruce Juergens—PAW
P. O. Box 888
Hershey, PA 17033

Application Received Date January 20, 2004

Description of Action Install a stainless steel liner in filter no. 1 to stop leakage through concrete filter wall.

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

Permit No. 1104502, Public Water Supply.

Applicant **Municipal Authority of the Borough of Portage**
606 Cambria Street
Portage, PA 15946

Township or Borough Portage Borough

Responsible Official Joseph Stancovich, Manager
Municipal Authority of the Borough of Portage
606 Cambria Street
Portage, PA 15946

Type of Facility Water Treatment Plant

Consulting Engineer The EADS Group, Inc.
1126 Eighth Avenue
Altoona, PA 16602

Application Received Date January 12, 2004

Description of Action Installation of the 1.0 MG Mountain Avenue water storage tank.

Permit No. 1104501, Public Water Supply.

Applicant **Country Living Estates**
313 Humbert Road
Sidman, PA 15955

Township or Borough Croyle Township

Responsible Official Kimberly McCusker, Manager
Country Living Estates
313 Humbert Road
Sidman, PA 15955

Type of Facility Assisted Living Community

Consulting Engineer Keller Engineers, Inc.
420 Allegheny Street
P. O. Box 61
Hollidaysburg, PA 16648

Application Received Date January 6, 2004

Description of Action Permitting of a new well.

Permit No. 6504502, Public Water Supply.

Applicant **Blairsville Municipal Authority**
203 East Main Street
Blairsville, PA 15717

Township or Borough Derry Township

Responsible Official Ronald G. Hood, Executive Director
Blairsville Municipal Authority
203 East Main Street
Blairsville, PA 15717

Type of Facility Water Treatment Plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Application Received Date January 14, 2004

Description of Action Construction of a water distribution system river intake facility, which includes a pump station, electrical and meter vault.

MINOR AMENDMENT**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

Application No. 0204501, Minor Amendment.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
Hershey, PA 17033

Township or Borough Jefferson Hills

Responsible Official Steven J. Seidl, Vice President, Engineering
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Ridge Road Tank

Application Received Date December 22, 2003

Description of Action Rehabilitation of water storage tank.

Application No. 5692505-A1, Minor Amendment.

Applicant **Jennerstown Municipal Authority**
P. O. Box 99
Jennerstown, PA 15547

Township or Borough Jenner Township

Responsible Official Alan Miller,
Operator/Chairperson
Jennerstown Municipal
Authority
P. O. Box 99
Jennerstown, PA 15547

Type of Facility WTP

Consulting Engineer The EADS Group
450 Aberdeen Drive
P. O. Box 837
Somerset, PA 15904

Application Received Date January 7, 2004

Description of Action Permitting of existing Sliding
Rock pump station and tank.

Application No. 0304501, Minor Amendment.

Applicant **Buffalo Township Municipal Authority**
707 South Pike Road
Sarver, PA 16055-9201

Township or Borough Buffalo Township, Freeport
Borough

Responsible Official Don Amadee, Manager
Buffalo Township Municipal
Authority
707 South Pike Road
Sarver, PA 16055-9201

Type of Facility Water Treatment Plant

Consulting Engineer Gibson-Thomas Engineering Co.,
Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Application Received Date January 14, 2004

Description of Action Construction of three 0.88 MG
potable water storage tanks and
one pressure reducing valve.

Application No. 6504501, Minor Amendment.

Applicant **New Kensington Municipal Authority**
920 Barnes Street
New Kensington, PA 15068

Township or Borough Lower Burrell

Responsible Official James Matta, General Manager
New Kensington Municipal
Authority
920 Barnes Street
New Kensington, PA 15068

Type of Facility WTP

Consulting Engineer Gibson-Thomas Engineering Co.,
Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Application Received Date January 14, 2004

Description of Action Tank painting, new intake
screen, pump replacement.

WATER ALLOCATIONS

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

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

WA 24-909A, Water Allocations, **Ridgway Township Municipal Authority**, P. O. Box 403, Ridgway, PA 15853, Ridgway Township, **Elk County**. Application request is for expansion of the service area to include an area of Ridgway Township along US Route 219 south to the Village of Boot Jack. Application does not increase current allocation amount of 500,000 gpd.

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. §§ 6026.10—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Verizon, Inc. Pottstown Carport Facility, Pottstown Borough, **Montgomery County**. Sean M. Damon, Langan Engineering & Environmental Services, Inc., 500 Hyde Park, Doylestown, PA 18901, on behalf of Verizon, Inc., Cheryl Houghton, 966 S. Matlack St., West Chester, PA 19380, has submitted a Notice of Intent to Remediate groundwater contaminated with volatile organics, semivolatile organics and metals. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on November 17, 2003.

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

Keystone Central Storage, Susquehanna Township, **Dauphin County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Keystone Central Storage, 200 Four Falls, Suite 208, West Conshohocken, PA 19428, submitted a Notice of Intent to Remediate site soils contaminated with inorganics and PAHs and site groundwater contaminated with no. 2 fuel oil, kerosene, leaded and unleaded gasoline. The applicant proposes to remediate the site to meet the both the Site-Specific and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot-News* on January 23, 2004.

Fogel Commercial Refrigeration Company, Topton Borough and Longswamp Township, **Berks County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of East Penn Manufacturing Company, Deka Road, Lyon Station, PA 19536, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents, lead, PAHs, organics and other organics. The applicant proposes to remediate the site as a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Kutztown Patriot* on December 23, 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

Clean Harbors Environmental Services, Inc., P. O. Box 859048, Braintree, MA 02185-9048. License No. PA-HC 0053. Received on August 6, 2003.

Ephrata Community Hospital, 169 Martin Avenue, P. O. Box 1002, Ephrata, PA 17522-1002. License No. PA-HC 0204. Received on January 8, 2004.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A major permit modification for transfer operations at this municipal waste landfill in Williams Township, **Northampton County**. The application was received in the Regional Office on December 19, 2003. As of January 15, 2004, the application was deemed to be administratively complete.

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

Permit Application No 101642. Berky's Lot 9 Container and Transfer, 113 Conrad Rd., Fleetwood, PA 19522, Ruscombmanor Township, **Berks County**. The application is for the permit modification of the Radiation Monitoring Plan of the Municipal Waste Transfer Facility. The application was determined to be administratively complete by the Southcentral Regional Office on January 22, 2004.

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

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office indicated before an application 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 a proposed plan approval or operating permit. Comments or protests filed with 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.

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

39-00064B: Howmet Aluminum Casting, Inc. (2175 Avenue C, Bethlehem, PA 18017) for amendment of the RACT Permit to include a minor increase in VOC emissions at their facility in Bethlehem, **Lehigh County**.

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

06-05007B: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for modification of a VIM furnace controlled by a fabric collector at their facility in the City of Reading, **Berks County**.

07-03047A: Grannas Bros. Stone and Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648) to replace an existing vertical shaft impact crusher with a new one at their limestone crushing operation at the Ganister Quarry in Catharine Township, **Blair County**. A fabric collector will continue to control the particulate emissions from the new crusher. This source is subject to 40 CFR

Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

21-05036A: Hempt Bros., Inc. (P. O. Box 278, Camp Hill, PA 17001-0278) for construction of equipment to process recycled asphalt pavement at batch asphalt plant no. 4 at their Camp Hill Asphalt Plant in Lower Allen Township, **Cumberland County**. The screen and conveyor belt are subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

37-319A: Atlantic States Materials of PA, Inc.—Wampum Plant (Route 18, Wampum, PA 16157) for construction of a 200 tph sand and gravel plant and diesel generator in North Beaver Township, **Lawrence County**. The facility is subject to 40 CFR 60 Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

37-306A: Atlantic States Materials of PA, Inc.—Taylor Run Plant (Route 106, Slippery Rock, PA 16057) for construction of a 350 TPH sand and gravel plant and two diesel generators in Scott Township, **Lawrence County**. The facility is subject to 40 CFR 60 Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

25-999A: Riley Power, Inc. (1420 Cascade Street, Erie, PA 16502) for post-construction plan approval of surface coating operations at their facility in the City of Erie, **Erie County**.

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

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

15-0091: McAvoy Vitrified Brick Co. (75 McAvoy Lane, Phoenixville, PA 19460) to restrict production of their existing 12 tons per hour capacity brick kiln to less than 10 tons per hour of fired brick production in Schuylkill Township, **Chester County**. The brick tunnel kiln is currently operated under TVOP-15-00091 for the Phoenixville Brick manufacturing facility, major for HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

40-305-019B: Lang Filter Media (603 S. Church Street, Hazleton, PA 18201) for addition and operation of a coal crusher at their facility in Hazleton City, **Luzerne County**. Presently, the company operates a coal processing, screening and packaging plant. Addition of crusher would allow further crushing of oversized coal to reduce rejects for the company. The coal crusher is rated at 15 tons per hour capacity. Fugitive particulate emissions will be controlled by an existing baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf from the baghouse. The company will operate the facility and

maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

06-05008A: SFS Intec Inc. (P. O. Box 6326, Wyomissing, PA 19610) for construction of three dip and spin surface coating lines and associated ovens controlled by low VOC coatings in their facility in the Borough of Wyomissing, **Berks County**. The facility is a non-Title V (State-only) facility. The facility's VOC emissions will be limited to less than 50 tons per year and the surface coating operations at the facility will have annual VOC limits. The facility will be required to record the coating usages and calculate the VOC emissions monthly. Limits will be paced on the VOC content of the coatings used in the surface coating operations. The permit will include monitoring, work practices, recordkeeping, reporting and other requirements designed to keep the facility operating within all applicable air quality requirements.

07-03043A: McLanahan Corp. (200 Wall Street, Hollidaysburg, PA 16648) for construction of a cast iron and steel, induction melt furnace in their foundry building in the Borough of Hollidaysburg, **Blair County**. This approval will increase the annual particulate matter emissions by 3.78 tons and VOC emissions by 5.63 tons. The approval will contain production limits, monitoring, work practice, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

07-03047A: Grannas Bros. Stone and Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648) to install a replacement vertical shaft impact crusher at their limestone crushing operation at the Ganister Quarry in Catharine Township, **Blair County**. A fabric collector will continue to control the particulate emissions from the new crusher. The maximum capacity will increase by 20 tons per hour. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

14-00029A: Con-Stone, Inc. (P. O. Box 28, Bellefonte, PA 16823) for construction of two screens, six belt conveyors, two radial stacking conveyors, a feeder, a bin, an aggregate conditioner and a fine material screw in their existing limestone crushing and screening plant in Haines Township, **Centre County**.

One of the two new screens and two of the new belt conveyors will replace an existing screen and two existing belt conveyors. The remainder of the new equipment will be an addition to the plant. Depending upon the specific piece of equipment, the emission of fugitive particulate matter from the proposed equipment will be prevented or controlled by operating the equipment as wet processing equipment, by the use of water spray dust suppression system spray nozzles and/or processing stone with residual moisture. The resultant fugitive particulate matter emissions from the equipment are expected to be negligible.

The Department's review of the information submitted by Con-Stone, Inc. indicates that the proposed screens,

conveyors, and the like, will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed screens, conveyors, and the like.

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

1. The emission of fugitive particulate matter from the 6-foot by 20-foot triple deck screen shall be controlled by four water/spray dust suppression system spray nozzles at the screen discharge into an existing impact crusher.

2. The emission of fugitive particulate matter from the aggregate conditioner, 8-foot by 16-foot double-deck screen, two associated belt conveyors, fine material screw and two radial stacking conveyors shall be controlled by operating this equipment as "wet" processing equipment which will process only stone which has been saturated with water.

3. The emission of fugitive particulate matter from the remainder of the process equipment shall be controlled by processing only stone containing sufficient residual moisture to preclude the emission of fugitive particulate matter at a level which would be in excess of that allowed under 25 Pa. Code § 123.1.

4. If, at any time, it is determined that the fugitive particulate matter emissions from any piece of process equipment are in excess of any applicable emission limitation or requirement, the permittee shall immediately install additional spray nozzles or take other measures as are necessary to control the emissions.

5. The water spray dust suppression system of which the four spray nozzles at the discharge of the 6-foot by 20-foot triple deck screen are a part shall:
 - a. At all times use surfactant or wetting agent in addition to water.
 - b. Incorporate a supply pump capable of supplying at least 25 gallons per minute to the dust suppression system at a pressure of 150 psig.
 - c. Be equipped with a strainer on the inlet water line of the wetting agent mix tank reservoir.
 - d. Be connected to an on-demand water source capable of delivering an adequate supply of water at any time the plant is in operation.

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

03-00089B: Dominion Transmission, Inc., 625 Liberty Avenue, Pittsburgh, PA 15222, for their Crayne Compressor Station in Franklin Township, **Greene County**. In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue an Air Quality Plan Approval to Dominion Transmission, Inc. The facility currently has a Title V Operating Permit No. TV-30-00089. The provisions of this plan approval will be incorporated into the facility's Operating Permit through an amendment, in accordance with 25 Pa. Code § 127.450. Upon completion, this physical change will

limit the facility's potential to emit to below major source thresholds; consequently, the Title V provisions will be deleted.

The proposed replacement is subject to the applicable requirements of 25 Pa. Code Chapter 127 (regarding construction, modification, reactivation and operation of sources). The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. The facility is to be constructed in accordance with the plans submitted with the application (as approved herein).

2. Upon completion of the construction of the facility, an operating permit must be obtained. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

3. This Plan Approval is to allow the installation of two Solar Taurus 60 combustion turbines equipped with dry, low NOx combustors and rated at 7,830 bhp to replace existing turbines 1 and 2 at Dominion Transmission Inc.'s Crayne Compressor Station in Franklin Township, Greene County (25 Pa. Code § 127.12b).

4. These sources shall comply with the fugitive emission regulation (25 Pa. Code § 123.1).

5. Visible emissions from the Solar combustion turbines shall not equal or exceed 10% opacity at any time. Compliance with this condition shall be demonstrated by operation of the Solar combustion turbines in a manner consistent with the manufacturer's specifications, monitoring of combustion turbine operating parameters by the Solar Turbotronic® control system and the absence of evidence to the contrary (25 Pa. Code §§ 127.12b and 123.41).

6. The owner/operator shall not permit the emission to the outdoor atmosphere of any odorous air contaminants from any source determined to be objectionable by the Department in a manner that odorous air contaminants are detectable outside the property on which the source is being operated (25 Pa. Code § 127.12b).

7. Emissions of the following contaminants from each Solar combustion turbine shall not exceed the following (25 Pa. Code § 127.12b):

Pollutant	(ppm)	(lb/hr)	(ton/yr)
NOx	25	6.34	27.79
CO	50	7.73	33.84
VOC*	25	0.44	1.94

*Based on Method 18/25A.

8. The facility is subject to New Source Performance Standards for Stationary Gas Turbines (40 CFR Part 60, Subpart GG). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both the EPA and the Department at the following addresses unless otherwise noted: Director, Air Toxics and Radiation, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029; and Department of Environmental Protection, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

9. The owner/operator shall monitor the following (40 CFR Subpart GG):

a. Hours of operation and amount of fuel combusted.

b. Nitrogen monitoring of the natural gas per the EPA's August 14, 1997, custom fuel monitoring policy.

c. Fuel sulfur content by use of tariff sheet, pipeline transportation contract or historical sampling for a 12-month period.

10. The owner/operator shall stack test the effluent of each Solar combustion turbine for CO, NOx (as NO₂) and VOC (as propane) emissions in accordance with 25 Pa. Code Chapter 139, the Department's Source Testing Manual and 40 CFR 60.8 within 180 days of initial startup. VOC testing by EPA Method 18/25A shall be required to determine compliance with the emission limits of condition 7. Testing shall also be conducted prior to each renewal of the Operating Permit (25 Pa. Code § 127.12b).

a. Three copies of the pretest protocol shall be submitted to the Department at least 60 days in advance of the stack test date. Stack testing shall not take place until the owner/operator has received written approval of the stack test protocol.

b. The owner/operator shall notify the Department of the stack test date at least 2 weeks prior to the test so the an observer may be present.

c. Three copies of the stack test results shall be submitted to the Department within 60 days of completion of the test.

d. The owner/operator shall record all pertinent operating data during the stack test and include this data with the stack test results.

11. The owner/operator shall stack test the effluent of each Solar combustion turbine for VOC (as propane) and HAP emissions by EPA Method 320 in accordance with 25 Pa. Code Chapter 139, the Department's Source Testing Manual and 40 CFR 60.8 within 180 days of initial startup. Testing shall also be conducted prior to each renewal of the Operating Permit (25 Pa. Code § 127.12b).

a. Three copies of the stack test protocol shall be submitted to the Department at least 60 days in advance of the stack test date. Stack testing shall not take place until the owner/operator has received written approval of the stack test protocol.

b. The owner/operator shall notify the Department of the stack test date at least 2 weeks prior to the test so the an observer may be present.

c. Three copies of the stack test results shall be submitted to the Department within 60 days of completion of the test.

d. The owner/operator shall record all pertinent operating data during the stack test and include this data with the stack test results.

12. The owner/operator shall monitor, on a semiannual basis, NOx, CO and hydrocarbon concentrations in the exhaust gas of each Solar combustion turbine using a portable analyzer. Each Solar combustion turbine operating less than 750 hours during the preceding ozone season need only be monitored annually. The conversion from ppm to lbs/hr shall be determined using the following equations provided that:

a. Readings are corrected to 3% oxygen (15.1% excess air).

b. Readings are determined volumetrically.

c. Heat content of fuel is corrected to 1,000 Btu/scf.

Equation 1: ppm NOx*0.001208*mmBtu/hr=lb/hr NOx

Equation 2: ppm CO*0.000735*mmBtu/hr=lb/hr CO

Equation 3: ppm VOC*0.002258*mmBtu/hr=lb/hr VOC

13. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

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

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

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

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

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

The change in potential emissions for the facility, based on the manufacturer's guarantee for NOx and CO and VOC (based on Method 18/25A), AP-42 factors for PM, fuel sulfur for SO2 and GRI-HAP Calc version 3.0 for HAP are estimated by the applicant as follows:

Pollutant	Pre-Replacement	Post-Replacement
	Potential Emissions (ton/yr)	Potential Emissions (ton/yr)
NOx	168.173	56.513
CO	58.649	72.599
VOC	17.731	7.959
PM	3.6643	25.7643
SO ₂	0.2921	0.3652
Total HAP	2.91	3.77

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 400 Waterfront Drive, Pittsburgh, PA 15222.

Interested persons may submit written comments, suggestions or objections concerning the proposed Plan Approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the commentator, identification of the proposed Permit No.

TV-65-00837 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mark R. Gorog, New Source Review, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4333.

OPERATING PERMITS

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

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

36-05134: Lancaster Laboratories, Inc. (2425 New Holland Pike, Lancaster, PA 17605) for a Title V Operating Permit in Upper Leacock Township, **Lancaster County**. Estimated emissions are over 10 tons per year of a single HAP (methylene chloride) from analytical testing and research services. The Title V operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

18-00004: Armstrong World Industries (325 Eagle Valley Road, Beech Creek, PA 16822), for renewal of the Title V operating permit for their Beech Creek Floor Tile plant in Beech Creek Township, **Clinton County**. The facility is currently operating under TVOP 18-00004, which was issued May 10, 1999. The facility's main sources include two natural gas-fired or no. 2 fuel oil-fired boilers, one small natural gas-fired water heater, nine rotogravure press stations, one ink mixing and dispensing operation, one make ready operation, one solvent distillation operation, one propane-fired emergency generator, one no. 2 oil-fired water pump and three storage tanks. The facility has the potential to emit major quantities of VOCs. The facility has the potential to emit SOx, NOx, CO, PM (PM10) and HAPs below the major emission thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00005: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) for renewal of the Title V operating permit for their Greenlick natural gas storage and transmission facility in Stewardson Township, **Potter County**. The facility is currently operating under Title V Operating Permit 53-00007, issued May 13, 1999. The facility's main sources include 11 natural gas fired pipeline heaters, 4 3,400 horsepower natural gas fired internal combustion gas transmission engines and 2 3,200 horsepower natural gas fired internal combustion gas transmission engine which have the potential to emit major quantities of NOx, CO, VOCs and HAPs. The facility has the potential to emit PM10 and SOx, below the major emission thresholds. The facility is subject to all applicable regulatory requirements of Reasonably Available Control Technology for NOx and VOC emis-

sions. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

46-00168: Tenet Health Systems/Elkins Park Hospital (60 East Township Line Road, Elkins Park, PA 19027) for operation of two boilers at their hospital in Cheltenham Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx emissions to less than 25 tons per year; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00081: Johnson Matthey, Inc. (1401 King Road, West Chester, PA 19380-01467) for operation of their Precious Metals Division in West Whiteland, **Chester County**. The permit is for a non Title V (State-only) facility. The facility's main sources include: a copper stripping room, a metal melt room, a coated wire room, an acid metal-stripping room, two vertical packed tower scrubber and two vertical wet scrubbers. The facility is a minor source of HAPs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This permit was previously published in error under 15-00080 at 33 Pa.B. 793 (February 8, 2003).

46-00191: Merck and Co., Inc. (351 North Sumneytown Pike, North Wales, PA 19454) for operation of their office complex in Upper Gwynedd Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The sources of air emissions include: several boilers, generators and miscellaneous combustion sources. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-05076: Quadrant EPP USA, Inc. (2120 Fairmont Ave., Reading, PA 19612) for operation of their manufacturing facility in the City of Reading, **Berks County**. The facility-wide State-only operating permit will limit SOx emissions to less than 100 tons per year and VOC emissions to less than 50 tons per year. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

22-03030: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of their crushing operation at the Fiddler's Elbow Quarry in Lower Swatara Township, **Dauphin County**. This is a non-Title V State-only facility. The operating permit will include appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements. Actual emission estimates for PM10 are approximately 12 tons per year.

67-03013: Georgia-Pacific Corp. (25 Walnut Street, Mount Wolf, PA 17347) for operation of a corrugated paper production facility in the Borough of Mount Wolf, **York County**. Annual emissions from this facility are expected to be about 6 tons of PM10 per year. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

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

Alkalinity greater than acidity*

* The parameter is applicable at all times.

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

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

49840103R3. Reading Anthracite Company (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in East Cameron Township, **Northumberland County**, affecting 127.0 acres. Receiving streams: None. Application received January 14, 2004.

54830107R4. Selkirk Mining Company (96 Ryon Lane, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Branch and Reilly Townships, **Schuylkill County**, affecting 2207.0 acres. Receiving streams: West Branch Schuylkill River. Application received January 15, 2004.

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

56911302. NPDES Permit No. PA0213772, RoxCoal, Inc. (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Long T Permit in Shade and Stoneycreek Townships, **Somerset County** and related NPDES permit for reclamation only. No additional discharges. Application received June 9, 2003.

03971301. NPDES Permit No. PA0215091, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Ridge Mine in South Bend Township, **Armstrong County** and Young Township, **Indiana County** and related NPDES permit from DLR Mining, Inc. No additional discharges. Application received December 11, 2003.

32991301. NPDES Permit No. PA0215228, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Nolo Mine in Buffington, Pine, Cherryhill and Brush Valley Townships,

Indiana County and related NPDES permit from DLR Mining, Inc. No additional discharges. Application received December 11, 2003.

32831602. NPDES Permit No. PA0214515, General Trade Corporation (P. O. Box 271, Glassport, PA 15045), to transfer the permit for The Central Preparation Plant in West Wheatfield Township, **Indiana County** and related NPDES permit from Reliant Energy Northeast Management Company. No additional discharges. Application received January 8, 2004.

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

33930102 and NPDES Permit No. PA0211508. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Transfer of an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson County**, affecting 120.3 acres. Receiving streams: unnamed tributaries to Little Sandy Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Transfer from John R. Yenzi, Jr. Application received January 16, 2004.

24980106 and NPDES Permit No. PA0227919. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip, auger and coal ash placement operation in Horton Township, **Elk County** affecting 223.1 acres. Receiving streams: unnamed tributaries to Johnson Run; unnamed tributaries to Brandy Camp Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received January 21, 2004.

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

03910115 and NPDES Permit No. PA0200174. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continued mining and reclamation of an existing bituminous surface mine in West Franklin Township, **Armstrong County**, affecting 468.8 acres. Receiving streams: Buffalo Creek to Allegheny River (TSF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received January 20, 2004.

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

17990121 and NPDES Permit No. PA0242764. Lee Coal Contracting, Inc., 147 Loop Road, West Decatur, PA 16878. Transfer of an existing bituminous surface mine permit from Larson Enterprises, Inc. The permit is in Cooper Township, **Clearfield County** and affects 23.9 acres. Receiving streams: Sulphur Run (CWF). Application received December 12, 2003.

17020111 and NPDES Permit No. PA0243329. Lee Coal Contracting, Inc. (147 Loop Road, West Decatur, PA 16878). Transfer of an existing bituminous surface mine permit application from Larson Enterprises, Inc. The permit application site is in Cooper Township, **Clearfield County** and affects 19.4 acres. Receiving streams: Sulphur Run (CWF). Application received December 12, 2003.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects:

Project No. BF 366, Irwin Township, Venango County, 2 acres.

Project No. BF 466, Venango Township, Butler County, 101.1 acres.

Project No. BF 498, Irwin Township, Venango County, 5 acres.

Project No. BF 499, Marion Township, Butler County, 5 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on March 8, 2004, to be considered. Telephone inquiries shall be directed to Charles Lonkart, Division of Mine Hazards, (717) 787-3448.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users 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.

E09-869. Department of Transportation, District 6, 7000 Geerdes Blvd., King of Prussia, PA 19406. Swamp Road Culvert (SR 2036, Section BSB) replacement Project in Wrightstown Township, **Bucks County**, Philadelphia, ACOE District.

To replace the existing Swamp Road Masonry Arch Culvert, with a reinforced concrete open bottom box culvert measuring approximately 93.5 feet long, 20 feet wide and with a 4-foot underclearance. The bridge spans an unnamed tributary of the Neshaminy Creek (TSF, MF). The works involved the following activities:

- (1) To construct and maintain the proposed structure.
- (2) To construct an approximately 50-foot long cofferdam across the stream at the upstream and downstream limits of the proposed culvert to facilitate the dewatering process and to accommodate construction activities.
- (3) To place and maintain approximately 87.5 cubic yards of R-6 riprap for scour protection for wingwalls at the inlet and outlet of the culvert.
- (4) To perform grading activities in the floodway associated with bridge footings adjustment, wingwalls construction, depressing of the culvert bottom and reconstruction and grading of roadway approach.
- (5) To place fill or excavate within .17 acre of wetland to accommodate roadway approach widening, construction access and stormwater diversion
- (6) To relocate a drainage ditch outfall associated with the roadway widening.

The project proposes to temporarily impact 95 linear feet of watercourse, 0.17 acre of wetland and permanently impact a total of approximately 115 linear feet of stream banks and 0.05 acre of wetland. The project site is approximately 343 feet east of the intersection of Worthington Mill and Swamp Roads in Wrightstown Township (Langhorne, PA Quadrangle N: 22.68 inches; W: 15.69).

E15-712. Department of Transportation, District 6, 7000 Geerdes Blvd., King of Prussia, PA 19406, Westtown Township, **Chester County**, ACOE Philadelphia District. Westtown Road Bridge Replacement Project (SR 2007 Section EBR).

To replace the existing Westtown Road Arch Bridge, which spans over the East Branch of Chester Creek (TSF), with a new CONSPAN arch bridge. The existing bridge is a masonry brick twin arch structure. The proposed 26-foot wide twin span structure will span the main channel and the overbank. The main channel has a waterway opening of approximately 42 feet wide by 10 feet high. The overbank structure will have a waterway opening of approximately 12 feet wide by 10 feet high. The work will include the following activities:

- (1) To perform grading within the floodway to facilitate roadway approach widening and construction of footings.
- (2) To place approximately 65 cubic yards of fill within the floodway to facilitate the construction of the bridge wingwalls and associated slope stabilization.
- (3) To place approximately 30 cubic yards of R-8 riprap scour protection at specific locations along the wingwalls, inlets and outlets.
- (4) To construct a temporary cofferdam to accommodate dewatering activities for bridge footings construction.

The project will temporarily impact approximately 565 linear feet of streambanks and 64 linear feet of streambed. It will permanently impact approximately 275

feet of streambank. The site is approximately 1,776 feet southeast of intersection of Westtown Road, Westtown Way and Little Shiloh Road (West Chester, PA Quadrangle N: 13.99 inches; W: 6.82 inches).

E51-208. National Greyhound Adoption Program, Inc., 4701 Bath Street, Philadelphia, PA 19130, City and County of Philadelphia, ACOE Philadelphia District.

To perform water obstruction and encroachment activities associated with the Greyhound Adoption Center in and along the 100-year floodplain of the Delaware River (WWF/MF), which will include maintenance of fill and the placement of associated bank stabilization along 625 linear feet of the shoreline of the Delaware River. The site is at 4701 Bath Street (Camden, NJ-PA USGS Quadrangle N: 21.8 inches; W: 9.1 inches).

E46-953. Montgomery County, Court House, Norristown, PA 19404, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new bridge adjacent to and upstream of an existing bridge no. 147 carrying Freeman School Road over East Branch of Perkiomen Creek (TSF). The proposed bridge will be a single span composite steel structure with a span of 129 feet 10 inches, a total roadway width of 36 feet 3 inches, under clearance of 10 feet 9 inches and skew of 70°.

To operate and maintain the existing bridge consisting of a single span iron truss with span of 112 feet, roadway width of 17 feet, under clearance of 10 feet 3 inches and skew of 90°. The existing bridge has been repaired and will be retained to serve as part of the Township Trail System. Also, 280 linear feet of R-8 riprap is proposed along both bridges.

The site is about 200 feet southwest of intersection of Indian Creek Road and Freeman School Road (Perkiomenville, PA USGS Quadrangle N: 5.4 inches W: 4.88 inches).

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

E52-192. Richard Kayton, P. O. Box 1447, Milford, PA 18337 in Milford Township, **Pike County**, U. S. Army Corps of Engineers, Philadelphia District.

To regrade, place fill and impound water, impacting the approximately 0.03 acre of wetlands in the drainage basin of Sawkill Creek (EV) for the purpose of constructing a stormwater management basin associated with a proposed office building, pole barn and parking area. The project is along the southside of SR 0006, approximately 0.7 mile northwest of the intersection of SR 0006 and SR 1005 (Edgemere, PA Quadrangle N: 20.5 inches; W: 3.5 inches).

E13-066A. Gnaden Huetten Memorial Hospital, 211 North 12th Street, Leighton, PA 18235 in Leighton Borough, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To amend Permit No. E13-066 to authorize the construction and maintenance of a 240-foot long stream enclosure extension consisting of twin 42-inch diameter pipes in a tributary to Mahoning Creek (CWF) for the purpose of expanding the Gnaden Huetten Memorial Hospital's parking facilities. Permit E13-066 was issued to construct and maintain 110 feet of twin 42-inch diameter pipes and to place and maintain fill in 0.1 acre of wetlands. The project is approximately 1.0 mile west of the intersection of SR 0209 and SR 0902 (Leighton, PA Quadrangle N: 15.3 inches; W: 14.2 inches).

E48-341. Borough of Northampton, P. O. Box 70, Northampton, PA 18067 in Borough of Northampton, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a steel truss pedestrian bridge having a single span of 98.5 feet and an underclearance of approximately 14.7 feet across Hokendauqua Creek (CWF). The bridge will connect the existing Heritage Trail to the D & L Trail and provide additional recreational resources to the public. The project is at the confluence of Hokendauqua Creek and the Lehigh River (Catasauqua, PA Quadrangle N: 9.5 inches; W: 15.7 inches).

E39-428. Southern Lehigh Public Library Association, 6339 Beverly Hills Road, Coopersburg, PA 18036 in Upper Saucon Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To place and maintain 1 to 6 feet of fill in the floodway of and along 500 feet of the right bank of a tributary to South Branch Saucon Creek (CWF) and to construct and maintain a 12-foot wide outfall channel in the floodway of a tributary for the purpose of constructing the Southern Lehigh Public Library. The project is on the southside of Preston Road approximately 0.25 mile east of Old Bethlehem Pike (Allentown East, PA Quadrangle N: 6.6 inches; W: 1.9 inches).

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

E21-360: Southampton Township, 200 Airport Road, Shippensburg, PA 17257 in Southampton Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain: (1) a 4-foot wide pedestrian footbridge to completely span the channel of Thompson Creek (CWF); and (2) a 4-foot wide pedestrian footbridge to completely span the channel of Reservoir Hollow Run (CWF), both tributaries to the Conodoguinet Creek, for the purpose of connecting a trail around the proposed park at a point on the west side of Hershey Road just north of the Hershey Road and Airport Road intersection (Walnut Bottom, PA Quadrangle N: 9.65 inches; W: 14.85 inches) in Southampton Township, Cumberland County.

E21-357: North Newton Township, 255 Ott Road, Shippensburg, PA 17257 in North Newton and West Pennsboro Townships, **Cumberland County**, ACOE Baltimore District.

To remove two isolated 7-foot by 7-foot concrete box culverts and to install and maintain one 20-foot span by 7-foot rise precast concrete bridge arch system (ConSpan) to cross the Big Spring Creek (CWF) for the purpose of realigning and widening of the roadway on Nealy Road (T-353) approximately 200 feet west of Big Spring Road (SR 3007) (Newville, PA Quadrangle N: 4.35 inches; W: 4.40 inches) in North Newton and West Pennsboro Townships, Cumberland County.

E36-777: High Industries, Inc., 1853 William Penn Way, Lancaster, PA 17605 in East Cocalico Township, **Lancaster County**, ACOE Baltimore District.

To fill and maintain a 2,884 square foot wetland area and place and maintain two 36-inch culvert crossings over an existing roadside swale, on a tributary to Stony Run (WWF), for the purpose of accessing a storage area for High Industries, Inc. in East Cocalico Township, Lancaster County (Terre Hill, PA Quadrangle N: 16.75 inches; W: 16.09 inches). The permittee is required to provide a minimum of 2,884 square feet of replacement wetlands.

E38-141: Jackson Township, 60 North Romona Road, Myerstown, PA 17067 in Jackson Township, **Lebanon County**, ACOE Baltimore District.

To remove two one-lane bridges and: (1) to install and maintain a two-lane 32-foot wide open-bottom precast bridge to cross the Tulpehocken Creek (TSF); and (2) to install and maintain a two-lane 32-foot wide open-bottom precast bridge to cross the Union Canal, all for the purpose of replacing the dilapidated bridges and improving safety, both parallel to each other along Creamery Street approximately 2,000 feet south of Route 422 just west of Myerstown (Richland, PA Quadrangle N: 21.2 inches; W: 10.9 inches) in Jackson Township, Lebanon County.

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

E18-370. Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Log Road Hollow Run pedestrian bridge replacement in Chapman Township, **Clinton County**, ACOE Baltimore District (Renovo West, PA Quadrangle N: 19.80 inches; W: 0.20 inch).

To remove an existing sub-standard pedestrian bridge and to construct and maintain wooden bank-to-bank pedestrian bridge with a clear span of 22 feet 10 inches over Log Road Hollow Run to connect a new bath house with the existing public pool at Hyner Run State Park, 3 miles north on Hyner Run Road from SR 120. The project proposes to impact 7 linear feet of Log Hollow Run without impacting any wetlands.

E19-240. Mifflin Township Supervisors, P. O. Box 170, Mifflinville, PA 18631. Sewer Force Main Stream Crossing in Mifflin Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 6.5 inches; W: 8.5 inches).

To construct and maintain: (1) a 6-inch diameter sewer force main by 1,300 feet long crossing of the Susquehanna River (WWF) at the SR 2028 bridge in Mifflinville; and (2) an 8-inch diameter by 15-foot long concrete encased crossing of an unnamed tributary to the Susquehanna River about 400 feet east of West Street and 1,000 feet north of the intersection of West Street with Kline Street. The project will impact approximately 1,315 feet of waterway. The area of earth disturbance for the entire sewer project is 17.5 acres.

E59-449. Department of Conservation and Natural Resources, Rachel Carson Office Building, P. O. Box 8451, Harrisburg, PA 17105. Mine Hole Run Road Project in Morris Township, **Tioga County**, ACOE Baltimore District (Cedar Run, PA Quadrangle N: 14.2 inches; W: 8.2 inches).

The applicant proposes to remove the existing bridge and appurtenant substructures and: (1) to construct and maintain a precast reinforced concrete box culvert with a single clear span of 8.28 feet, a rise of 5 feet with 1-foot depression and 22.78 feet long with precast reinforced concrete inlet and outlet end sections; (2) construct AASHTO no. 1 aggregate lined drainage ditches along the near and far upstream roadway embankments; (3) permanently fill 54.33 square feet of wetland areas as a result of guide rail anchorage and the near right rock lined ditch; and (4) place R-6 riprap for scour protection at the inlet and outlet of the proposed culvert. The proposed project will directly affect approximately 130 linear feet of the tributary to Mine Hole Run (EV) and will permanently impact 0.001 acre of wetlands and temporarily impact 0.013 acre of wetlands.

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

E02-1446. Mount Scott KDC, Inc., Eleven Parkway Center, Suite 300, Pittsburgh, PA 15220. Fitzgerald Place Residential Subdivision culvert and wetland fill in Mt. Lebanon Township, **Allegheny County**, Pittsburgh ACOE District (Bridgeville, PA Quadrangle N: 19.3 inches; W: 6.6 inches) (Latitude: 40° 21' 24"—Longitude: 80° 02' 37"). The applicant proposes to construct and maintain a 550-foot long stream enclosure consisting of a 54-inch diameter culvert in the channel of Painters Run (WWF) and to place and maintain fill in 0.23 acre of PSS wetlands for the purpose of constructing the proposed Fitzgerald Place Residential Subdivision. The project is on the west side of Terrace Drive, approximately 480 feet northwest from the intersection of Terrace Drive and Connor Road and will permanently impact 550.0 linear feet of stream channel and 0.23 acre of PSS wetlands. To compensate for the wetland impacts the applicant proposes to make a payment to the wetland replacement fund.

ENVIRONMENTAL ASSESSMENTS

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

EA46-036CO. East Norriton Township, 2501 Stanbridge Street, East Norriton, PA 19401-1616. East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Calvert Hurdle Park Dam across a tributary to Stony Creek (TSF) for the purpose of eliminating a resident goose problem and restoring the stream to a free flowing condition. The dam is approximately 1,000 feet south of the intersection of Township Line Road (SR 3001) and North Wales Road (SR 2010) (Lansdale, PA Quadrangle N: 5.8 inches; W: 10.85 inches).

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060356	Camp Wayne for Boys, Inc. 55 Channel Drive Port Washington, NY 11050-1604	Wayne County Buckingham Township	Lower Twin Lake 1A	Y
PA0061255 Minor—Sewage	Wallace R. McDonald 1647 Forest Acres Drive Clarks Summit, PA 18411-9526	Newton Township Lackawanna County	UNT to Gardner Creek 4G	Y
PA0061671 Sewage	Greenfield Township Sewer Authority P. O. Box 501 Carbondale, PA 18407-0501	Lackawanna County Greenfield Township	UNT Dundaff Creek 5A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0040274 Industrial Waste	Allegheny Ludlum Corporation 100 River Road Brackenridge, PA 15014	Vandergrift Borough Westmoreland County	Kiskiminetas River	N
PA0027570 Sewage	Western Westmoreland Municipal Authority 12441 Route 993 Irwin, PA 15642	North Huntingdon Township Westmoreland County	Brush Creek	N
PA0031101 Sewage	Fayette County Area Vocational-Technical School R. D. 2 Box 122A Uniontown, PA 15401	Georges Township Fayette County	UNT of Redstone Creek	N

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0091936 Sewage	Indiana County Municipal Services Authority 827 Water Street P. O. Box 351 Indiana, PA 15701	Center Township Indiana County	Tributary of Aultman Run	Y
PA0093840 Sewage	County of Allegheny Department of Public Works, Parks Division 211 County Office Building 542 Forbes Avenue Pittsburgh, PA 15219-2904	Elizabeth Township Allegheny County	Douglass Run	Y
PA0095826 Sewage	Rostraver Sewage Corporation 1428 Delberts Drive Monongahela, PA 15063	Rostraver Township Westmoreland County	Cedar Creek	Y
PA0096211 Sewage	Hempfield Township Municipal Authority R. D. 6 Box 501 Greensburg, PA 15601	Hempfield Township Westmoreland County	Little Sewickley Creek	Y
PA0098621 Sewage	Interstate R. V. Center Inc. Jerry Seaman, President Box 161 Claysville, PA 15323	Donegal Township Washington County	Dutch Fork	Y
PA0098990 Sewage	Joseph P. Graham P. O. Box 390 Rochester, PA 15074	Fallston Borough Beaver County	Brady Run	Y
PA0216151 Sewage	Michael Apple 778 Executive Drive Fallentimber, PA 16639	Reade Township Cambria County	UNT of Clearfield Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0037923	North East Borough Water Treatment Plant 31 West Main Street North East, PA 16428	North East Township Erie County	Sixteen Mile Creek 15-SM	Y

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0102903	Allegheny Environmental Corporation P. O. Box 744 Franklin, PA 16323	Venango County Sandy Creek Township	Allegheny River 16-G	Y

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

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

NPDES Permit No. PA0063011, Industrial Waste, **Hazleton City Authority—Water Department**, 400 East Arthur Gardner Parkway, Hazleton, PA 18201-7359. This proposed facility is in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: To renew NPDES permit to divert water from Lehigh River and discharge it into Dreck Creek Reservoir—Dam F.

PAS212210, Industrial, **Meshoppen Stone, Inc.**, P. O. Box 127, Meshoppen, PA 18630. This proposed facility is in Meshoppen Township, **Wyoming County**.

The receiving streams, unnamed tributary to Meshoppen Creek and unnamed tributary to Little Meshoppen Creek, are in the State Water Plan watershed no. 4G and are classified for CWF.

The proposed effluent limits for Outfalls 001—003:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
Total Phosphorus				Report
Total Kjeldahl Nitrogen				Report
Iron (Dissolved)				Report

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

NPDES Permit No. PA0026891-A1, Sewerage, **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, Box 211, Charleroi, PA 15022. This proposed facility is in Borough of Charleroi, **Washington County**.

Description of Proposed Action/Activity: Amendment to discharge of uncontaminated stormwater from the sewage treatment plant site to the Monongahela River.

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

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

WQM Permit No. 5403405, Sewerage, **Schuylkill Valley Sewer Authority**, P. O. Box 314, Mary-D, PA 17952. This proposed facility is in Blythe Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. 3602407, Amendment 04-1, Sewerage, **Michael Musser, Musser's Inc.**, 35 Friendly Drive, Quarryville, PA 17566. This proposed facility is in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment for the construction/operation of recirculating sandfilter/wetland denitrification treatment facilities with subsurface disposal.

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

WQM Permit No. 2603404, Sewerage, **Luzerne Township Sewerage Authority**, 415 Hopewell Road, Brownsville, PA 15417. This proposed facility is in Luzerne Township, **Fayette County**.

Description of Proposed Action/Activity: Grinder pumps, sanitary sewers, pump stations and force main to serve Allison, Allison Heights, Penncraft, Tower Hill No. 2, Thompson No. 2, Keeny Row and Weinbrenner Ave. Sewer Project.

WQM Permit No. 6303406, Sewerage, **North Strabane Township Sanitary Authority**, 1929B Route 519 South, Canonsburg, PA 15317. This proposed facility is in North Strabane Township, **Washington County**.

Description of Proposed Action/Activity: The applicant proposes to construct a submersible type pump station and approximately 750 feet of 4-inch diameter PVC force main to serve the Surrey Woods residential development.

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

WQM Permit No. 3703405, Sewerage, **Neshannock Township Sewer Department**, 3131 Mercer Road, New Castle, PA 16105. This proposed facility is in City of New Castle, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction of the Shenango Interceptor and sewer extension for the West Bank Sewer Project.

WQM Permit No. 1003414, Sewerage, **Davis International, Inc., 3 Rivers Ice Cream Service, Inc.**, 1155 Meadowbrook Avenue, Youngstown, OH 44512. This proposed facility is in Forward Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve an office and a freezer warehouse.

WQM Permit No. 4303408, Sewerage, **Reynolds/322 Company, Ltd.**, 9 Corporation Center, Broadview Heights, OH 44167. This proposed facility is in French Creek Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the replacement of the current inadequate chlorination system with a new tablet chlorination/dechlorination system.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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>	<i>Department Protocol (Y/N)</i>
PAI133509	Bechtelsville Borough 16 Railroad St. Bechtelsville, PA 19505	Berks	Bechtelsville Borough	Swamp Creek Source to Dam in Bechtelsville HQ-CWF, MF Swamp Creek Dam in Bechtelsville to Route 100 Bridge CWF, MF	Y
PAI133501	City of Reading 815 Washington St. Reading, PA 19601	Berks	Reading City	Angelica Creek CWF Bernhart Creek WWF Tulpehocken Creek WWF Wyomissing Creek HQ-CWF Schuylkill River WWF, MF	Y
PAI133508	Brecknock Township 889 Alleghenyville Rd. Mohnton, PA 19540	Berks	Brecknock Township	Wyomissing Creek HQ-CWF Allegheny Creek CWF Unnamed tributaries to Allegheny Creek	Y
PAI133500	Mohnton Borough 21 N. O'Neil St. Mohnton, PA 19540	Berks	Mohnton Borough	Wyomissing Creek HQ-CWF	Y
PAI133507	Cumru Township Township Building 1775 Welsh Rd. Mohnton, PA 19540	Berks	Cumru Township	Wyomissing Creek HQ-CWF Angelica Creek CWF Allegheny Creek CWF Schuylkill River WWF	Y
PAI133505	West Lawn Borough 103 Woodside Ave. West Lawn, PA 19609	Berks	West Lawn Borough	Schuylkill River WWF Wyomissing Creek CWF	Y
PAI133504	West Reading Borough 500 Chestnut St. West Reading, PA 19611	Berks	West Reading Borough	Schuylkill River Segment 20020111-1210-FIT WWF Wyomissing Creek—Segment 6382 CWF Wyomissing—source to Museum CWF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI133502	Shillington Borough 2 E. Lancaster Ave. P. O. Box 247 Reading, PA 19607	Berks	Shillington Borough	Wyomissing Creek HQ-CWF Angelica Creek CWF	Y
PAI133506	Wyomissing Borough 22 Reading Boulevard Wyomissing, PA 19610	Berks	Wyomissing Borough	Wyomissing Creek HQ-CWF Tulpehocken Creek WWF Cacoosing Creek WWF Schuylkill River WWF	Y
PAI133513	Hampden Township 230 S. Sporting Hill Rd. Mechanicsburg, PA 17055	Cumberland	Hampden Township	Conodoguinet Creek WWF Trindle Spring Run HQ-CWF Cedar Run CWF	N
PAI133511	Lower Allen Township 1993 Hummel Ave. Camp Hill, PA 17011	Cumberland	Lower Allen Township	Cedar Run CWF Yellow Breeches Creek CWF	N
PAI133514	Silver Spring Township 6475 Carlisle Pike Mechanicsburg, PA 17055	Cumberland	Silver Spring Township	Trindle Spring (source to near Silver Spring Meeting House) CWF Trindle Spring (near Silver Spring Meeting House to mouth) HQ-CWF Conodoguinet Creek WWF Hogestown Run CWF Simmons Creek WWF	Y
PAI133577	Lancaster City 120 N. Duke St. Lancaster, PA 17608-1599	Lancaster	Lancaster City	Conestoga River WWF Little Conestoga Creek WWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI133503	Spring Township 2800 Shillington Rd. Sinking Spring, PA 19608	Berks	Spring Township	Wyomissing Creek HQ-CWF Little Muddy Creek TSF Little Cocalico Creek TSF Tulpehocken Creek CWF, WWF Cacoosing Creek WWF	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>
PAI138306	City of Hermitage 800 Hermitage Road Hermitage, PA 16148	Mercer	City of Hermitage	Shenango River WWF Bobby Run WWF Pine Run WWF Big Run WWF McCullough Run WWF Thornton Run WWF Hogback Run WWF Unnamed tributaries to Shenango River WWF	Y
PAI138301	Millcreek Township 3608 West 26th Street Erie, PA 16506-3027	Erie	Millcreek Township	Lake Erie CWF Walnut Creek CWF; MF UNT Walnut Creek CWF; MF Mill Creek WWF; MF Unnamed tributary to Cascade Creek WWF; MF Thomas Run HQ-CWF; MF	Y

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Newton Township 1528 Newton-Ransom Blvd. Clarks Summit, PA 18411	Lackawanna	Newton Township	Gardner Creek CWF Buttermilk Falls CWF

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Tatamy Borough 423 Broad Street P. O. Box 218 Tatamy, PA 18085	Northampton	Tatamy Borough	Bushkill Creek HQ-CWF

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>
PAI012303004	Mill Dam Club Mill Club Dam Dredging and Maintenance 717 Maplewood Avenue Wayne, PA 19087	Delaware	Radnor Township	Little Darby Creek CWF-MF
PAS10G529	Newman Development Group of Pottstown, LLC Town Square Plaza 3101 Shippers Road P. O. Box 678 Vestal, NY 13851-0678	Chester	North Coventry Township	Unnamed tributary Schuylkill River HQ-TSF

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>
PAI023903036	Center Square Associates P. O. Box 339 630 Skippack Pike Blue Bell, PA 19422-0339	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF
PAI023903041	Electro Chemical E & M Company 750 Broad St. Emmaus, PA 18049	Lehigh	Emmaus Borough	Leibert Creek HQ-CWF
PAI024803027	Ron Del Development Co. 3242 Farmersville Rd. Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
PAI024803013	Samuel J. Baurkot P. O. Box 1283 Easton, PA 18042-1283	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF, MF

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>
PAI026703001	Stewartstown Presbyterian Church 14 College Avenue Stewartstown, PA 17363	York	Stewartstown Borough	Liebs Creek HQ-CWF
PAI030050003001	Daniel Deichmiller P. O. Box 400 Dauphin, PA 17018	Perry	Juniata Township	Buffalo Creek HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<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>
Kennett Township Chester County	PAG2001503119	Hartefeld, LP Hartefeld, Section 3B 350 Central Park West Apt. 11-G New York, NY 10025	Red Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Caln Township Chester County	PAG2001503125	Stephen Cushman Beechnut Glen 403 West Lincoln Highway Exton, PA 19341	Rock Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Concord Township Delaware County	PAG2002303095	Dennis Cacey 210 West Front Street Media, PA 19063	West Branch Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lansdale Borough Upper Gwynedd Township Montgomery County	PAG2004603228	Dewey Commercial Station Square 435 Devon Park Dr. Bldg. 200 Wayne, PA 19087	Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAG2004603223	Liberty Property Trust 300-309 Lakeside Drive 125 Witmer Road Horsham, PA 19044	Pennypack 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>
Abington Township Montgomery County	PAG2004603192	Abington School District New Sports Facility 970 Highland Avenue Abington, PA 19001	Baeder Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Moreland Township Montgomery County	PAG2004603230	Chuck Bender Lot 2—Buttonwood Farms 1403 Rhoades Drive Huntingdon Valley, PA 19006	Pennypack Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Salford Township Montgomery County	PAG2004603105	Richard Stiles MIR Physical Therapy 703 Harleysville Pike Ledearch, PA 19450	West Branch Skiypack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Merion Township Montgomery County	PAG2004603212	Steward & Conti Development Co. 130 Long Road 3801 Germantown Pike Collegeville, PA 19426	Crow Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAG2015103013	Philadelphia Housing Authority Mill Creek Revitalization 12 South 23rd Street Philadelphia, PA 19103	Delaware River WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County North Whitehall Township	PAG2003904001	Iron Mine Recreation, Inc. P. O. Box 33 Saylorsburg, PA 18353	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Foster Township	PAG2004003040	Michael Kotch 450 Ridge St. Freeland, PA 18224	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Robeson Township Berks County	PAG2000603103	William Lampe 3560 Morgantown Road Mohnton, PA 19540	Allegheny Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Tilden Township Berks County	PAG000604001	Don Littlefield 12634 Rt. 9W W. Cocksackle, NY 12192	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201

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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>
Windsor Township Berks County	PAG2000603088	North Berks Rec. Commission 61 N. 3rd St. Hamburg, PA 19526	Kaercher Creek WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Highspire Borough Dauphin County	PAG2002203046	84 Lumber Co. 1019 Route 519, Bldg. 5 Eighty Four, PA 15330	Laurel Run WWF Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Warwick Township Lancaster County	PAG2003603134	James D. Hess 825 E. Newport Road Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2003603138	Glick Fire Equipment Co., Inc. 350 Mill Creek Road Bird in Hand, PA 17505	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Brecknock Township Lancaster County	PAG2003604006	Brecknock Properties 355 Panorama Drive Denver, PA 17517	UNT to Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Township Lancaster County	PAG2003604008	D. H. Funk & Sons, LLC 3850 Continental Drive Columbia, PA 17512	Strickler Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Bradford County Athens Township	PAG2000803004-1	Harry Hadlock Valley Youth Soccer Assn. R. R. 1, Box 29 Milan, PA 18831	Chemung River WWF	Bradford County Conservation District R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539x 205
Clearfield County Westover Borough	PAG2001703016	Westover Borough Council P. O. Box 199 Westover, PA 16692	Chest Creek CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Clinton County Bald Eagle Township	PAG2001803006	Department of Transportation District 2-0 1924-30 Daisy St. Clearfield, PA 16830	Fishing Creek CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798, Ext. 5
Beaver County	PAG2000404002	William G. West Castlebrook Dev. Group The Bank Tower, Suite 910 307 Fourth Street Pittsburgh, PA 15222	Ohio River WWF	Beaver County Conservation District (724) 774-7090

<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>
Fayette County South Union Township	PAG2002604006	Salem Heights, LLP Salvadore Rotolo Box 727 Chalk Hill, PA 15421	Jennings Run WWF	Fayette County Conservation District (724) 438-4497
Washington County Nottingham Township	PAR10W133R	Victor Dosse Box 57, 420 Venetia Road Venetia, PA 15367	Peters Creek TSF	Washington County Conservation District (724) 228-6774
Washington County Peters Township	PAG2006304006	Theodore J. Taylor III 608 E. McMurray McMurray, PA 15317	Peters Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Chartiers Township	PAG2006304025	Washington County Fairgrounds 2151 North Main St. Washington, PA 15301	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Hempfield Township Westmoreland County	PAG2106504001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Jack's Run WWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

BAMR: District Engineer, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711, (570) 826-2371.

PAG2114004001, Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711. Warrior Gap Abandoned Mine Reclamation Project in Warrior Run and Sugar Notch Boroughs, **Luzerne County** (Wilkes-Barre West, PA Quadrangle N: 10.9 inches; W: 9.0 inches). A permit has been issued to the applicant to discharge stormwater with earth moving activities backfilling and regarding hazardous strip pits in the Nanticoke Creek and Warrior Creek watersheds.

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Blair County Antis Township	PAG043716	Shawn and Tracy McElravy P. O. Box 83 Blandburg, PA 16619	UNT Little Juniata River WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dean Township Cambria County	PAG046277	Eugene Cuomo 117 Fairway Drive Crescent, PA 16630	UNT to Clearfield Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-5

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Monroeville Allegheny County	PAG056191	Ring & Associates 102 Estate Court Jeannette, PA 15644	Abers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
Greene Township Erie County	PAG058326	Franklin's General Store 9861 Wattsburg Road Erie, PA 16509	Unnamed tributary to Four Mile Creek Watershed 15	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAG058349	Erie Petroleum, Inc. Former Denial Brothers Sunoco P. O. Box 6345 Erie, PA 16512	Unnamed tributary to Millcreek Watershed 15	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-9

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lack Township Juniata County	PAG093521	Norman B. Thatcher R. R. 1 Box 3 East Waterford, PA 17021	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Turbett Township Juniata County	PAG093519	James B. Parson R. R. 1 Box 968 Port Royal, PA 17082	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132218	Kingston Township 180 East Center St. Shavertown, PA 18708	Luzerne	Kingston Township	Toby Creek TSF, CWF Huntsville Creek TSF, CWF Snake Creek TSF, CWF	Y
PAG132246	Pittston Township 421 Broad St. Pittston, PA 18640	Luzerne	Pittston Township	Collins Creek CWF Mill Creek CWF Springbrook Creek CWF	Y
PAG132228	Jackson Township 2211 Huntsville Rd. Shavertown, PA 18708	Luzerne	Jackson Township	Drakes Creek CWF Huntsville Creek CWF E. Fork Harveys Creek CWF Harveys Creek CWF Brown Creek CWF	Y
PAG132269	Bear Creek Township 3333 Bear Creek Blvd. Wilkes-Barre, PA 18702	Luzerne	Bear Creek Township	Laurel Run CWF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132221	City of Pittston 35 Broad St. Pittston, PA 18640	Luzerne	Pittston City	Susquehanna River WWF	Y
PAG132234	Dallas Borough 25 Main St. Dallas, PA 18612	Luzerne	Dallas Borough	Toby Creek CWF Huntsville Creek CWF Huntsville Reservoir	Y
PAG132220	Plymouth Borough 162 W. Shawnee Ave. Plymouth, PA 18651	Luzerne	Plymouth Borough	Susquehanna River WWF Wadham Creek CWF Brown Creek CWF Coal Creek CWF	Y
PAG132219	Wilkes-Barre Township 150 Watson St. Wilkes-Barre Township, PA 18702	Luzerne	Wilkes-Barre Township	Coal Brook Creek CWF Spring Run Creek CWF	Y
PAG132222	Larksville Borough 211 East State St. Larksville, PA 18704	Luzerne	Larksville Borough	Susquehanna River WWF Boston Creek CWF Brown Creek CWF	Y
PAG132241	Factoryville Borough P. O. Box 277 Factoryville, PA 18419	Wyoming	Factoryville Borough	South Branch Tunkhannock Creek TSF UNT to South Branch Tunkhannock Creek CWF	Y
PAG132223	Sugar Notch Borough Corner of Main and Freed Sts. Sugar Notch, PA 18706	Luzerne	Sugar Notch Borough	Warrior Creek CWF	Y
PAG132226	Dupont Borough 600 Chestnut St. Dupont, PA 18641	Luzerne	Dupont Borough	Mill Creek CWF Lidy Creek CWF Collins Creek CWF	Y
PAG132207	Clarks Summit Borough 304 South State St. Clarks Summit, PA 18411	Lackawanna	Clarks Summit Borough	Summit Lake Creek TSF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132245	Wyoming Borough 277 Wyoming Avenue Wyoming, PA 18644	Luzerne	Wyoming Borough	Susquehanna River WWF Abram's Creek CWF	Y
PAG132232	Warrior Run Borough Corner of Front and Hanover Sts. Warrior Run, PA 18706	Luzerne	Warrior Run Borough	Warrior Creek CWF Meadow Brook CWF	Y
PAG132253	Throop Borough Municipal Building 436 Sanderson St. Throop, PA 18512	Lackawanna	Throop Borough	Lackawanna River TSF Eddy Creek WWF UNT to Lackawanna River CWF	Y
PAG132247	City of Nanticoke 15 E. Ridge St. Nanticoke, PA 18634	Luzerne	City of Nanticoke	Nanticoke Creek CWF Susquehanna River WWF Newport Creek CWF	Y
PAG132244	Dunmore Borough 400 S. Blakely St. Dunmore, PA 18512	Lackawanna	Dunmore Borough	Roaring Brook CWF Meadow Brook CWF	Y
PAG132264	Borough of Moosic 715 Main St. Moosic, PA 18507	Lackawanna	Moosic Borough	Lackawanna River CWF Mill Creek CWF Spring Brook CWF Stafford Meadow Brook CWF	Y

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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>	<i>Department Protocol (Y/N)</i>
PAG133536	West Hempfield Township 3401 Marietta Ave. Lancaster, PA 17601	Lancaster	W. Hempfield Township	Susquehanna River WWF Chiques Creek WWF Hershey's Run WWF Muddy Run (Silver Spring) WWF Garber Run (Paul Garber Farm) WWF Swarr Run (Stony Battery Road) WWF Buckwalter Farm Run WWF Raintree Road Run WWF Shawnee Run WWF Sangrey Farm Run WWF Forry Farm Run WWF Orkney Road Run WWF Strickler Run WWF W. Branch Little Conestoga WWF Shellenberger Farm Run (Prospect Rd.) WWF Boshnaugle Farm Run WWF Mowrer Farm Run WWF Klinesville Run (Chickies Rock County Park) WWF	Y
PAG133640	Manheim Borough 15 E. High St. Manheim, PA 17545	Lancaster	Manheim Borough	Chickies Creek WWF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133612	East Donegal Township 190 Rock Point Rd. Marietta, PA 17547	Lancaster	East Donegal Township	Donegal Creek TSF, CWF Little Chickies Creek TSF UNT to Susquehanna River WWF	Y
PAG133611	New Holland Borough 436 E. Main St. New Holland, PA 17557	Lancaster	New Holland Borough	Mill Creek Tributary CWF Conestoga River Tributary WWF Groff Creek Tributary to the Conestoga WWF	Y
PAG133648	Pequea Township 1028 Millwood Rd. Willow Street, PA 17584	Lancaster	Pequea Township	Conestoga River WWF Pequea Creek WWF Mill Creek WWF	Y
PAG133639	Terre Hill Borough 300 Broad St. P. O. Box 250 Terre Hill, PA 17581	Lancaster	Terre Hill Borough		Y
PAG133587	Millersville Borough 10 Colonial Ave. Millersville, PA 17551-1416	Lancaster	Millersville Borough	Conestoga River WWF Little Conestoga Creek TSF	Y
PAG133638	Conestoga Township 3959 Main St. P. O. Box 98 Conestoga, PA 17516	Lancaster	Conestoga Township	Conestoga River WWF Pequea Creek WWF Stehman Run WWF Unnamed tributary to Pequea Creek WWF Unnamed tributary to Conestoga River WWF	Y
PAG133627	Ephrata Borough 124 S. State St. Ephrata, PA 17522	Lancaster	West Cocalico Township	Cocalico Creek WWF	Y
PAG133542	West Cocalico Township 156B W. Main St. P. O. Box 244 Reinholds, PA 17569	Lancaster	West Cocalico Township	Little Cocalico Creek and UNT TSF Cocalico Creek, Blue Lake stem WWF UNT to Cocalico Creek stem WWF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133632	East Hempfield Township 1700 Nissley Rd. Landisville, PA 17358	Lancaster	East Hempfield Township	Little Conestoga Creek TSF, WWF Brubaker Run WWF Miller Run CWF Chickies Creek WWF	Y
PAG133658	Mt. Joy Borough 21 E. Main St. Mount Joy, PA 17552	Lancaster	Mt. Joy Borough	Little Chickies Creek TSF	Y
PAG133602	Brecknock Township 1026 Dry Tavern Rd. Denver, PA 17517	Lancaster	Brecknock Township	Muddy Creek TSF Muddy Creek Tributary TSF Muddy Creek Tributary WWF	Y
PAG133598	Marietta Borough 111 E. Market St. Marietta, PA 17547	Lancaster	Marietta Borough	Susquehanna River WWF Evans Run WWF	Y
PAG133588	Akron Borough 117 S. 7th St. P. O. Box 130 Akron, PA 17501	Lancaster	Akron Borough	Tributary 07754 to Conestoga River WWF Tributary 07662 to Cocalico Creek WWF Tributary 07708 to Cocalico Creek WWF Tributary 07661 to Cocalico Creek WWF	Y

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>	<i>Department Protocol (Y/N)</i>
PAG133551	East Hanover Township 8848 Jonestown Road Grantville, PA 17028	Dauphin	East Hanover Township	Manada Creek WWF Tributary to Manada Creek WWF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133694	Strasburg Township 400 Bunker Hill Rd. Strasburg, PA 17579	Lancaster	Strasburg Township	Pequea Creek and tributary to Pequea Creek WWF Walnut Run WWF Little Beaver Creek Creek TSF Big Beaver Creek and Calamus Run TSF	Y
PAG133646	Rye Township 1775 New Valley Rd. Marysville, PA 17053-9419	Perry	Rye Township	Fishing Creek CWF Tributary to Fishing Creek CWF	
PAG133604	Newry Borough P. O. Box 245 Newly, PA 16665	Blair	Newry Borough	Poplar Run CWF Tributary to Poplar Run CWF	Y
PAG133665	Goldsboro Borough P. O. Box 14 Etters, PA 17319	York	Goldsboro Borough	Susquehanna River WWF Fishing Creek TSF	Y
PAG133578	Mount Joy Township 159 Merts Dr. Elizabethtown, PA 17022	Lancaster	Mount Joy Township	Little Chickies Creek TSF	Y
PAG133624	Lewisberry Borough P. O. Box 172 Lewisberry, PA 17339	York	Lewisberry Borough	Bennett Run WWF	Y
PAG133690	Marysville Borough	Perry	Marysville Borough	Fishing Creek CWF Tributary to Fishing Creek CWF Susquehanna River WWF	Y
PAG136115	Baldwin Township 10 Community Park Drive Pittsburgh, PA 15234	Allegheny	Baldwin Township	Unnamed Tributary of Saw Mill Run WWF	Y
PAG136116	Penn Township P. O. Box 452 Harrison City, PA 15636	Westmoreland	Penn Township	Lyons Run TSF Turtle Creek TSF Brush Creek TSF Bushy Run Stream TSF Unnamed tributaries of Turtle Creek TSF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136122	Wilkins Township 110 Peffer Road Turtle Creek, PA 15145	Allegheny	Wilkins Township	Turtle Creek WWF Thompson Run WWF Chalfant Run WWF	Y
PAG136123	Blawnox Borough 939 Center Avenue Pittsburgh, PA 15238	Allegheny	Blawnox Borough	Allegheny River WWF	Y
PAG136134	East Huntingdon Township P. O. Box 9 Alverton, PA 15612-0009	Westmoreland	East Huntingdon Township	Jacobs Creek WWF Buffalo Run WWF Sherrick Run WWF Stauffer Run WWF	Y
PAG136135	Scottdale Borough 10 Mount Pleasant Road Scottdale, PA 15683	Westmoreland	Scottdale Borough	Unnamed tributaries of Jacobs Creek WWF	Y
PAG136145	Youngwood Borough 17 South Sixth Street Youngwood, PA 15697-1231	Westmoreland	Youngwood Borough	Jacks Run WWF Sewickley Creek WWF Unnamed tributary of Sewickley Creek WWF	Y
PAG136148	Brackenridge Borough 1000 Brackenridge Avenue Brackenridge, PA 15014	Allegheny	Brackenridge Borough	Allegheny River WWF Little Bull Creek TSF	Y
PAG136164	Irwin Borough 424 Main Street Irwin, PA 15642	Westmoreland	Irwin Borough	Brush Creek TSF Tinkers Run TSF	Y
PAG136179	Mount Pleasant Borough Municipal Bldg., Etze Avenue Mount Pleasant, PA 15666	Westmoreland	Mount Pleasant Borough	Shupe Run WWF Unnamed tributaries of Jacobs Creek WWF	Y
PAG136180	City of Lower Burrell 2800 Bethel Street Lower Burrell, PA 15068	Westmoreland	City of Lower Burrell	Chartiers Run WWF Pucketa Creek WWF	Y
PAG136188	Carnegie Borough One Veterans Way Carnegie, PA 15106	Allegheny	Carnegie Borough	Chartiers Creek WWF Campbells Run WWF	Y
PAG136198	Trafford Borough P. O. Box 196 Trafford, PA 15085	Westmoreland	Trafford Borough	Turtle Creek WWF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136200	Swissvale Borough 7548 Roslyn Street Pittsburgh, PA 15218-2556	Allegheny	Swissvale Borough	Monongahela River WWF	Y
PAG136203	Bridgeville Borough 425 Bower Hill Road Bridgeville, PA 15017	Allegheny	Bridgeville Borough	Chartiers Creek WWF McLaughlin Run WWF	Y
PAG136222	Whitehall Borough 100 Borough Park Drive Pittsburgh, PA 15236	Allegheny	Whitehall Borough	Saw Mill Run WWF Streets Run WWF Lick Run WWF	Y
PAG136225	Churchill Borough 2300 William Penn Highway Pittsburgh, PA 15235	Allegheny	Churchill Borough	Chalfant Run WWF Sawmill Run WWF Duff's Run WWF	Y
PAG136227	New Stanton Borough P. O. Box 237 New Stanton, PA 15672	Westmoreland	New Stanton Borough	Sewickley Creek WWF Unnamed tributaries of Sewickley Creek WWF Wilson Run WWF	Y
PAG136246	Greater Greensburg Sewage Authority 210 West Otterman Street P. O. Box 248 Greensburg, PA 15601	Westmoreland	City of Greensburg	Coal Tar Run WWF Zellars Run WWF Jacks Run WWF Slate Creek WWF	Y
PAG136257	Braddock Hills Borough 1300 Brinton Road Braddock Hills, PA 15221	Allegheny	Braddock Hills Borough	Turtle Creek WWF Ninemile Run TSF Monongahela River WWF	Y
PAG136267	North Fayette Township 400 North Branch Road Oakdale, PA 15071	Allegheny	North Fayette Township	Montour Run TSF North Branch Robinson Run WWF Robinson Run WWF Half Crown Run WWF Fink Run WWF Pinkerton Run WWF	Y

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG136278	Whitaker Borough 1001 Ardmore Blvd., Suite 100 Pittsburgh, PA 15221	Allegheny	Whitaker Borough	Monongahela River	Y
PAG136279	Rankin Borough 320 Hawkins Borough Braddock, PA 15104-1008	Allegheny	Rankin Borough	Monongahela River WWF	Y
PAG136282	South Fayette Township 515 Millers Run Road Morgan, PA 15064	Allegheny	South Fayette Township	Chartiers Creek WWF Coal Run WWF Thoms Run TSF Robinson Run WWF Millers Run WWF Dolphin Run WWF Fishing Run WWF	Y
PAG136291	South Park Township 2675 Brownsville Road South Park, PA 15129	Allegheny	South Park Township	Catfish Run WWF Piney Fork WWF Lick Run WWF	Y
PAG136303	Pleasant Hills Borough 410 East Bruceton Road Pittsburgh, PA 15236	Allegheny	Pleasant Hills Borough	Lewis Run WWF Lick Run WWF Streets Run WWF	Y
PAG136307	West Homestead Borough 401 West 8th Avenue West Homestead, PA 15120	Allegheny	West Homestead Borough	Monongahela River WWF West Run WWF	Y
PAG136309	Richland Township 4011 Dickey Road Gibsonia, PA 15044	Allegheny	Richland Township	West Branch Deer Creek CWF Unnamed tributary of Deer Creek WWF Crouse Run TSF Willow Run TSF Montour Run TSF Breakneck Creek WWF	Y
PAG136310	Oakdale Borough 6115 Noblestown Road Oakdale, PA 15071	Allegheny	Oakdale Borough	Robinson Run WWF North Branch Robinson Run WWF	Y

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Permit No. 2301503, Public Water Supply.

Applicant	Women's Association for Women's Alternative 225 South Chester Road, Suite 6 Swarthmore, PA 19081
Borough	Chester Heights
County	Delaware
Type of Facility	PWS
Consulting Engineer	Wicke-Fisher-White 437 Chestnut Street Philadelphia, PA 19106
Permit to Construct Issued	January 23, 2004

Permit No. 4603506, Minor Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 800 W. Hersheypark Drive Hershey, PA 17033
Borough	Royersford

County	Montgomery
Type of Facility	PWS
Consulting Engineer	Pennsylvania American Water Company 800 W. Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued	January 23, 2004
Permit No. 4603504 , Minor Amendment. Public Water Supply.	
Applicant	Borough of East Greenville 206 Main Street East Greenville, PA 18041
Township	Upper Hanover
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Cowan Associates, Inc. 120 Penn-AM Drive Quakertown, PA 18951
Permit to Operate Issued	January 26, 2004

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

Operations Permit issued to **Monroe Bottling Company, Inc.**, 526 Main Street, Pittston, PA 18640, PWS ID 2406258, Pittston City, **Luzerne County** on December 30, 2003, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Pennsylvania American Water Company**, 100 North Pennsylvania Avenue, Wilkes-Barre, PA 18701, PWS ID 2450119, Middle Smithfield Township, **Monroe County** on January 6, 2004, for the operation of facilities approved under Construction Permit No. 4503504.

Operations Permit issued to **Pennsylvania Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2450141, Tobyhanna Township, **Monroe County** on January 6, 2004, for the operation of facilities approved under Construction Permit No. 4599504.

Operations Permit issued to **Pennsylvania Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2450086, Tobyhanna Township, **Monroe County** on January 8, 2004, for the operation of facilities approved under Construction Permit No. 5486503.

Operations Permit issued to **Brookmont Healthcare Center, LLC**, Brookmont Drive, Effort, PA 18330-0050, PWS ID 2450002, Chestnuthill Township, **Monroe County** on January 12, 2004, for the operation of facilities approved under Construction Permit N/A.

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

Permit No. 4903503—Operation. Public Water Supply.

Applicant **Pennsylvania American Water Company**
Steven J. Seidl, Vice President of Engineering
800 West Hersheypark Drive
Hershey, PA 17033

Borough Milton

County **Northumberland**

Type of Facility PWS—Operation of the recently modified Mahoning Street Booster Pump Station.

Consulting Engineer Scott M. Thomas
PAWC
800 West Hersheypark Drive
Hershey, PA 17033

Permit to Operate Issued January 29, 2004

Permit No. 1701505—Operation. Public Water Supply.

Applicant **Clearfield Municipal Authority**
Jeffrey Williams, Manager
107 East Market Street
Clearfield, PA 17830

Township Lawrence

County **Clearfield**

Type of Facility PWS—Operation of the Moose Creek Well No. 3, disinfection and corrosion control treatment facilities, finished water storage tank and various raw and finished water transmission lines.

Consulting Engineer Gwin, Dobson & Foreman, Inc.
3121 Fairway Dr.
Altoona, PA 16602

Permit to Operate Issued January 26, 2004

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

Permit No. 5603503, Public Water Supply.

Applicant **Conemaugh Township Municipal Authority**
P. O. Box 429
Davidsville, PA 15928-0429

Borough or Township Conemaugh Township

County **Somerset**

Type of Facility Tank and pump stations

Consulting Engineer The EADS Group
450 Aberdeen Drive
P. O. Box 837
Somerset, PA 15501

Permit to Construct Issued January 14, 2004

Operations Permit issued to **Ligonier Municipal Authority**, Town Hall, 120 East Main Street, Ligonier, PA 15658, PWS ID 5650031, Ligonier Township, **Westmoreland County** on January 12, 2004, for the operation of facilities approved under Construction Permit No. 6501503.

Operations Permit issued to **Municipal Authority of the Borough of Oakmont**, 721 Allegheny Avenue, P. O. Box 73, Oakmont, PA 15139, PWS ID 5020036, Oakmont Borough, **Allegheny County** on January 15, 2004, for the operation of facilities approved under Construction Permit No. 0201503.

Operations Permit issued to **Conemaugh Township Municipal Authority**, P. O. Box 429, Davidsville, PA 15928-0429, PWS ID 4560048, Conemaugh Township, **Somerset County** on January 14, 2004, for the operation of facilities approved under Construction Permit No. 5603501.

Permit No. 1188501-T1, Minor Amendment. Public Water Supply.

Applicant **BRIKO, LLC**
Pleasant View Park
110 Fremont Avenue
Portage, PA 15946

Borough or Township Adams Township

County **Cambria**

Type of Facility Transfer of mobile home park

Permit to Operate Issued January 22, 2004

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

WA46-372A, Water Allocations, **Borough of East Greenville**, 206 Main Street, East Greenville, PA 18901, East Greenville Borough, **Montgomery County**. The Borough of East Greenville has been granted the rights to withdraw up to 350,000 gpd based on a 30-day average from the raw water storage dam on the East Branch of the Perkiomen Creek.

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

WA56-1001, Water Allocations, **Conemaugh Township Municipal Authority**, P. O. Box 429, Davidsville, PA 15928, Conemaugh Township, **Somerset County**. The right to purchase a maximum of 100,000 gpd, as a 30-day average, from the Greater Johnstown Water Authority. This is in addition to the 600,000 gpd from other sources as permitted in water allocation Permits 124C, D and E.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

Borough or Township	Borough or Township Address	County
Susquehanna Township	1900 Linglestown Road Harrisburg, PA 17110	Dauphin

Plan Description: Approval of a revision to the Official Sewage Plan of Susquehanna Township, Dauphin County. The proposed Dennison Estates subdivision consists of a 348-townhouse development including an indoor and outdoor tennis/recreational facility with a sewage flow of 87,800 gpd tributary to the Paxton Creek interceptor with treatment at the Harrisburg City Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Verizon, Inc. Pottstown Carport Facility, Pottstown Borough, **Montgomery County**. Sean M. Damon,

Langan Engineering & Environmental Services, Inc., 500 Hyde Park, Doylestown, PA 18901, on behalf of Verizon, Inc., Cheryl Houghton, 966 S. Matlack St., West Chester, PA 19380, has submitted a Final Report concerning remediation of site groundwater contaminated with volatile organics, semivolatile organics and metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Balderston Family LP Property, West Brandywine Township, **Chester County**. Donald A. Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of William Balderston and Craig Poff, Bentley Communities LP, P. O. Box 1906, 1595 Paoli Pike, Suite 202, West Chester, PA 19380-6167, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Fort Indiantown Gap, Annville Township, **Lebanon County**. Environmental Compliance Monitoring, Inc., 349 Route 206, Hillsborough, NJ 08844, on behalf of the National Guard Training Center, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil. The report was submitted within 90 days of the contaminant release and is intended to document remediation of the site to the Statewide Health Standard.

PPL Carlisle Manufactured Gas Plant Formerly, Borough of Carlisle, **Cumberland County**. Langan Engineering and Environmental Services, Inc., 40 South 17th Street, Suite 1500, Philadelphia, PA 19103, on behalf of PPL Corporation, Two North Ninth Street, Allentown, PA 18101 and UGI Utilities, 100 Kachel Boulevard, Reading, PA 19612 submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with lead, heavy metals, solvents, BTEX and PAHs. The applicants propose to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Former ABAR Site (Groundwater), Northampton Township, **Bucks County**. Randy L. Shuler, Environmental Resources Management, Inc., 250 Phillips Blvd., Suite 280, Ewing, NJ 08618, on behalf of Dennis Duffy, Superior Group, Inc., 3 Radnor Corp. Center, Suite 400, Radnor, PA 19087, has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents, fuel oil no. 2, PAH and used motor oil. The Final Report demonstrated attainment of Site-Specific Standards and was approved by the Department on January 15, 2004.

Reserve at Gwynedd (Soil), Upper Gwynedd Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of Carmen Danella, The Reserve at Gwynedd LP, 470 E. Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2 and inorganics; and site groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2, inorganics, leaded gasoline, lead, other organics, PAH and unleaded gasoline. The Final Report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on January 14, 2004.

Metroplex, Plymouth Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of Brandywine Trust, Susan Kane, 401 Plymouth Rd., Plymouth Meeting, PA 19462, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel, fuel oil no. 2, inorganics, leaded gasoline, lead, MTBE, other organics, PAH, unleaded gasoline and used motor oil. The Final Report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on January 16, 2004.

Norris Square Civic Association Proposed Childcare Center Site, City of Philadelphia, **Philadelphia County**. Patricia DeCarlo, Norris Square Civic Association, 149 W. Norris St., Philadelphia, PA 19122, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with BTEX and groundwater contaminated with BTEX and PAH. The report did not demonstrate attainment of Site-Specific Standards and was disapproved by the Department on January 20, 2004.

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

Wampler Residence, Susquehanna Township, **Dauphin County**. Skelly & Loy Engineering-Environmental Consultants, 2601 North Front Street, Harrisburg, PA 17110-1185, on behalf of Richard D. Wampler, II, 4420 Avon Drive, Harrisburg, PA 17112, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 20, 2004.

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 Issued

Block Industries, Inc. t/a Keystone Environmental, P. O. Box 127, Shoemakersville, PA 19555. License No. PA-AH 0706. Effective December 29, 2003.

Hazardous Waste Transporter License Renewed

Aghog, Inc., 773 Patterson Court, Inkster, MI 48141. License No. PA-AH S224. Effective December 29, 2003.

Dalmatian, Inc., P. O. Box 1147, Hebron, OH 43025. License No. PA-AH 0653. Effective January 9, 2004.

Edward Armstrong & Sons, Inc., 205 Greenfield Road, Lancaster, PA 17601. License No. PA-AH 0027. Effective December 11, 2003.

Environmental Service Group (NY), 177 Wales Avenue, Tonawanda, NY 14150. License No. PA-AH S144. Effective January 23, 2004.

Enviroserve, J. V. Limited Partnership, 5502 Schaaf Road, Cleveland, OH 44131. License No. PA-AH 0456. Effective December 29, 2003.

ETC Logistics, LLC, P. O. Box 462, Parkman, OH 44080. License No. PA-AH 0688. Effective December 11, 2003.

Freehold Cartage, Inc., P. O. Box 5010, Freehold, NJ 07728-5010. License No. PA-AH 0067. Effective January 12, 2004.

J and D Trucking, Inc., 3526 NW Blvd., Vineland, NJ 08360. License No. PA-AH 0652. Effective January 9, 2004.

JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18802. License No. PA-AH 0648. Effective January 9, 2004.

Price Trucking Corp., P. O. Box 70, 67 Beacon Street, Buffalo, NY 14220. License No. PA-AH 0371. Effective January 14, 2004.

R & R Trucking, Incorporated, 302 Thunder Road, Duenweg, MO 64841. License No. PA-AH 0592. Effective January 12, 2004.

Valley City Disposal Inc. d/b/a Valley City, 1040 Market Street SW, Grand Rapids, MI 49503. Effective January 13, 2004.

Hazardous Waste Transporter License Voluntarily Terminated

Keystone Environmental Services, Inc., 110 South Pottsville Pike, Shoemakersville, PA 19555. License No. PA-AH 0236. Effective December 9, 2003.

M. S. Carriers, P. O. Box 30788, Memphis, TN 38130-0788. License No. PA-AH 0656. Effective December 5, 2003.

USL Environmental Services, Inc. d/b/a A & A Environmental, 5200 Raynor Avenue, Linthicum Heights, MD 21090. License No. PA-AH 0621. Effective January 7, 2004.

Hazardous Waste Transporter License Expired

Gloucester Iron & Metal, Inc., Brick and Stinsman Streets, Gloucester City, NJ 08030. License No. PA-AH S222. Effective December 31, 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) 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

Clean Harbors Environmental Services, Inc., P. O. Box 859048, Braintree, MA 02185-9048. License No. PA-HC 0053. Effective December 30, 2003.

Ephrata Community Hospital, 169 Martin Avenue, P. O. Box 1002, Ephrata, PA 17522-1002. License No. PA-HC 0204. Effective January 8, 2004.

Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated

Stericycle, 369 Park East Drive, Woonsocket, RI 02895. License No. PA-HC 0073. Effective December 27, 2003.

RESIDUAL WASTE GENERAL PERMITS

Permits under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and 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. WMGR065. Tecumseh Redevelopment, Inc., 3250 Interstate Drive, Richfield, OH 44286. General Permit Number WMGR065 for beneficial use in the northeast region of various wastes from steelmaking and foundry operations taken from a remediation site owned by the permittee as construction fill at an adjacent Act 2 remediation site, also owned by the permittee. Only beneficial use of the following types of residual wastes is authorized under General Permit Number WMGR065: refractories, foundry sands, slags, air emission control solids and the media associated with their excavation. The permit was originally issued to Bethlehem Steel Corporation, which has been purchased by the International Steel Group's Tecumseh Redevelopment, Inc. The permit was reissued by Central Office on September 18, 2003.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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. WMGR002D008. Team Ten LLC, 1600 Pennsylvania Ave., Tyrone, PA 16686-1758. For the beneficial use of wastewater treatment sludge generated by paper and pulp mills for use as a soil additive to: establish or reestablish agricultural activity on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mine sites. The Department approved the determination of applicability on January 15, 2004.

Persons interested in reviewing the general permit may contact the Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**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.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 100265. Grand Central Sanitary Landfill, Inc., 1963 Pen Argyl Road, Pen Argyl, PA 18072. A Permit Renewal approval for this municipal waste landfill in Plainfield Township, **Northampton County**. The approval authorizes the extension of their permit to continue construction and operations at Grand Central Sanitary Landfill until June 18, 2004. The Permit Renewal was issued by the Regional Office on December 18, 2003.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 101082. City of Latrobe, 901 Jefferson Street, Latrobe, PA 15650. Operation of a municipal waste transfer station in the City of Latrobe, **Westmoreland County**. Permit modification approving a radioactive testing and monitoring plan issued in the Regional Office on January 21, 2004.

Permit ID No. 100280. USA Valley Facility, Inc., R. D. 2, Box 282A, Pleasant Valley Road, Irwin, PA 15642. Operation of a municipal waste landfill in Penn Township, **Westmoreland County**. Permit modification approving a radioactive materials protection action and monitoring plan issued in the Regional Office on January 26, 2004.

Permit ID No. 300936. Paris Flyash Landfill, Alex Paris Contracting Company, Inc., P. O. Box 369, Atlasburg, PA 15004-0369. Operation of a residual waste disposal facility in Hanover Township, **Beaver County**. Permit modification approving a radioactive materials monitoring plan was issued in the Regional Office on January 26, 2004.

Permits terminated under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.

Southwest Region. Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 301324. Superior Used Tire, Inc., 450 Industrial Boulevard, New Kensington, PA 15068. Operation of a waste tire processing facility in the City of New Kensington, **Westmoreland County**. Permit terminated in the Regional Office on January 23, 2004.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

40-310-056GP3: Pikes Creek Asphalt and Crushed Stone c/o Reading Materials Incorporated (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on January 22, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their facility on R. R. 6, Trojan Road, Lehman Township, **Luzerne County**.

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

GP3-06-03113D: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on January 21, 2004, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Robeson Township, **Berks County**.

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

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

23-0001V: Sunoco Inc.—R and M (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on January 20, 2004, to operate an FCC unit in Marcus Hook Borough, **Delaware County**.

09-0117A: Heucotech, Ltd. (99 Newbold Road, Fairless Hills, PA 19030) on January 22, 2004, to operate a plant expansion in Falls Township, **Bucks County**.

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

03-00206C: Rosebud Mining, Co. (301 Market Street, Kittanning, PA 16201) on January 13, 2004, to allow an increase in screened coal throughput to 1 million tons annually at their Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**. Fugitive emission suppression will rely on high moisture content of coal as supplemented by the mine's existing water spray systems.

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

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

15-0054A: Highway Materials, Inc. (680 Morehall Road, Malvern, PA 19355) on January 21, 2004, to

operate a dryer burner in East Whiteland Township, **Chester County**.

46-313-057E: Republic Environmental Systems of PA, Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on January 26, 2004, to operate a hazardous waste TSD in Hatfield Township, **Montgomery County**.

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

40-303-13a: Barletta Materials and Construction, Inc. (East Broad Street, P. O. Box 550, Tamaqua, PA 18252) on January 22, 2004, to modify a batch hot mix asphalt plant and associated air cleaning device at their facility on Route 924, Hazle Township, **Luzerne County**. The Plan Approval has been extended.

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

53-00004B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222) on January 15, 2004, to extend the deadline for the performance of NOx, CO and VOC stack testing on two 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engines (engines 3 and 6) to June 30, 2004, and to extend the authorization to operate four 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engines (engines 2—5) on a temporary basis until May 14, 2004, and to extend the plan approval to install an air cleaning device (a screw-in prechamber system) on a 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engine (engine 6) until May 14, 2004, at their Harrison Compressor Station in Harrison Township, **Potter County**.

14-00014A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on January 15, 2004, to replace the mixing drum on a drum mix asphalt concrete plant and to increase the allowable recycled asphalt pavement (RAP) content of the materials charged to the plant from 25% to 50% (by weight) in Spring Township, **Centre County**.

41-303-008A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on January 20, 2004, to increase the allowable RAP content of the materials charged to a drum mix asphalt concrete plant from 25% to 50% (by weight) in Loyalsock Township, **Lycoming County**.

14-00014A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on January 23, 2004, to extend the plan approval, as well as the authorization to operate a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, to May 22, 2004, in Spring Township, **Centre County**.

41-303-009: HRI, Inc. (1750 West College Avenue, State College, PA 16801) on January 23, 2004, to extend the plan approval, as well as the authorization to operate a batch asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, to May 22, 2004, in the City of Williamsport, **Lycoming County**.

41-310-012: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on January 23, 2004, to extend the plan approval, as well as the authorization to operate a sandstone crushing, screening, and the like, plant and associated air cleaning devices (a water spray dust suppression system and two fabric

collectors) on a temporary basis, to May 22, 2004, in Armstrong Township, **Lycoming County**.

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

65-00280A: Kalumetals, Inc. (P. O. Box 455, Latrobe, PA 15650) on January 21, 2004, to install a thermal oxidizer/afterburner at their Derry Plant in Derry Township, **Westmoreland County**. This plan approval was extended.

32-00311A: IA Construction Corp. (158 Lindsay Road, Zelenople, PA 16063) on January 21, 2004, to install storage tanks at their Homer City Plant in Center Township, **Indiana County**. This plan approval was extended.

04-705A: Pittsburgh Coatings (8105 Perry Highway, Pittsburgh, PA 15237) on January 23, 2004, to construct a blast and surface coating plant in Ambridge Borough, **Beaver County**. This plan approval was extended.

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

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

65-00860: Hydro Carbide, Inc. (P. O. Box 363, Route 982 at Route 30, Latrobe, PA 15650) on January 21, 2004, to produce cemented tungsten carbide at their Latrobe facility in Unity Township, **Westmoreland County**.

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

42-00028: Saint Gobain Containers, LLC (1 Railroad Avenue, Port Allegany, PA 16743) on January 20, 2004, to renew a Title V Permit to operate their glass container manufacturing facility in Port Allegany Borough, **McKean County**. The facility's major emission sources include three natural gas fueled glass-melting furnaces and seven forming and finishing lines. The facility is a major facility due to its potential to emit NOx and SOx.

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

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

15-00112: Merck and Co., Inc. (WYN-1 466 Devon Park Drive, Wayne, PA 19087) on January 22, 2004, to operate a Natural Minor Operating Permit in Tredyffrin Township, **Chester County**.

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

22-05035: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on January 22, 2004, for operation of their Elizabethville Quarry in Washington Township, **Dauphin County**.

29-03004: Mellott Enterprises, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on January 23, 2004, for painting operations at their Orchard Business Park in Bethel Township, **Fulton County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

15-00035: LNP Thorndale (475 Creamery Way, Exton, PA 19341) on December 19, 2003, to operate a facility Title V Operating Permit in Caln Township, **Chester County**.

09-00027: Fres Co.—Systems USA, Inc. (3005 State Road, Telford, PA 18969) on January 15, 2004, an administrative amendment to operate a printing press to a thermal oxidizer in West Rockhill Township, **Bucks County**.

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

17-00042: Clearfield Leather, Inc. (120 Cooper Road, Curwensville, PA 16830) on January 5, 2004, to operate a tanning and fertilizer manufacturing plant which includes various combustion units, a spray line, a rotary dryer and various storage tanks formerly owned and operated by Wickett and Craig of America, Inc. in Curwensville Borough, **Clearfield County**.

55-00005: Wood-Mode, Inc. (1 Second Street, Route 522, Kreamer, PA 17833) on January 16, 2004, issued a revised operating permit, Revision No. 3, for their wood furniture manufacturing facility in Middlecreek Township, **Snyder County**. The revision of this operating permit incorporates bulk conversion sealer RNGR Sealer 366-L029-1506 into the emissions averaging program approved under the operating permit. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00009: Mohawk Flush Doors, Inc. (US Route 11, P. O. Box 112, Northumberland, PA 17857) on January 12, 2004, issued a revised operating permit, Revision No. 2, for their wood door/door component manufacturing facility in Point Township, **Northumberland County**. The revision incorporates revised Reasonably Available Control Technology requirements into the operating permit for three spray booths and a wood door/door component prefinish line. This revision also incorporates the name change from Premdor Corporation to Mohawk Flush Doors, Inc. and the applicability of 25 Pa. Code § 129.63(a) to the Graymills model DMD236 parts cleaner. This Title V 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; William Charlton, New Source Review Chief, (412) 442-4174.

26-00475: Better Materials Corp. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) for the Jim Mountain Quarry in Springfield Township, **Fayette County**. The Department has revised the Operating Permit to incorporate the name of the new Responsible Official and permit contact.

26-00020: Better Materials Corp. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) for the Rich Hill Quarry in Bullskin Township, **Fayette County**. The Department has revised the Operating Permit to incorporate the name of the new Responsible Official and permit contact.

65-00073: Better Materials Corp. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) for the Latrobe Quarry and Asphalt Plant in Ligonier Township, **Westmoreland County**. The Department has revised the Operating Permit to incorporate the name of the new Responsible Official and permit contact.

26-00288: Better Materials Corp. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) for the Springfield Pike Quarry and Asphalt Plant in Connellsville Township, **Fayette County**. The Department has revised the Operating Permit to incorporate the name of the new Responsible Official and permit contact.

65-00659: Better Materials Corp. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) for the Adamsburg Asphalt Plant in Hempfield Township, **Westmoreland County**. The Department has revised the Operating Permit to incorporate the name of the new Responsible Official and permit contact.

63-00629: Better Materials Corp. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) for the Dunningville Asphalt Plant in Somerset Township, **Washington County**. The Department has revised the Operating Permit to incorporate the name of the new Responsible Official and permit contact.

04-00266: Better Materials Corp. (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) for the Sewickley Creek Asphalt Plant in **Beaver County**. The Department has revised the Operating Permit to incorporate the name of the new Responsible Official and permit contact.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Techneglas, Inc. (140 Industrial Drive, Pittston, PA 18540) on January 20, 2004, issued a Request for Determination approval for an increase in particulate emissions of 0.38 ton per year from glass furnaces A and B at the Title V facility in Jenkins Township, **Luzerne County**.

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

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

10-00028: Armstrong Cement and Supply Corp. (100 Clearfield Road, Cabot, PA 16023) in Winfield Township, **Butler County**. The de minimis increase is the result of the replacement of the current Primary Crusher (Source 106). This facility states that this modification will not result in any debottlenecking at the facility and that the new primary crusher will operate no more than 2,226 hours per year. The only increases in air emissions will be in the form of particulate matter, which will increase by no more than 550 pounds per year. Of that quantity, less than 300 pounds will be classified as PM10.

If the source were to be operated 24 hours per day, 7 days a week and 11 months per year, the estimated emissions would remain below the de minimis emissions threshold. These de minimis emission increases do not account for the offsets from the removal of the existing crusher. The

Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i). To date, Armstrong Cement has notified the Department of the following de minimis emission increase at the Winfield Facility:

Date	Source	PM10 (tons)	NOx (tons)	CO (tons)	SOx (tons)	VOC (tons)
January 16, 2004	Primary Crusher	0.13	None	None	None	None
Total Reported Increases		0.13	None	None	None	None
Allowable		0.6 ton/source 3 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

18-00002: International Paper, Co. (P. O. Box 268, Lock Haven, PA 17745-0268) on January 21, 2004, terminated the Title V operating permit for the shutdown of their paper products manufacturing facility during 2002.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permit Actions

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

54801302T and NPDES Permit No. PA0594792. Orchard Coal Company, Inc. (214 Vaux Avenue, Tremont, PA 17981), renewal and transfer of an existing anthracite underground mine operation in Hegins Township, **Schuylkill County**, affecting 5.0 acres. Receiving streams: West Branch Rausch Creek. Renewal Application received October 8, 2002. Transfer Application received March 28, 2003. Renewal and Transfer issued January 22, 2004.

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

30841309. NPDES Permit No. PA0214825, Cobra Mining, LLC (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327), to transfer the permit for the Dunkard Mine No. 2 in Dunkard Township, **Greene County**, from Dunkard Mining Company. No additional discharges. Permit issued January 15, 2004.

56851303. NPDES Permit No. PA0215350, RoxCoal, Inc. (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Barbara 1 and 2 Mines in Stoneycreek and Brothers Valley Townships, **Somerset County** and related NPDES permit. No additional discharges. Permit issued January 21, 2004.

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

33030107 and NPDES Permit No. PA0242403. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201), commencement, operation and restoration of a bituminous strip operation in Winslow Township, **Jefferson County**, affecting 16.1 acres. Receiving streams: unnamed tributary to Soldier Run. Application received June 27, 2003. Permit issued January 13, 2004.

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

32930105 and NPDES Permit No. PA0212652. P & N Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767), permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 86.7 acres. Receiving streams: unnamed tributaries to Cush Creek and unnamed tributary to South Branch Bear Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 1, 2003. Permit issued January 16, 2004.

11930104 and NPDES Permit No. PA0212601. E. P. Bender Coal Company, Inc. (P. O. Box 594, Carrolltown, PA 15722), permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine commencement, operation and restoration of a bituminous surface mine in White Township, **Cambria County**, affecting 58.0 acres. Receiving streams: Dutch Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2003. Permit issued January 16, 2004.

Noncoal Permit Actions

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

58030825. Richard Herbert (R. R. 1 Box 1061, Hop Bottom, PA 18824-9710), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received September 16, 2003. Permit issued January 20, 2004.

21032801. Cumberland Valley Land Clearing, Inc. (6820 Wertzville Road, Enola, PA 17025), commencement, operation and restoration of a quarry operation in Silver Spring Township, **Cumberland County**, affecting 1.0 acre. Receiving streams: None. Application received July 8, 2003. Permit issued January 22, 2004.

58030821. Paul Strohl & Sons (R. R. 2 Box 219, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Apolacon Township, **Susquehanna County**, affecting 1.0 acre. Receiving streams: None. Application received July 8, 2003. Permit issued January 22, 2004.

58030829. Robert K. Volk (R. R. 4 Box 56B, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County**, affecting 1.0 acre. Receiving streams: None. Application received November 7, 2003. Permit issued January 22, 2004.

64030808. Paul R. Gustin (Box 105, Preston, PA 18455), commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County**, affecting 5.0 acres. Receiving streams: None. Application received August 7, 2003. Permit issued January 22, 2004.

40032302. W. Jack Kalins, Inc. (1 Lake Drive, Box 182, Lake Harmony, PA 18624), commencement, operation and restoration of a quarry operation in Dennison Township, **Luzerne County**, affecting 5.0 acres. Receiving streams: None. Application received September 29, 2003. Permit issued January 22, 2004.

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

10930310. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Renewal of NPDES Permit No. PA0211826, Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and unnamed tributaries to Slippery Rock Creek. Application received December 15, 2003. Permit issued January 13, 2004.

24020301. Onyx Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846). Commencement, operation and restoration of a clay operation in Fox Township, **Elk County**, affecting 57.0 acres. Receiving streams: unnamed tributary to Sawmill Run. Application received February 19, 2002. Permit issued January 13, 2004.

6763-24020301-E-1. Onyx Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846). Application for a stream encroachment to conduct mining activities within 100 feet and construct and maintain a temporary haul road crossing over Sawmill Run in Fox Township, **Elk County**. Receiving streams: unnamed tributary to Sawmill Run. Application received February 19, 2002. Permit issued January 13, 2004.

ABANDONED MINE RECLAMATION

Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.

Bond Forfeiture **BF 490-101.1**
Contract Awarded

Location Morris and Boggs Townships
Clearfield County

Description	Act 181, Bond Forfeiture Reclamation
Contractor	King Coal Sales, Inc. Philipsburg
Amount	\$421,578.40
Date of Award	January 22, 2004

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

49034003. Glenn O. Hawbaker, Inc. (109 Industrial Park Road, Elysburg, PA 17824) and **Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141), construction blasting at Fleetwood Motor Homes in Ralpho Township, **Northumberland County**, with an expiration date of December 31, 2004. Permit issued January 16, 2004.

46034054. Joao & Bradley Construction (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC** (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Indian Creek Interceptor and Pump Station in Franconia Township, **Montgomery County**, with an expiration date of September 30, 2004. Permit issued January 16, 2004.

06034068. Handwerk Contractors (2052 Lucon Road, Skippack, PA 19474) and **Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting at Morgantown Crossing in Caernarvon Township, **Berks County**, with an expiration date of June 30, 2004. Permit issued January 16, 2004.

52034029. Ed Wean Drilling & Blasting (112 Ravine Road, Stewartsville, NJ 08886), construction blasting at Lawson Home Foundation in Lehman Township, **Pike County**, with an expiration date of January 31, 2005. Permit issued January 16, 2004.

48034042. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Shawnee Ridge Phase 2 in Forks Township, **Northampton County**, with an expiration date of January 24, 2006. Permit issued January 21, 2004.

48034043. Rick Rufe Drilling & Blasting (R. R. 6 Box 6360B, Saylorsburg, PA 18353) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Young's VW in Palmer Township, **Northampton County**, with an expiration date of January 26, 2005. Permit issued January 21, 2004.

39034019. Clair Stahley, Inc. (P. O. Box 526, Orefield, PA 18069-0526) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Eastern Industries, Inc. in Lower Macungie Township, **Lehigh County**, with an expiration date of February 2, 2005. Permit issued January 21, 2004.

52034030. West End Drilling & Blasting (P. O. Box 1646, Brodheadsville, PA 18322) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), con-

struction blasting at Bluestone Ridge Building Development in Dingmans Township, **Pike County**, with an expiration date of January 31, 2005. Permit issued January 21, 2004.

01034014. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Conewago Valley Estates Phase III in Conewago Township, **Adams County**, with an expiration date of January 31, 2005. Permit issued January 21, 2004.

67034081. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Snyder and Mylan in Lower Windsor Township, **York County**, with an expiration date of January 31, 2005. Permit issued January 21, 2004.

54044001. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Sunny Side Phases 5—7 in North Manheim Township, **Schuylkill County**, with an expiration date of January 31, 2005. Permit issued January 22, 2004.

09034031. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Worth & Company/Waste Water Treatment in Bedminster Township, **Bucks County**, with an expiration date of December 31, 2004. Permit issued January 22, 2004.

15034049. Rock Work, Inc. (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at Windsor Ridge in Upper Uwchlan Township, **Chester County**, with an expiration date of December 31, 2006. Permit issued January 22, 2004.

67034082. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Hamlet Drive Subdivision in Jackson Township, **York County**, with an expiration date of January 31, 2005. Permit issued January 22, 2004.

21034082. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting at Stonehedge Development in South Middleton Township, **Cumberland County**, with an expiration date of January 31, 2005. Permit issued January 22, 2004.

21034081. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Shippensburg University in Shippensburg Township, **Cumberland County**, with an expiration date of January 31, 2005. Permit issued January 22, 2004.

28034046. Fayetteville Contractors, Inc. (P. O. Box FCI, Fayetteville, PA 17222), construction blasting at Sycamore Grove Road Sewer Extension in Greene Township, **Franklin County**, with an expiration date of April 15, 2004. Permit issued January 22, 2004.

54034010. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Mountain View Estates in Cass Township, **Schuylkill County**, with an expiration date of December 31, 2004. Permit issued January 22, 2004.

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

(800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-698. Newman Development Group of Pottstown, LLC, 3101 Shippers Rd., P. O. Box 678, Vestal, NY 13851-0678, North Coventry Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the proposed Town Square Plaza Development, which will impact a total of 0.26 acre of wetlands and 950 linear feet of stream channel. The site is just south of the intersection of SR 0100 and Cedarville Road in North Coventry Township, Chester County.

Work will consist of:

1. To place fill in 0.03 acre of wetland (PEM) and to enclose approximately 400 linear feet of the two unnamed tributaries to the Schuylkill River (HQ-TSF).

2. To construct and maintain 60 linear feet of 16-foot by 5.25-foot open-bottom arch culvert and associated utility line stream crossings in the southern unnamed tributary to the Schuylkill River (HQ-TSF) (Pottstown, PA Quadrangle N: 18.2 inches; W: 4.7 inches).

3. To expand the reservoir of an existing pond with a nonjurisdictional dam from a 0.56-acre reservoir (POW) to a 0.77-acre reservoir (POW) for use as a sediment basin during construction and as a stormwater management facility thereafter (Basin 1). Work activities will impact approximately 175 linear feet of stream channel and 0.09 acre of wetlands (PEM) in the northern unnamed tributary to the Schuylkill River (HQ-TSF) (Pottstown, PA Quadrangle N: 18.4 inches; W: 4.7 inches).

4. To remove approximately 103 linear feet of an existing 18-inch culvert and replace and maintain approximately 55 linear feet of an 18-inch culvert in the northern tributary to the Schuylkill River (HQ-TSF) and associated excavation upstream of the culvert for flood storage (Pottstown, PA Quadrangle N: 18.4 inches; W: 4.7 inches).

The permittee proposes to construct a total of 0.33 acre of replacement wetlands in two areas (0.28 acre and 0.05 acre) to compensate for the 0.26 acre of wetland (PEM) impacts associated with the proposed project.

This project will include work within the Department of Transportation right-of-way which will be authorized by General Permits, including extending a 30-inch RCP culvert pipe, 65 linear feet with approximately 0.01 acre of wetland impact, which carries the southern unnamed

tributary to the Schuylkill River (HQ-TSF) under South Hanover Street (SR 1037); the placement of fill in 0.09 acre of wetlands for the construction of the proposed "Harp Farm Road" from South Hanover Street (SR 1037) (Pottstown, PA Quadrangle N: 18.2 inches; W: 4.4 inches) and to extend a 4-foot by 6-foot box culvert, 37 linear feet with approximately 0.03 acre of wetland fill, which carries the southern unnamed tributary to the Schuylkill River (HQ-TSF) under SR 0100. (Pottstown, PA Quadrangle N: 18.2 inches; W: 4.9 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

E15-709. Department of Transportation, District 6, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Warwick Township, **Chester County**, ACOE Philadelphia District.

To remove an existing 28.5-foot single span steel I beam bridge and replace and maintain with a 34-foot single span prestressed, concrete spread box beam bridge with 6-foot and 11-inch of under clearance over the Pine Creek (EV) on Harmonyville Road (SR 4018) Section 13S (Elverson, PA Quadrangle N: 11.5 inches; W: 2.5 inches) in Warwick Township, Chester County.

Work will also include:

1. Improvement of approximately 600 linear feet of vertical roadway alignment and widening of the road and bridge.

2. Installation of the stormwater facilities associated with the roadway improvement.

The proposed work will affect approximately 75 linear feet of Pine Creek (EV) and 0.05 acre of associated wetland. The amount of wetland impact is considered a de minimis impact of 0.05 acre and wetland mitigation is not required.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

E09-863. Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19063, Buckingham Township, **Bucks County**, ACOE Philadelphia County.

To modify and maintain the existing 62-foot long, 10-foot span and 3-foot 7-inch rise culvert at York Road over an unnamed tributary to Mill Creek (CWF-MF) by extending the upstream end with 60 linear feet of open bottom concrete culvert consisting of a 10-foot span and 3-foot 9-inch rise. The final structure will be classified as a stream enclosure and the work will facilitate the expansion of the existing Wawa Food Market. This work also includes construction and maintenance of three outfall pipes and relocation of various utilities. The site is just north of the intersection of York Road (SR 0263) and Durham Road (SR 0413) (Buckingham, PA USGS Quadrangle N: 13.4 inches; W: 8.5 inches).

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

E50-271: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Carroll Township, **Perry County**, ACOE Baltimore District.

To rehabilitate and maintain SR 850, Section 002 by means of raising its grade elevation and associated improvements to reduce the roadway flooding problem from Sherman Creek (WWF) and its tributaries from a point in Drumgold Village and continuing at a point near Falling Spring Village (Shermans Dale, PA Quadrangle N: 17.45 inches; W: 9.4 inches; N: 18.46 inches; W: 12.1 inches) in Carroll Township, Perry County.

E21-355: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17013 in Dickinson Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a twin cell 14-foot by 5-foot box culvert at the channel of Tagg Run (HQ-CWF) on SR 3008, Section 006, Segment 0120, Offset 0016 at the Village of Toland (Mt. Holly Springs, PA Quadrangle N: 12.4 inches; W: 12.5 inches) in Dickinson Township, Cumberland County.

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

E17-390. Huston Township, 12024 Bennetts Valley Highway, P. O. Box 38, Penfield, PA 15849. Huston Township bridge operation and maintenance in Huston Township, **Clearfield County**, ACOE Baltimore District (Penfield, PA Quadrangle N: 15.1 inches; W: 10.3 inches).

To operate and maintain nine existing municipal bridges across Bennett's Branch and its tributaries. The operation and maintenance of the nine municipal bridges line may require in-stream activity at locations that are as follows:

<i>Township Road and Stream Name</i>	<i>Water Quality Designation</i>	<i>Latitude Coordinates</i>	<i>Longitude Coordinates</i>
T-518 over Bennetts Branch	CWF	41° 10' 56"	78° 36' 20"
T-518 over South Branch, Bennetts Branch	HQ-CWF	41° 10' 39"	78° 36' 11"
T-512 over South Branch, Bennetts Branch	HQ-CWF	41° 10' 42"	78° 36' 10"
T-519 over Mountain Run	CWF	41° 11' 38"	78° 36' 04"
T-815 over Moose Run	CWF	41° 12' 26"	78° 34' 16"
T-815 over Moose Run	CWF	41° 12' 22"	78° 34' 11"
T-527 over Laurel Run	HQ-CWF	41° 09' 46"	78° 32' 01"
T-522 over Middle Branch, Wilson Run	HQ-CWF	41° 13' 20"	78° 35' 14"
T-525 over Mill Run	CWF	41° 13' 47"	78° 33' 02"

Maintenance activities shall be limited to abutment underpinning, debris and deposition removal, inlet and outlet stream bank protection, wearing surface refurbishment and concrete footer grouting. All bridge maintenance activities shall be conducted during stream low flow conditions and shall be conducted from the stream banks to the extent possible. Since Bennetts Branch and Wilson Run are stocked trout streams, no maintenance work shall be conducted in or along the stream channels between March 1 and June 15 without prior written approval from the Fish and Boat Commission. Since Mountain Run and Wilson Run are wild trout fisheries, no maintenance work shall be conducted in or along the stream channels between October 1 and December 15 without prior written approval from the Fish and Boat Commission. This permit also authorizes construction, operation, maintenance and removal of temporary maintenance access roads, causeways, cofferdams and rock stream diversions for abutment underpinning and footer grouting. All rock used for temporary structures shall be only be clean nonpolluting rock. Upon completion of each specific maintenance project, all temporary structures shall be completely removed with the stream banks restored to original contours and elevations. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E32-450. Indiana County Commissioners, 825 Philadelphia Street, Indiana, PA 15701-3942. Fitzgerald Bridge in Center Township, **Indiana County**, Pittsburgh ACOE District (Indiana, PA Quadrangle N: 11.67 inches; W: 10.27 inches) (Latitude: 40° 33' 51"—Longitude: 79° 11' 56"). To remove the existing Fitzgerald Bridge and to construct and maintain a 10.0 meter wide single span bridge having a normal span of 10.0 meters and an underclearance of 3.1 meters across Cherry Run (CWF) including the relocation and maintenance of 97.5 meters of an unnamed tributary to Cherry Run (CWF) for the purpose of improving transportation safety and roadway standards. The project is on T-469, approximately 500 feet from its intersection with SR 3056.

ENVIRONMENTAL ASSESSMENTS

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

D09-159EA. International Paper Company, Robert McKenna, P. O. Box 150, Riegelsville, PA 18077, Durham Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove Durham Dam across Cooks Creek (EV) for the purpose of restoring the stream to a free flowing condition. The dam is at the intersection on SR 611 and SR 212 approximately 1,000 feet upstream of the confluence of Cooks Creek and the Delaware River (Riegelsville, PA Quadrangle N: 14.6 inches; W: 10.5 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03008	Richard Hampsher Borough of Chambersburg 100 South 2nd St. P. O. Box 1009 Chambersburg, PA 17201-2512	Franklin	Borough of Chambersburg	Three ASTs storing diesel fuel	29,500 gallons each
				Two ASTs storing lubricating oil	10,000 gallons total capacity

SPECIAL NOTICES

Notice of Intent to Issue Plan Approvals and Operating Permits

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

The Department has received applications and intends to issue plan approvals and/or operating permits to the following facilities. Copies of these applications, draft permits, review summaries and other support materials are available for review in the regional offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The comments should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. If a hearing is scheduled, notice will be provided to each applicant, protestant or other participants in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, except where the Department determines that notification by telephone will be sufficient. Notice will also be provided to anyone who requests in writing to be notified concerning the scheduling of a hearing.

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 and regulations adopted under the act.

102/NPDES/Stormwater Applications for Construction Activities; Public Hearing

The Department of Environmental Protection (Department), Water Management Program, will be holding a fact finding hearing on the following Stormwater NPDES permit applications:

Henderson Group, Inc., Henderson Elwyn Office Campus, PAS10-J059

CS Properties, LLC, The Riddle Estates, PAI012303003

Gray Creighton, Creighton Properties, PAI012303009

The hearing is scheduled for March 25, 2004, at 7 p.m. at Penncrest High School, 134 Barren Road, Media, PA 19063, Delaware County. The hearing is being held to solicit pertinent comments on these applications. The applications are for stormwater construction activities, with a discharge to Ridley Creek. A copy of these applications are available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Individuals interested in reviewing the applications should call to schedule a date to review the file. The project sponsors are as follows:

Henderson Group, Inc., 112 Chesley Drive, Suite 200, Media, PA 19063

CS Properties, LLC, 27 Wallingford Avenue, Building C, Wallingford, PA 19086

Gray Creighton, 475 Highland Avenue, Media, PA 19063

Comments received will be considered by the Department in completing its review and prior to taking final action concerning the applications. The hearing will not be a question and answer session.

Individuals intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program, 555 North Lane, Lee Park, Suite 601, Conshohocken, PA 19428 (after February 5, 2004, the new address will be 2 East Main Street, Norristown, PA 19401). The notice should include the individual's name, address and phone number, whether the individual is opposed to or in favor of the project and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is

requested to present the group's concerns. Individuals wishing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing who require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Sharon Moore, (610) 832-6073 (after February 5, 2004, (610) 484-5821). TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Brubaker Run Watershed in Cambria County

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

The Department of Environmental Protection (Department) is holding a public meeting on Tuesday, February 17, 2004, at 6:30 p.m. at the Saint Thomas Church in Ashville, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. Two stream segments in the Brubaker Run Watershed have been identified as impaired on the 1996, 1998 and 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
26489 (Segment 4026)	Brubaker Run	2.9
26489 (Segment 990819-0920-LMS)	Brubaker Run	7.23

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0-9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of both load allocations (LA), which are made to nonpoint sources of pollution and waste load allocations (WLA), which are made to point sources of pollution.

The TMDL was developed using Monte Carlo Simulation (MCS) to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2001.

The data and all supporting information used to develop the proposed TMDL are available from the Depart-

ment. To request a copy of the proposed TMDL and an information sheet, contact Miles Baird at (814) 472-1900 between 8 a.m. and 3 p.m., Monday through Friday, at the Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931, mbaird@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 31, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on Tuesday, February 10, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Cucumber Run Watershed in Somerset County

Greensburg District Mining Office: Watershed Manager; Armbrust Professional Center; R. D. 2 Box 603-C, Greensburg, PA 15601.

The Department is holding a public meeting on March 4, 2004, at 7 p.m. at the Confluence Community Center in the Confluence Borough Building in Confluence, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. Two stream segments in the Cucumber Run Watershed have been identified as impaired on the 1996, 1998 and 2002 Pennsylvania 303(d) lists due to depressed pH and high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38817 (Segment 4838)	Cucumber Run	1.7
38817 (Segment 990102-1035-TVP)	Cucumber Run	1.7

The proposed plan provides calculations of the stream's total capacity to accept metals and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0-9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. Portions of this watershed were mined for coal in the mid to late 20th century. All of the allocations made in the TMDL are LAs that are made to nonpoint sources of pollution.

The TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ron Horansky at (724) 925-5500 between 8 a.m. and 3 p.m., Monday through Friday, at the Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601, rhoransky@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by April 7, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on Wednesday, February 25, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-211. Filed for public inspection February 6, 2004, 9:00 a.m.]

NOx Budget Trading Program; New Source Set-Aside Proposed Allocations

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment regarding the proposed new source set-aside allowance allocations for the 2004 control period (May 1 through September 30). The new source set-aside allocations contain 2,542 allowances, 1,734 of which are available for new sources after allocation corrections. For each NOx budget unit, the following table lists the allowances applied for under the "request" column, the maximum potential number of allowances authorized by the regulation under the "maximum" column and the final, pro rata allocation under the "allocation" column.

New source operators are advised that this allocation is for one control period only. To receive allocations from the new source set-aside for future control periods, source operators must submit new requests to the Department by January 1 of each year.

Written comments should be sent to the Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105. The contact person is Randy Bordner, Division of Air Resource Management, (717) 772-3423, ranbordner@state.pa.us. Comments must be received by February 23, 2004. The final new source allocations will be published in the *Pennsylvania Bulletin* by April 1, 2004.

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
AES Ironwood, LLC	55337	1	92	92	31
AES Ironwood, LLC	55337	2	92	92	31
PEI Power (Archbald)	50279	2	78	78	26
Allegheny Energy 1	55196	1	41	41	14
Allegheny Energy 2	55196	2	41	41	14
Allegheny Energy 3	55710	1	37	37	13
Allegheny Energy 4	55710	2	37	37	13
Allegheny Energy 8	55377	8	50	50	17
Allegheny Energy 9	55377	9	50	50	17
Allegheny Energy 12	55654	12	49	49	17
Allegheny Energy 13	55654	13	49	49	17
UGI Hunlock	3176	4	38	38	13
Connectiv Bethlehem	55690	1	26	26	9
Connectiv Bethlehem	55690	2	26	26	9
Connectiv Bethlehem	55690	3	26	26	9
Connectiv Bethlehem	55690	5	26	26	9
Connectiv Bethlehem	55690	6	26	26	9
Connectiv Bethlehem	55690	7	26	26	9
Grays Ferry	54785	2	310	310	105
Grays Ferry	54785	25	205	205	69
Williams Hazleton	10870	2	39	39	13
Williams Hazleton	10870	3	39	39	13
Williams Hazleton	10870	4	39	39	13
PPL Mt. Bethel	55667	1	49	49	17
PPL Mt. Bethel	55667	2	49	49	17
Merck Turbine No. 3	52149	40	34	34	12
Liberty Elec. Power	55231	1	76	76	26
Liberty Elec. Power	55231	2	76	76	26
Hunterstown LLC	3110	CT101	52	52	18
Hunterstown LLC	3110	CT201	52	52	18
Hunterstown LLC	3110	CT301	52	52	18
Duke Energy Armaugh	880071	31301	52	52	18
Duke Energy Entrioken	880072	31602	53	53	18
Ontelaunee Energy	55193	CT1	27	27	9
Ontelaunee Energy	55193	CT2	27	27	9
Duke Energy Fayette	55516	CTG1	43	43	15
Duke Energy Fayette	55516	CTG2	43	43	15

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Reliant Energy Seward, LLC	3130	1	697	697	235
Reliant Energy Seward, LLC	3130	2	697	697	235
Armstrong Energy, LLC	55347	1	278	278	93
Armstrong Energy, LLC	55347	2	278	278	93
Armstrong Energy, LLC	55347	3	278	278	93
Armstrong Energy, LLC	55347	4	278	278	93
Fairless Energy, LLC	55298	1A	39	39	13
Fairless Energy, LLC	55298	1B	39	39	13
Fairless Energy, LLC	55298	2A	39	39	13
Fairless Energy, LLC	55298	2B	39	39	13
FPL Energy Marcus Hook, L. P.	55801	CT1	54	54	18
FPL Energy Marcus Hook, L. P.	55801	CT2	54	54	18
FPL Energy Marcus Hook, L. P.	55801	CT3	54	54	18
FPL Energy Marcus Hook, L. P.	55801	AB1	43	43	15
FPL Energy Marcus Hook, L. P.	55801	AB2	43	43	15
FPL Energy Marcus Hook, L. P.	55801	AB3	43	43	15
FPL Energy Marcus Hook, L. P.	55801	AB4	43	43	15
Totals =	—	—	5,123	5,123	1,734

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-212. Filed for public inspection February 6, 2004, 9:00 a.m.]

Proposed General Water Quality Management Permit for Construction of Small Flow Treatment Facilities (WQG-1)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.101), the Department of Environmental Protection (Department) is proposing a General Water Quality Management Permit for Construction of Small Flow Treatment Facilities (WQG-1).

The proposed permit document package is available by contacting the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, trutrouma@state.pa.us. The proposed permit document package is also available on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate).

The Department invites public comments on the proposed General Permit. Comments must be submitted to the Department by February 23, 2004. If there is significant public interest in the General Permit or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only the comments received within the specified period will be considered in the formulation of the final documents for this General Permit. If significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to the previous address. Written comments will also be accepted by e-mail and should be sent to kebair@state.pa.us by February 23, 2004. Comments will not be accepted by facsimile or on voice mail.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comments and response document (CRD) and prepare a final documents package for this permit. An availability of the final permit documents, as well as the CRD, will be announced in the *Pennsylvania Bulletin*. Individuals wishing to receive a copy of the

final documents may request them by contacting the previous addresses or telephone numbers.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-213. Filed for public inspection February 6, 2004, 9:00 a.m.]

Proposed Revision to Pennsylvania General NPDES Permit for Stormwater Discharges Associated with Industrial Activities (PAG-3)

Under The Clean Streams Law (35 P. S. §§ 691.1—691.101) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) seeks public comments on the proposed revisions to the Department's NPDES Stormwater General Permit for Discharges of Stormwater Associated with Industrial Activities (PAG-3), including the Notice of Intent (NOI) and other related permit documents. The current General Permit will expire June 4, 2004.

The proposal contains the Department's revisions to the existing General Permit that was first issued in 1992. The revisions are necessary to reflect changes in State and Federal regulations, and are based on the Department's program implementation experiences, comments from the United States Environmental Protection Agency's (EPA) evaluation of the State's Phase I program and additional EPA guidance on the regulation of stormwater discharges from industrial activities. The revised permit sets forth the effluent limitations and other terms and conditions of the permit.

This General Permit will continue to not be applicable for stormwater discharges to "high quality" and "exceptional value" waters designated under 25 Pa. Code Chapter 93 (relating to water quality standards). An individual permit is required for discharges to these waters.

The Department will continue to use Standard Industrial Classification (SIC) Codes, per the EPA's guidance,

to define the categories of industrial activities covered by this permit.

This notice provides the public and all affected parties with a summary of changes being proposed to the General Permit.

The following paragraphs summarize proposed major revisions to the General Permit:

1. *General edit/update*—The revisions provide a general edit/update of the permit to correct any typographical errors or other inaccuracies in the current permit and to bring the document to current Department publication standards.

2. *Identification and inclusion of industrial category-specific Best Management Practices (BMP)*—The permit includes several general and industry specific BMPs. The inclusion of BMPs was based upon the Department's experience of the implementation of the Phase I program and the EPA's Multi-Sector General Permit or its stormwater BMP Manual. The permit identifies industry specific BMPs for each of the industrial activities covered in the General Permit.

3. *Authorizations under the previous PAG-3*—Authorizations under the previous PAG-3 replaced by this General Permit are automatically continued under this General Permit for the remaining duration of the previously approved coverage. If the permittee is unable to comply with this General Permit, the permittee must submit an application for an individual NPDES permit within 90 days of publication of this final General Permit.

Discharge Parameter	Units	Effluent Limits		Sample Type	Measurement Frequency
		Minimum	Maximum		
pH	S.U.	6.0	9.0	1 Grab	1/6 months
Total Suspended Solids	mg/L		50	1 Grab	1/6 months

6. *Stormwater discharges from salt storage and distribution piles and petroleum marketing terminals*—In addition to the ten industrial categories of discharges covered under the existing permit defined in EPA regulations, the Department is proposing to authorize use of this General Permit to provide coverage for stormwater discharges from selected salt storage and distribution piles and all petroleum marketing terminals. The monitoring and specific BMPs required for stormwater discharges from salt storage and distribution piles and petroleum marketing terminals are included in Appendices K and L, respectively, of the permit.

7. *Coverage under the General Permit and permit expiration date*—Approval for coverage under the existing permit is extended beyond the permit expiration date. A permit condition concerning issuance, reissuance or amendment of the General Permit has been added. This condition makes the permittee responsible for complying with the final renewed, reissued or amended General Permit. If the permittee is unable to comply with this General Permit, the permittee must submit an application for an individual NPDES permit within 90 days of publication of this final General Permit.

8. *Clarification of Professional Engineer (P. E.) certification requirement*—A PPC plan is required for all facilities covered under this permit. The revised permit clarifies that, except for SARA Title III facilities discharging water priority chemicals, a PPC plan does not have to be prepared or certified by a P. E. A similar change has also been made to update the Department's PPC plan guid-

4. *Airports category (Appendix G covered facilities)*—The permit splits the airports category into two separate categories (large and small airports) based on the usage of deicing chemicals. Appendix G is split into two categories. Appendix G.1 deals with large airports and Appendix G.2 deals with small airports. For the purposes of the General Permit, large airports are those that use more than 100,000 gallons of glycol or 100 tons of urea each year and small airports are those that use less than 100,000 gallons of glycol or 100 tons of urea per year.

The permit requires large airports to conduct biannual sampling and reporting of the Appendix G.1 parameters during the winter season. Small airports will continue to perform annual sampling and reporting of the Appendix G.2 parameters during the winter season. Implementation of specific BMPs designed to reduce or minimize the discharge of pollutants through stormwater and updating of their Preparedness, Prevention and Contingency (PPC) plans is required for both airport categories.

5. *Coal storage pile runoff (Appendix E)*—The permit clarifies requirements for stormwater discharges from coal storage piles. This permit covers coal storage piles other than those located on the site of a "coal mining activity" as defined in 25 Pa. Code § 86.1 (relating to definitions), in which case the effluent limit which has been established under 25 Pa. Code Chapters 86—90 is applicable. The following are the applicable effluent limits for eligible discharges from coal storage piles.

ance document "Guidelines for Development and Implementation of Environmental Emergency Response Plans," DEP ID: 400-2200-001, available on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate).

9. *Revisions to the NOI form*—The NOI form revisions include some of the information previously required in the General Information Form (GIF). Submission of a GIF is not required for this General Permit. NOI instructions have been revised to reflect this change.

10. *Deletion of Act 14 compliance requirement*—The NOI instructions are revised to reflect a change in the Act 14 municipal notification requirement. This requirement has been deleted. This is consistent with the legal interpretation that the Act 14 requirements do not apply to general NPDES permits.

11. *SARA Title III Section 313 facilities*—The NOI form revisions clarify that the reporting requirements related to SARA Title III Section 313 facilities referred to in the NOI deal with only water discharges. Air and solid waste releases do not apply.

12. *Prior compliance history*—The NOI form revisions require information concerning prior compliance history for the facility for which coverage under the General Permit is requested. NOI instructions have been revised to reflect this change.

13. *Annual inspection form*—Minor revisions to this form and associated instructions have been made. This

form, which is currently available for use by Appendix J facilities instead of monitoring, was developed after the publication of the original General Permit to facilitate consistent and uniform self-inspections and data reporting. This form has been in use since June 25, 1998.

14. *Sampling/monitoring data or self-inspection reports*—The revised permit requires submission of all sampling/monitoring data and annual inspection reports within 30 days of the dates they are required to be completed in the permit. A summary and evaluation of the information must also be submitted with permit coverage renewal applications. This is a change from the current permit requirement that allowed many industrial categories to keep data/reports onsite or submit them only when requested by the Department.

15. *Implementation of no exposure provision under stormwater Phase II rule*—NOI instructions have been revised to explain the procedure to be followed in seeking permit exemption allowed under this rule. The Department has developed a no exposure form and associated instructions and are made part of this application package.

The proposed permit document package is available by contacting the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, trutrouma@state.pa.us. The proposed permit document package is also available on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate).

The Department, by this notice, invites public comments on the proposed revisions to PAG-3, including the NOI, and other related permit documents. Comments must be submitted to the Department by March 8, 2004. If there is significant public interest in the revised General Permit or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only the comments received within the specified comment period will be considered in the formulation of the final documents for this General Permit. Persons wishing to comment should include their name, address and telephone number and a concise comment statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. If significant issues of public interest are raised, the Department may schedule a public meeting. Written comments should be submitted at the previous address. Comments will also be accepted by e-mail and should be sent to pparikh@state.pa.us by March 8, 2004. Comments will not be accepted by facsimile or on voice mail.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comments and response document (CRD) and prepare all final documents for this permit. An availability notice of the final permit documents, including the CRD, will be published in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-214. Filed for public inspection February 6, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Preventive Health and Health Services (PHHS) Block Grant Advisory Committee Meeting

The Preventive Health and Health Services (PHHS) Block Grant Advisory Committee will hold a public meeting on Thursday, February 12, 2004, from 10 a.m. to 2 p.m. in Conference Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, or individuals with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Leslie A. Best, (717) 787-6214, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-215. Filed for public inspection February 6, 2004, 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 § 205.6(a) (relating to function of building):

Pennsylvania Soldiers' and Sailors' Home
P. O. Box 6239
560 East Third Street
Erie, PA 16512

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 the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

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

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

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

[Pa.B. Doc. No. 04-216. Filed for public inspection February 6, 2004, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Inpatient Hospital Services

The purpose of this announcement is to provide final notice of the Department of Public Welfare's (Department) payment methods for inpatient hospital services. This notice affects inpatient acute care general hospitals, private psychiatric hospitals, psychiatric units of acute care general hospitals, rehabilitation hospitals and rehabilitation units of acute care general hospitals.

The Department published a notice at 33 Pa.B. 3084 (June 28, 2003) that provided advance public notice of the Department's proposal to discontinue Direct Medical Education payments and Community Access and Outpatient Disproportionate Share payments to hospitals. These payments are separate from and in addition to the payments made to hospitals for inpatient hospital services provided to Medical Assistance recipients and are not otherwise required to be made under State or Federal law. This proposal to eliminate these discretionary payments was attributable to the lack of available funds in the General Appropriations Act of 2004, as passed by the General Assembly in March 2003.

The Department received numerous comments from consumers and the hospital community concerning the elimination of these discretionary payments. The General Assembly now has made funds available in the General Appropriation Fund of 2004 that will allow the Department to continue these discretionary payments to hospitals.

Fiscal Impact

It is anticipated that this revision will result in expenditures of \$192.199 million in total funds (\$106.434 million in Federal funds, \$85.765 million in State funds) for FY 2003-04.

Public Comment

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments to this notice. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-380. (1) General Fund;

	<i>Inpatient</i>	<i>Outpatient</i>
(2) Implementing Year 2003-04 is	\$62,170,000	\$25,595,000;
(3) 1st Succeeding Year 2004-05 is	\$62,930,000	\$28,029,000;
2nd Succeeding Year 2005-06 is	\$63,991,000	\$28,898,000;
3rd Succeeding Year 2006-07 is	\$65,095,000	\$29,794,000;
4th Succeeding Year 2007-08 is	\$66,233,000	\$30,717,000;
5th Succeeding Year 2008-09 is	\$67,406,000	\$31,670,000;
	<i>Inpatient</i>	<i>Outpatient</i>
(4) 2002-03 Program—	\$406,835,000	\$668,052,000;
2001-02 Program—	\$417,335,000	\$704,041,000;
2000-01 Program—	\$418,428,000	\$668,649,000;

(7) MA—Inpatient and MA—Outpatient; (8) recommends adoption. This regulatory action announces the reinstatement of the Direct Medical Education, Community Access Funds and Outpatient Disproportionate Share payments to hospitals. Funds for these payments have been included in Act 9-A of 2003, The First Supplemental General Appropriation Act of 2003.

[Pa.B. Doc. No. 04-217. Filed for public inspection February 6, 2004, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the sixteenth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this date.			
AGING			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	September 2005, as proposed.	This regulation is being reviewed for coordination with regulations from DPW and DOH. Review is also occurring as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 3 Fair Hearings and Appeals	June 2005, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. It is being reviewed internally to improve Departmental procedures and efficiencies.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2005, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 15 Protective Services for Older Adults	December 2004, as proposed	The law and regulations are under review in light of the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional.	Robert Hussar (717) 783-6207
AGRICULTURE			
Domestic Animal	June, 2004, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	John Enck, VMD (717) 772-2852
Cervidae	June, 2004, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations.	John Enck, VMD (717) 772-2852
Animal Exhibition Sanitation	June, 2004, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement.	John Enck, VMD (717) 772-2852
Agricultural Conservation Easement Purchase Program/Agricultural Security Areas	July, 2004, as final.	Act 138 of 1998 and Act 14 of 2001 amended the Agricultural Area Security Law. The regulations at 7 Pa. Code Chapter 138e must be revised to implement these statutory changes. This regulation would also replace the outdated regulations at 7 Pa. Code Chapter 138, relating to agricultural security areas.	Sandra E. Robison (717) 783-3167
Maple Products	December, 2004, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Amusement Rides	July, 2004, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	Kent D. Shelhamer (717) 787-9089

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Harness Racing Commission	June, 2004, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196
Land application of soil and groundwater contaminated with agricultural chemicals	April, 2004, as final.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and will be addressed as the regulation proceeds.	Vance R. Wagner (717) 772-5210
Fruit Tree Improvement Program	November, 2004, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 772-5222
Pesticide Regulations	June, 2004, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes.	David Scott (717) 772-5214
Certification of Virus-Tested Geraniums	September, 2004, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 772-5222
Chemsweep Regulations	June, 2004, as final proposed omitted.	This regulation will amend 7 Pa. Code Chapter 128b to expand the pesticide disposal program which has been limited to agricultural pesticide products. The amendment will include all Commonwealth citizens who are in possession of cancelled, unused or suspended pesticides.	Vance Wagner (717) 772-5210

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nutrient Management Certification Program	June, 2004, as proposed	This regulation will amend 7 Pa. Code Chapter 130b and is necessary to update and correct inconsistencies in the current regulations, redefine specialist categories; allow flexibility for the Department to modify competency areas and training focus; determine additional competency area needs and clarify continuing education requirements. The revision of this regulation will allow participants in the certification program to remain qualified to meet nutrient management planning requirements established in section 7(a) of the Nutrient Management Act of 1993 (Act 6).	Johan E. Berger (717) 772-4189
Fertilizer Regulations	December, 2004, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5213
Soil and Plant Amendment Regulations	December, 2004, as proposed.	This regulation will replace 7 Pa. Code Chapter 130A and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act.)	John Breitsman (717) 772-5213
Dog Law	June, 2004, as proposed	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation	Mary Y. Bender (717) 787-4833
Wine Marketing and Research Program; Sheep and Lamb Marketing Program	March, 2004, as proposed	This will establish regulations for the newly-formed Pennsylvania Wine Marketing and Research Program at 7 Pa. Code Chapter 104. It will also rescind the regulations for the Sheep and Lamb Marketing Program, which is no longer in existence.	Kyle Nagurny (717) 787-2376
<i>BANKING</i>			
No regulations being developed or considered at this date.			
<i>BOARD OF PARDONS</i>			
No regulations being developed or considered at this date.			
<i>COMMUNITY AND ECONOMIC DEVELOPMENT</i>			
Industrialized Housing and Components 12 Pa. Code Chapter 145 (final regulation)	Spring 2004	The regulation will further clarify and strengthen the Department's and third party's role in monitoring the installation of industrialized housing; adopt the ICC International Building Code; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.	Jill B. Busch (717) 720-7314
Certified Provider (proposed new regulation)	Spring 2004	In accordance with the Job Enhancement Act of 1996, the regulation will establish professional and organizational standards that must be met in order for providers to continue packaging loans on behalf of the Department.	Jill B. Busch (717) 720-7314

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Neighborhood Assistance Program 12 Pa. Code Chapter 135 (final regulation with rulemaking omitted)	Spring 2004	The regulation will repeal this chapter, as it no longer effectively fulfills the goals for which it was intended.	Jill B. Busch (717) 720-7314
Community Development Grant Program 12 Pa. Code Chapter 141 (final regulation with rulemaking omitted)	Spring 2004	The regulation will repeal this chapter, as it no longer effectively fulfills the goals for which it was intended.	Jill B. Busch (717) 720-7314
Building Energy Conservation Standards 12 Pa. Code Chapter 147 (final regulation with rulemaking omitted)	Spring 2004	The regulation will repeal this chapter, as the statute upon which this chapter is based will be repealed upon the effective date (expected to occur as early as April 15, 2004) of regulations required by the Pennsylvania Construction Code Act.	Jill B. Busch (717) 720-7314
COMMISSION ON CRIME AND DELINQUENCY			
Office of Victims' Services, Victims Compensation Assistance Program—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 411	February 2004, as proposed	To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by subsequent legislation, including Act 1998-111 and its relocation of the Crime Victims Act to Purdon's Statutes Title 18 P. S. §§ 11.101—11.5102, and Act 85 of 2002.	Lynn Shiner (717) 783-5153 ext. 3210
CONSERVATION AND NATURAL RESOURCES			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking October 2004.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin (717) 783-3227
CORRECTIONS			
Revisions to regulations governing the Department, 37 Pa. Code Chapters 91, 93 and 94.	Spring, 2004 as proposed	The regulations will be revised to eliminate unnecessary regulations and to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	John S. Shaffer, Ph.D. (717) 975-4868
Revisions to regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	Summer, 2004 as proposed	The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law.	Catherine C. McVey (717) 975-4998

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
EDUCATION			
Pupil Personnel Services 22 Pa. Code, Chapters 7 & 12	March 2004, as final.	These regulations define the elements of student services programs and delineate the rights and responsibilities of students. Specific revisions are necessary to make the regulations consistent with current statute and court decisions as well as current practices in student services. These regulations are promulgated under the authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Jim Buckheit (717) 787-3787 or Ron Stainbrook (717) 787-4860
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36, 40 & 42	September 2004, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Jim Buckheit (717) 787-3787 or William Larkin (717) 787-5041
Certification of Professional Personnel 22 Pa. Code, Chapter 49	July 2004, as proposed.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators.	Jim Buckheit (717) 787-3787 or William Larkin (717) 787-5041
Academic Standards (Appendix E, Career Education and Work) 22 Pa. Code, Chapter 4	Proposed standards published for public comment in PA Bulletin on April 12, 2003. July 2004, as final.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning, and assessment based on academic standards. This additional set of standards will revise Chapter 4 by their inclusion. These regulations are promulgated under the authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Jim Buckheit (717) 787-3787 or John C. Foster (717) 787-5530
General Vocational Education Standards 22 Pa. Code, Chapter 339	July 2004, as proposed.	Educational institutions offering vocational programming have evolved substantially since their inception. Many of the standards defining and governing those institutions were conceived over 30 years ago. A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the <i>Pennsylvania Code</i> , section 4.32(a).	Jim Buckheit (717) 787-3787 or John C. Foster (717) 787-5530
School Buildings 22 Pa. Code, Chapter 21	Regulations under review for possible action in late 2004	Proposed revisions to State Board of Education regulations on school facilities. These regulations are promulgated under the authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Jim Buckheit (717) 787-3787 or Carle Dixon (717) 787-5480

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A & B	The Secretary intends to submit revised standards in the Regulatory Review Process in 2004 since the current standards are outdated. The revised standards will reflect the changes in Chapter 14 and IDEA.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1-101, et. Seq.	Jim Buckheit (717) 787-3787 or Richard Price (717) 783-6882
Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 and 63	The Board has informally discussed revision of the regulations, received public input and is reviewing that input with the Department to determine appropriate next steps.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. Seq.)	Eugene Heyman (717) 783-5146
Special Education Services and Programs—State Board of Education Regulations 22 Pa. Code, Chapter 14	Early 2004, as final.	The U. S. Department of Education provides federal funds to assist States' provision of services under the Individuals with Disabilities Education Act (Part B). A grant is available to the State Education Agency provided the State is able to demonstrate there are rules consistent with the federal regulations 934 CFR (Part 300). The proposed rule change at 14.162 which eliminates the words, an initial educational placement, will allow Pennsylvania's regulations to be consistent with the federal regulations at 34 CFR 300.505(b).	Jim Buckheit (717) 787-3787
Academic Standards and Assessment, 22 Pa. Code Chapter 4	July 2004, as proposed	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma	Jim Buckheit (717) 787-3787 or Ron Stainbrook (717) 787-4860
Regulations of the State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Early 2004, as final.	These regulatory changes reduce the records requirements for schools, amend the definition of seminar to remove reference to entry level training, requires attendance at an orientation seminar prior to submission of an application for licensure, authorizes the Board to reject applications for licensure or program approval if the names of the school or the programs are misleading, mandates the maintenance of a surety bond throughout the period of licensure, requires payment of program application fees if more than one program is submitted with a new license application, and provides clarification of wording and policy.	Patricia Landis (717) 783-8228

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Student Attendance 22 Pa. Code, Chapter 11	Proposed regulations published for public comment in PA Bulletin on August 30, 2003.	These regulations address student enrollment and attendance. Specific revisions are necessary to make the regulations consistent with current statute and court decisions as well as current practice. These regulations are promulgated under the authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Jim Buckheit (717) 787-3787
EMERGENCY MANAGEMENT AGENCY			
No regulations being developed or considered at this time.			
ENVIRONMENTAL HEARING BOARD			
Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing anticipates submitting proposed rulemaking in 2004	The Environmental Hearing Board Rules Committee has recommended the following revisions to the Board's rules of practice and procedure: 1) 1021.2 (Definitions)—Amend the definition of "Department" from "Department of Environmental Resources" to "Department of Environmental Protection" to reflect the agency's current title, and to add "and other agencies, boards and commissions" to reflect the fact that decisions of certain entities other than the Department of Environmental Protection are statutorily appealable to the Environmental Hearing Board. 2) 1021.31(a) (Filing)—Amend to allow parties to file documents in the Board's Pittsburgh office. 3) 1021.33(b) (Service by a party)—Amend to require service on other parties by overnight delivery where filing with the Board is by overnight mail or personal service. 4) 1021.82 (Prehearing memorandum)—Amend to require that copies of exhibits be attached to the prehearing memorandum as well as "such other information as may be required in the Board's orders."	Mary Anne Wesdock 412-565-5245
ENVIRONMENTAL PROTECTION			
Chapter 207—Noncoal Underground Mines General Safety Law	December 2003 as final	This final rulemaking consolidates the regulatory provisions implementing Section 2(f) of the General Safety Law, which regulates worker safety in noncoal mines, into Chapter 207 (Noncoal Mines). Most of these provisions were promulgated by the Department of Labor and Industry over 30 years ago and are found at Title 34, <i>Pennsylvania Code</i> , Chapter 33. DEP's Chapter 207 addresses the use of explosives at noncoal mines and has not been amended since its adoption in 1972. The amendments address effective safety practices in noncoal mines based on changes in the industry and DEP's administration of the program. The rulemaking incorporates by reference the U. S. Mine Safety and Health Administration's (MSHA) regulations found at 30 CFR Part 57 and includes provisions to address certification of foremen as well as the licensing and duties of blasters. A 60-day public comment period on the proposed rulemaking closed February 6, 2002. The Independent Regulatory Commission (IRRC) is tentatively scheduled to consider this final-form rulemaking at its February 12, 2004, meeting.	Paul Hummel 570-621-3444

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radionuclides Rule Safe Drinking Water Act	December 2003 as final	This rulemaking amends Chapter 109 to incorporate the provisions of the recently published federal Radionuclides Rule, which establishes a new Maximum Contaminant Level (MCL) for uranium and retains the current existing MCLs for gross alpha, combined radium-226/228 and beta and photon activity and establishes new monitoring requirements. The Radionuclides Rule applies to community water systems and does not include radon. The EQB adopted the proposed rulemaking on December 17, 2002. A 30-day public comment period closed April 7, 2003. The Water Resources Advisory Committee (WRAC) and the Small Water Systems Technical Assistance Center Board (TAC) reviewed the draft final amendments. IRRC is tentatively scheduled to consider the final-form rulemaking at its February 12, 2004, meeting.	Rod Nesmith (717) 783-9719
Filter Backwash Recycling Rule Safe Drinking Water Act	December 2003 as final	This rulemaking amends Chapter 109 to incorporate the provisions of the recently promulgated federal Filter Backwash Recycling Rule, which governs the recycling of the filter backwash water within the treatment process of public water systems (PWSs). The Rule applies to all PWSs that use a surface water source or groundwater under the direct influence of surface water, utilize direct or conventional filtration and recycle spent filter backwash water, sludge thickener supernatant or liquids from dewatering processes. The EQB adopted the proposed rulemaking on December 17, 2002. A 30-day public comment period closed on April 7, 2003. WRAC and TAC reviewed the draft final amendments. IRRC is tentatively scheduled to consider the final-form rulemaking at its February 12, 2004, meeting.	Rod Nesmith 717-783-9719
Long-Term 1 Enhanced Surface Water Treatment Rule Safe Drinking Water Act	February 2004 as final	This rulemaking amends Chapter 109 to incorporate the provisions of the recently promulgated federal Long-Term 1 Enhanced Surface Water Treatment Rule. The Rule is intended to improve the control of microbial pathogens at public water systems serving less than 10,000 people that use surface water or ground water under the direct influence of surface water (GUDI). Key provisions include strengthened combined and individual filter effluent turbidity performance standards and disinfection benchmark provisions. The EQB adopted the proposed rulemaking on May 21, 2003. A 30-day public comment period closed on August 25, 2003. WRAC and TAC reviewed the draft final amendments.	Phil Consonery 717-772-2184
Lake Redesignations Package Clean Streams Law	February 2004 as proposed	This proposal identifies three lakes that should be redesignated based upon the review of physical data, including fishery data from the Pennsylvania Fish and Boat Commission. These lakes include: Blue Marsh Reservoir (Berks County), Lake Luxembourg (Bucks County), and Walker Lake (Snyder County). The purpose of these proposed redesignations is to provide the correct aquatic life use designation in the water quality standards for these Commonwealth lakes. WRAC reviewed a draft of the proposal in January 2004.	Carol Young 717-783-2952

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Concentrated Animal Feeding Operations (CAFO) Program Amendments—Chs. 92.5a, 91 and 92 The Clean Streams Law	April 2004 as proposed	The CAFO regulations are being revised in response to the recently enacted Federal CAFO Final Rule, which was published in the <i>Federal Register</i> on February 12, 2003. This rule established mandatory requirements for all CAFOs to apply for an NPDES permit and to develop and implement a nutrient management plan. The new effluent guidelines establish performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper and effective manure and wastewater management, including compliance with the Effluent Limitation Guidelines. The proposed rulemaking will enhance protection of Pa.'s waters from nutrient over-enrichment and eutrophication, and reduce pathogens in drinking water, including improving the water quality of the Chesapeake Bay. The Agricultural Advisory Board is reviewing the proposed amendments.	Cedric Karper 717-783-7577
Chapter 86—Coal Mining Amendments Surface Mine Conservation and Reclamation Act	April 2004 as final	This rulemaking adds new Section 86.6 to clarify existing statutory requirements and to ensure the regulations are no more stringent than federal requirements. This amendment provides an exemption to the regulatory requirements for coal extraction incidental to federal, state and local government-financed highway or other construction and reclamation projects. The exemption currently exists in Pennsylvania's Surface Mine Conservation and Reclamation Act. A 45-day public comment period closed on June 18, 2002. The Mining and Reclamation Advisory Board (MRAB) reviewed the draft final rulemaking.	Nevin Strock 717-787-6842
Radiological Health Amendments Radiation Protection Act	April 2004 as final	This rulemaking is largely a set of housekeeping amendments that will correct cross-references among the 16 chapters that encompass Title 25, Article V (Radiological Health). It also makes minor adjustments and clarifications to the incorporated-by-reference NRC provisions; the new fee structure as it applies to professional fees, general licenses, multiple sites and small business; and training for radiographers. In addition, healing arts screening requirements are updated and clarified in response to health concerns associated with computed tomography (CT) screening technology. A 30-day public comment period on the proposed rulemaking closed September 29, 2003. The Radiation Protection Advisory Committee (RPAC) reviewed the draft final amendments.	Ray Urciuolo 717-783-5922

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Microbial and Disinfection Byproducts (M/DBP) Corrective Amendments Safe Drinking Water Act	April 2004 as final	This rulemaking amends Pennsylvania's Interim Enhanced Surface Water Treatment Rule and Disinfectants and Disinfection Byproducts Rule, which were promulgated on July 21, 2001, to reflect federal corrective amendments that became effective January 16, 2001. These amendments reconcile the differences between Chapter 109 and the federal regulations and change some provisions that are now less stringent in the federal regulations, clarify and expand other provisions, and add key provisions that EPA requires for primacy. Such provisions include turbidity reporting requirements for alternative filtration technologies, increased monitoring for small groundwater systems exceeding certain disinfection byproduct (DBP) levels, and miscellaneous considerations for determining DBP sampling locations. WRAC and TAC reviewed the draft final amendments.	Rod Nesmith 717-783-9719
Chapters 301—305—Operator Certification Regulations Water and Wastewater Systems Operators' Certification Act	April 2004 as proposed	This proposal will revise or eliminate Chapters 301, 303 and 305 (the State Board for Certification of Sewage Treatment Plant and Waterworks Operators) to implement the provisions of Act 11 of 2002, the Water and Wastewater Systems Operators' Certification Act. The Act restructures the testing and training program for operators and enhances security provisions for all water and wastewater treatment systems in PA. The proposal will outline the administrative procedures and standards for implementing the new statutory requirements. The Certification Program Advisory Committee, the State Board for Certification of Water and Wastewater Systems Operators, and the Small Water Systems TAC are reviewing the draft regulations.	Veronica Kasi 717-772-4053
Chapter 121, 129 and 145 Small NOx, Stationary Internal Combustion Engines and Cement Kilns Air Pollution Control Act	May 2004 as final	This rulemaking establishes a program to limit NOx emissions from smaller boilers, turbines and stationary internal combustion engines in the southeast portion of Pennsylvania. These controls are needed to attain and maintain the health-based one-hour ozone standard. In addition, the rulemaking will establish control requirements on a statewide basis for large stationary internal combustion engines and cement kilns. These controls are needed to meet the Commonwealth's remaining obligation to reduce ozone transport throughout the eastern United States, which is necessary for attainment and maintenance of both the 1-hour and 8-hour ozone standards. A 60-day public comment period on the proposed rulemaking closed December 26, 2002. Three public hearings were held in November 2002. As a result of the changes being proposed, the Department published an Advance Notice of Final Rulemaking (ANFR) in the <i>Pennsylvania Bulletin</i> on December 20, 2003. The 30-day comment period for the ANFR expired January 19, 2004. AQTAC reviewed the ANFR and will review the draft final-form regulations.	James Stoner 717-772-3921

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites Surface Mine Conservation and Reclamation Act	May 2004 as proposed	The proposal will amend Section 86.17(e) by deleting the requirement that surface coal mine operators pay a \$100-per-acre fee. The rulemaking also proposes to delete Section 86.283(c), which waives the reclamation fee on remaining areas for those operators participating in the remaining financial guarantees program. In addition, the proposal will address federal Office of Surface Mining (OSM) primacy conditions in 30 CFR 938.16 (MM)—(qq) by revising Sections 86.187, 86.189, and 86.190, relating to bond forfeiture. The MRAB reviewed a draft of the proposed rulemaking.	Mick McCommons 717-783-9888
Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act	June 2004 as proposed	With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997. The amendments have been identified through implementation of the program over the past five years. In addition, a general review of Chapter 245—which is necessary to obtain state program authorization for the underground storage tank program from the U. S. EPA—occurred in 2002, and this review identified other potential revisions. The Storage Tank Advisory Committee (STAC) is reviewing the draft amendments.	Ray Powers 717-772-5809
Triennial Review of Water Quality Standards Clean Streams Law	July 2004 as final	This rulemaking includes amendments to Chapter 93 to correct errors, update stream listings, and amend the dissolved oxygen (DO) criteria in some lakes. EPA regulations require the triennial review of states' water quality standards regulations. The previous triennial review was completed when EPA approved the state's regulations in August 2001. A 60-day public comment period on the proposed rulemaking closed December 17, 2003. Public hearings were held in Mars and Moosic, Pa. WRAC will review the draft final amendments.	Carol Young 717-783-2952
Laboratory Accreditation Regulations Environmental Laboratory Accreditation Act	July 2004 as proposed	Authorized by Act 90 of 2002 (The Environmental Laboratory Accreditation Act), this proposal will establish standards for laboratories and set forth requirements laboratories must meet to be accredited. The regulations will include requirements for laboratory supervisors and staff, management structure, equipment, quality assurance and quality control procedures, record-keeping procedures and analytical procedures. The Laboratory Accreditation Advisory Committee, established by the Act, is reviewing the draft regulations.	Richard Sheibley 717-705-2425

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapters 86 & 89—Bond Adjustment and Bituminous Mine Subsidence Control and Standards Surface Mining Control and Reclamation Act	August 2004 as final	This rulemaking amends Section 86.152(a) to require DEP to request additional bonds if changes to mining or reclamation activities cause the cost of reclamation to increase. The rulemaking also amends Chapter 89 provisions dealing with subsidence control plans, subsidence control performance standards, relief from responsibility for subsidence damage, water supply replacement performance standards, and procedures for resolving both subsidence damage claims and water supply damage claims. These amendments are proposed as a result of a series of negotiation meetings with OSM in order for DEP to maintain primacy for the coal mining regulatory program. The MRAB reviewed the Chapter 86 amendments since only they pertain to surface mining.	Harold Miller 717-787-3174
Chapter 109—General Update Safe Drinking Water Act	August 2004 as proposed	This general update will revise several sections in Chapter 109. Some sections will be amended to retain or obtain primacy, including monitoring/reporting requirements for lead, copper, inorganic chemicals, volatile synthetic organic chemicals, and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for on-line instrumentation; monitoring/reporting requirements for disinfectants and disinfection byproducts; requirements regarding the practice of engineering, land surveying and geology; reporting requirements for failure to monitor; and comprehensive monitoring plan requirements. WRAC and TAC will review the draft amendments.	Lisa Daniels 717-772-2189
Chapter 250—Land Recycling Program Amendments Land Recycling and Environmental Remediation Standards Act	April 2005 as proposed	The proposed amendments will revise several aspects of the existing Chapter 250 regulations based upon updated scientific information. The amendments will also serve to clarify the existing regulations. Collectively, the revised regulations will provide additional direction to those undertaking the cleanup of a contaminated site and the cleanup standards they must meet. The Cleanup Standards Scientific Advisory Board (CSSAB) will review the draft amendments.	Dave Hess 717-783-9480
New Source Review Air Pollution Control Act	Contingent on outcome of pending litigation and EPA action	The Department's existing new source review (NSR) regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits (ERCs). EPA promulgated NSR regulations on December 31, 2002, and October 27, 2003. However, a number of parties, including PADEP, have filed suit against EPA challenging the promulgation of these regulations. On December 24, 2003, the U. S. Court of Appeals for the D. C. Circuit "stayed" the "routine maintenance, repair and replacement" provisions and ordered an expedited review of the case. In light of the legal challenges to the federal NSR rules, the Department plans to delay proceeding with revisions to the existing NSR regulations until the pending litigation with EPA is resolved. However, conceptual approaches will be discussed with the AQTAC prior to developing regulatory amendments or an equivalency demonstration.	Terry Black 717-787-2030

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 85—Bluff Recession and Setback Amendments Bluff Recession and Setback Act	April 2004 as proposed	A proposal is being developed to update Chapter 85 based on a recently completed bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County, in March 2000. The petition requested the Department to clarify bluff recession hazard areas in Millcreek Township. Requirements in § 85.13 will be followed to provide municipal notification of any changes that are proposed. The proposal will also include housekeeping changes as Chapter 85 was last updated in the 1980s.	Andrew Zemba 717-772-5633
Stream Redesignations—Brushy Meadow Creek, et al. Clean Steams Law	June 2004 as final	This stream redesignation package includes 8 streams or segments that were evaluated for redesignation as Cold Water Fishes (CWF), HQ or EV Waters. Brushy Meadow Creek in Northampton County was evaluated due to a request from DEP's Northeast Regional Office and the Pennsylvania Fish and Boat Commission (PFBC). Crum Creek in Chester and Delaware Counties and Green Lick Run in Fayette County were evaluated as a result of petitions. The Little Juniata River in Blair and Huntingdon Counties and Spring Creek in Dauphin County were evaluated due to a request from DEP's Southcentral Regional Office. Pine Creek in Crawford and Warren Counties was evaluated due to a request from the PFBC. In addition, two streams not currently listed in Chapter 93 were evaluated to determine proper use designations.	Bob Frey 717-783-2959
Chapter 401—Mine Subsidence Fund Amendments Coal and Clay Mine Subsidence Insurance Act	December 2003 as proposed	This proposal is under the purview of the Coal and Clay Mine Subsidence Insurance (MSI) Board. The proposal will amend 25 <i>Pennsylvania Code</i> , Chapter 401 (Mine Subsidence Fund) to clarify terms and provisions and to remove dynamic provisions of the insurance policy, such as coverage limits, premium surcharges and policy durations, that are also contained in the Insuring Agreement of the insurance policy. Removing these specific provisions from regulation facilitates the MSI Board's efforts to provide policyholders with relevant coverage while safeguarding the solvency of the Fund. The MSI Board adopted the proposed rulemaking on December 16, 2003. Publication is anticipated in March 2004 with a 30-day public comment opportunity.	Larry Ruane 717-783-9590
GENERAL SERVICES			
Responsibility 4 Pa. Code, Chapter 60	Spring, 2004, as proposed	This chapter must be amended to conform with the legislative changes required by Act 57 and to provide for uniform Commonwealth agency debarment and suspension procedures.	Paul C. Coppock (717) 772-2749
Instructions to Bidders 4 Pa. Code, Chapter 61	Spring, 2004, as final	This chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Paul C. Coppock (717) 772-2749
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Spring, 2004, as final	This chapter has been superseded and should be repealed because contract conditions should not be set out in regulatory form. There is a need for flexibility that can be of benefit to the Department as well as bidders.	Paul C. Coppock (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Art Commission 4 Pa. Code, Chapter 65	Spring, 2004, as final	The legislation creating the State Art Commission was sunsetted.	Paul C. Coppock (717) 772-2749
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Spring, 2004, as proposed	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Paul C. Coppock (717) 772-2749
Contract Compliance 4 Pa. Code, Chapter 68	Spring, 2004, as proposed	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services.	Paul C. Coppock (717) 772-2749
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Spring, 2004, as proposed	Amendments are required because parking locations have been changed.	Paul C. Coppock (717) 772-2749
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Spring, 2004, as proposed	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Paul C. Coppock (717) 772-2749
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81	Spring, 2004, as proposed	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the <i>Pennsylvania Code</i> .	Paul C. Coppock (717) 772-2749
Metrology Calibration Fees 4 Pa. Code, Chapter 90	Spring, 2004, as proposed	New regulations required to allow Department of General Services to charge fees as authorized by Act No. 1996-155 § 4123 for metrology laboratory calibration, type evaluation and other testing services performed by the Pennsylvania Standards Laboratory.	Paul C. Coppock (717) 772-2749
Service of Process on General Services	Summer, 2004, as proposed	New regulation to require that legal process for suits against DGS be served on Chief Counsel's office.	Paul C. Coppock (717) 772-2749
HEALTH			
Testing Blood and Alcohol Specimens Taken From Persons Who Die as a Result of a Vehicle Accident 28 Pa. Code §§ 29.21 and 29.22	September 2004, as proposed.	The amendments to existing regulations will update testing procedures and make the regulations consistent with the authorizing statute. Pursuant to the section 3749 of the Vehicle Code, 75 Pa.C.S. § 3749, and Reorganization Plan No. 4 of 1981 (71 P. S. § 751-31).	Kenneth E. Brody 717-783-2500
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	December 2004, as final-omitted.	Existing regulations in chapters on health planning (federal program and certificate of need) will be repealed as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500

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Health Facility Licensure—General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 101.1 et seq.	April 2004, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	July 2004, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac 717-783-2500
Public Bathing Place Lifeguard Requirements 28 Pa. Code §§ 18.1 and 18.42	April 2004, as final.	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, amending 35 P. S. §§ 672—680 (the Public Bathing Law).	Stephanie Michel-Segnor 717-783-2500
Bacterial Monitoring of Public Bathing Beaches 28 Code §§ 18.1, 18.28, 18.30 and 18.31	April 2004, as final.	The amendments to existing regulations will extend the level of testing required for coastal beaches on the Great Lakes, pursuant to federal legislation, to all public bathing beaches in Pa. The amendments also add a requirement of public notice of beach closures pursuant to the Public Bathing Law, 35 P. S. §§ 672—680(d).	Stephanie Michel-Segnor 717-783-2500
Out-of-Hospital Do-Not-Resuscitate Orders 28 Pa. Code Chs. 1001, 1003, 1005, 1007 and 1051	February 2004, as final.	The regulations will facilitate implementation of 20 Pa.C.S. Chapter 54A (relating to the Do-Not-Resuscitate Act) by providing standards for the issuance and revocation of out-of-hospital DNR orders and compliance with those orders. Interim regulations were promulgated on 12/14/02.	Kenneth E. Brody 717-783-2500
Newborn Hearing Screening—Reporting and Early Intervention Referral	July 2004, as proposed.	The regulations will facilitate implementation of 11 P. S. § 876-6 (relating to reporting and early intervention referral) by transforming temporary guidelines for a reporting and early intervention referral system into regulatory standards.	Crystal Fox 717-783-2500
Head Injury Program	July 2004, as proposed.	The amendments to existing regulations will address client enrollment and provider issues.	Crystal Fox 717-783-2500
Drug, Device and Cosmetic Program 28 Pa. Code § 25.72	April 2004, as final.	The amendments will add drugs to the list of controlled substances and reschedule others.	Keith B. Fickel 717-783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			
INFRASTRUCTURE INVESTMENT AUTHORITY			
25 Pa. Code §§ 963.12(a)(6) and (7), 963.13(b)(2), 963.15(a), and 25 Pa. Code § 965.4(9).	Summer/Fall 2004	PENNVEST recommends the following revisions: (1). Delete Sections 963.12(a)(6) and the second sentence of Section 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq. While PENNVEST has always construed these costs to be encompassed with in the statutory definition of "eligible cost" (35 P. S. § 751.3), the agency chose as a matter of policy not to fund this planning process because the Pennsylvania Department of Environmental Protection already provided grant funds for 50% of these costs. PENNVEST is revising its policy because the	

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		<p>agency is concerned that, in some instances, needed projects are unable to move forward in a timely manner due to a lack of funds to conduct this necessary planning. PENNVEST, therefore, is removing the impediment to funding imposed by the above regulatory provisions. (2). Delete 25 PA Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. While PENNVEST has historically allowed these costs for public facilities provided the profits were used to reduce system user costs it has not allowed financial assistance for such processes for private facilities. PENNVEST is revising its policy because it wants to support recycling and other innovative wastewater projects and the current policy has the potential to stifle such projects. In order to further these objectives, PENNVEST is removing the impediment to funding imposed by the above regulatory provision. (3). Amend 25 Pa. Code § 963.15(a) by revising the first sentence to read in its entirety: "The term of the loans shall normally be twenty years beginning on the date construction is completed or three years from of the date of loan closing, whichever occurs first." This amendment provides a level loan repayment and a defined term at loan closing (normally twenty years). Under the old policy the loan term was determined sometime in the future after construction closed out. Consequently, under the old policy a Borrower with a project that took two years to construct would have had only eighteen years to repay the loan. Under the new policy the repayment term would be twenty years plus two years of interest only payments to provide for construction. (4). Amend 25 Pa. Code § 965.4(9) to place a period after the word "Board" and delete the remainder of the sentence. This amendment allows those costs associated with the acquisition of land under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to be financed by PENNVEST. This change is necessary to reflect a shift in policy by the Environmental Protection Agency and the desire of PENNVEST to take advantage of the policy shift to finance such costs.</p>	Jayne B. Blake (717)-783-6776
<i>INSURANCE</i>			
Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1—37.84	Spring/Summer 2004, as proposed	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replaced with new regulation consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Cancellations and Refusal to Renew Homeowners Insurance, 31 Pa. Code, Chapter 59, §§ 59.1—59.13	Fall 2004, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

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Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies, 31 Pa. Code, Chapter 61, §§ 61.1—61.14	Fall 2004, as proposed.	Modify regulation consistent with the statute (40 P. S. §§ 1008.1 et seq.). The regulations provide guidance to automobile insurers relating to cancellations and nonrenewals of certain automobile insurance policies, and the available administrative process to secure an administrative review of such terminations.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14	Fall 2004, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28	Fall 2004, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—9	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1—91	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1—57	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annuity Disclosure, (NEW Chapter 83a)	Summer 2004, as final.	A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be use with the selling of annuities.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Senior Protection in Annuity Transactions (New Chapter)	Winter/Spring 2004, as proposed.	New regulation setting forth standards and procedures for recommendation to senior consumers involving annuity transactions.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Variable Annuity & Accumulation Contracts, 31 Pa. Code, Chapter 85, §§ 85.1—85.40	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

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Life Insurance Illustrations (New Chapter 87a)	Winter 2004, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Fall 2004, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Spring 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Fall 2004, as proposed	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Standards for Safeguarding Customer Information, NEW 31 Pa. Code, Chapter 146c, 146c.1—146c.11	Winter/Spring 2004, as final.	NEW. This implements the third part of the NAIC model privacy regulation with respect to safeguarding customer information.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annual Audited Insurers' Financial Report Required, 31 Pa. Code, Chapter 147	Winter/Spring 2004, as proposed.	Amend to prohibit a person or firm from being recognized as a qualified independent certified public accountant if the person or firm has entered into an agreement of indemnity or release from liability with respect to an audit of an insurer.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

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Continuing Care Providers, 31 Pa. Code, Chapter 151, § 151.7	Winter/Spring 2004, as proposed.	Amend one section in conjunction with Chapter 147 in order for the regulations to be consistent.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers, 31 Pa. Code, Chapter 163 §§ 163.1—163.20	Fall 2004, as proposed	Amend to update provisions relating to trust agreements and letters of credit.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Medical Catastrophe Loss Fund, 31 Pa. Code, Chapter 242 §§ 242.1—242.18	Spring 2004, as proposed.	Amend the regulation to be consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Health Maintenance Organizations, 31 Pa. Code, Chapters 301, §§ 301.1—301.126	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Premium Finance Companies (NEW chapter)	Summer 2004, as proposed.	New regulation addressing issues pertaining to Premium Finance Companies.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Viatical Regulations (NEW chapter)	Fall 2004, as proposed.	New regulation addressing issues pertaining to the Licensing of Viatical Brokers.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
LABOR AND INDUSTRY			
Underground Storage Facilities, Title 34, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Winter 2003.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	Edward Leister 717-787-3323
Dry Cleaning, Title 34, Bureau of Occupational and Industrial Safety	Addressed through Act 45 regulations. (See Act 45 regulations).	Dry Cleaning Law, Act of December 19, 1990, P. L. 1327, No. 214, 35 P. S. § 1270.1 et seq. This proposal will regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister 717-787-3323
Elevators and Lifting Devices, Title 34, Bureau of Occupational and Industrial Safety	Addressed through Act 45 regulations. (See Act 45 regulations).	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards.	Edward Leister 717-787-3323
Uniform Construction Code (UCC) regulations. Act 45 of 1999, Title 34, Chaps. 401—405. Bureau of Occupational and Industrial Safety	IRRC approved final-form regulation on November 20, 2003. Anticipate publication in January 2004.	Act 45 of 1999, providing for a uniform statewide building code, requires department to promulgate regulations. The regulation will provide for administration and enforcement of statewide building code. Because this measure in effect repealed the Dry Cleaning Law, Elevator Law and Fire & Panic Act, the regulations under each (including those for Personal Care Homes), will be addressed through Act 45 regulations.	Jon Balson 717-787-3323

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Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety.	Submit final-omitted regulation in Winter 2004.	Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.	Edward Leister 717-787-3323
Boiler requirements, Title 34. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Winter 2004.	The regulations will update requirements for boilers and unfired pressure vessels in accordance with the Boiler and Unfired Pressure Vessel Law.	Edward Leister 717-787-3323
Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Winter 2004.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister 717-787-3323
Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services	Submit proposed rulemaking in Spring 2004.	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	Mark Frankel 717-787-3667
Prevailing Wage Appeals Board (PWAB), Title 34, Chap 213.	Submit proposed rulemaking expected in Summer 2004.	PWAB will amend its regulations to reduce paperwork requirements and improve/streamline procedures.	Richard C. Lengler 717-783-9288
Flammable and Combustible Liquids, Title 37, Chap. 13. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Spring 2004.	Amendment to Flammable and Combustible Liquids regulation setting standards for unattended self-service gasoline dispensing. National Fire Protection Association standards will be incorporated.	Doug McAdam 717- 787-4713
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits	Submit proposed rulemaking in Spring 2004.	Update requirements and procedures for filing benefit and claim applications.	Jeri Morris 717-787-3667
Bureau of Workers' Compensation Title 34, Chapter 121	Submit proposed rulemaking in Spring 2004.	Updating regulations concerning processing of claims forms/petitions to reflect changes in law and technology.	Nathaniel Holmes 717-772-0621
Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment	Submit proposed rulemaking in Winter 2004.	Update processes governing medical care and costs under the Workers' Compensation Act.	Eileen Wunsch 717-772-1912
Bureau of Workers' Compensation, Title 34, Chapter 123	Submit proposed rulemaking Spring 2004.	Update procedures for qualifications of vocational experts to reflect passage of Act 88 (if needed).	Jack Kupchinsky 717-783-5241
MILITARY AND VETERANS AFFAIRS			
State Veterans Home 43 Pa. Code Section 7.1 et seq	October 2003, as proposed.	This regulation is necessary to update current regulations to make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Eclenus Wright, Jr. 717-861-8503

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PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
See Public School Employees' Retirement System.			
PROBATION AND PAROLE			
The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5(13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	The proposed regulation will be published in the Pa. Bulletin in the spring of 2004.	The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of proposed regulations by March 2004 for publication in the PA Bulletin.	Chester Cope 717-772-4185
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
22 Pa. Code Chapter 215	Publication anticipated within 2-3 months	This proposal is being made to amend 22 Pa. Code, Chapter 215 and would delete the transitional provisions for electing to participate in an optional alternate retirement plan contained in § 215.36. The provision is no longer needed, and may conflict with current Retirement Code provisions.	Frank Ryder (717) 720-4733
PUBLIC WELFARE			
Personal Care Homes 55 Pa. Code Chapters 2600, 2620	May 2004, as final	This regulation strengthens health and safety requirements for personal care homes.	Ruth O'Brien (717) 783-2800
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	July 2004, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800
Subsidized Child Day Care Eligibility 55 Pa. Code Chapter 3040	April 2004, as proposed	This regulation clarifies and revises the eligibility requirements for child day care subsidy.	Ruth O'Brien (717) 783-2800
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	December 2004, as proposed	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800

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Workfare/Community Service 55 Pa. Code Chapters 166, 275	January 2005, as proposed	This regulation clarifies who may be assigned and the priority and factors to be considered in making Workfare program assignments. The regulation also defines responsibilities of county assistance offices and project operators regarding participation expenses and program requirements and provides for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation. This regulation will be reviewed by representatives of community legal services agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Real Property Liens 55 Pa. Code Chapters 101, 121, 177, 183, 257, 297	September 2004, as proposed	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257 (relating to Reimbursement). Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Criminal History* 55 Pa. Code Chapters 125, 133, 141	January 2005, as proposed	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Support Rights 55 Pa. Code Chapter 187	December 2004, as proposed	This regulation will require Medical Assistance applicants recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	September 2004, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800

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Family Violence Option 55 Pa. Code Chapter 187	January 2005, as proposed	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Increases in Payment for Burial and/or Cremation* 55 Pa. Code Chapter 285	June 2004, as proposed	This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance for Workers with Disabilities 55 Pa. Code Chapter 140	August 2004, as proposed	This regulation provides Medicaid benefits to Workers with Disabilities (MAWD) who would otherwise not be eligible, effective January 1, 2002. The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) gave states the option of providing categorically needy Non-Money Payment Medicaid benefits to workers with disabilities who have higher incomes and resources than the current Medicaid standards. Pennsylvania exercised this option by passing Act 2001-77 of June 26, 2001 (P. L. 755), also known as the Tobacco Settlement Act, which establishes MAWD. MAWD is intended to provide individuals with disabilities the opportunity to enter and remain in the workforce while receiving Medicaid coverage. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, disability advocacy organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140	August 2004, as proposed	This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides Medical Assistance for women who have breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department	

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		of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, professional medical organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Semi-annual Budgeting 55 Pa. Code Chapters 142, 168, 175, and 183	December 2004, as proposed	This regulation will change the manner of reporting and adjusting earned income for employed clients. Reporting of earned income will be required for specific periods within six-month intervals. Benefits will be adjusted on a post-adjustment basis so that income reported for period A will affect benefits received in period B, etc. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	June 2004, as proposed	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Time Out Benefits 55 Pa. Code Chapter 281	July 2004, as final	The current regulation sunsets July 1, 2004. The Department plans to readopt the existing regulation to allow continuation of the Time Out program which benefits cash assistance recipients by allowing them to "stop the clock" for purposes of applying the 60-month limitation for the receipt of benefits under the Temporary Assistance to Needy Families (TANF) program	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT)* 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	December 2005, as final omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services* 55 Pa. Code Chapter 1239	January 2005, as final omitted	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
OMNIBUS MA * 55 Pa. Code Chapters 1101, 1121, 1149	December 2005, as final omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy* 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	June 2004, as final omitted	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee in 2001.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services* 55 Pa. Code Chapters 1157, 1165	July 2005, as proposed	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee on 3/28/02. The Department received comments from 6 agencies. These comments are currently under review by the Department.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife* 55 Pa. Code Chapter 1141	December 2004, as final omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Discontinuance of the Mandatory Second Opinion Program* 55 Pa. Code Chapter 1150	June 2005, as final omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2005, as proposed	This regulation takes the policy as set forth in the Statement of Policy published at 27 Pa.B. 6238 (November 29, 1997) and promulgates it into the regulations. This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
New Definition of "Emergency Medical Condition" * 55 Pa. Code Chapters 1101, 1141, 1150, 1221	July 2004, as final omitted	This final regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	December 2004, as proposed	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	June 2004, as final omitted	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	June 2004, as final omitted	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Preadmission Requirements for Nursing Facility Services (Mandatory 12 month spend-down) 55 Pa. Code Chapter 1187	July 2004, as proposed	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Penile Prosthesis 55 Pa. Code Chapters 1141, 1163,	December 2004, as proposed	This regulation revises the current § 1141.59(8) non-compensable services and § 1163.59(a)(4) noncompensable services, items and outliers days.	Ruth O'Brien (717) 783-2800
Pharmaceutical Services 55 Pa. Code Chapter 1121	June 2004, as final	This regulation revises the rates paid by the Department to pharmacy providers governing payment for and dispensing of brand-name prescription drugs under the fee for service component of the Medical Assistance Program.	Ruth O'Brien (717) 783-2800
Extension of County Transition Payments and Double Disproportionate Share 55 Pa. Code Chapter 1187	July 2004, as final omitted	This regulation will extend the county nursing facility transition rates for the period July 1, 2003, through June 30, 2008, and will increase the disproportionate share incentive payments to qualified nursing facilities for the period July 1, 2003 through June 30, 2007. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code Chapter 1187 § 1187.111(c). This regulation will be reviewed by the Medical Assistance Advisory Committee. These changes are made in accordance with the Intergovernmental Transfer Agreements.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
MA Day of Care 55 Pa. Code Chapter 1187	June 2004, as proposed	The regulation will revise the definition of an MA day of care to include days of care for which an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in a nursing facility and days of care for which the resident and an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in the nursing facility. In addition, the regulation will further expand the definition of an MA day of care to include days of care for which the Department makes payment for MA residents receiving hospice services in a nursing facility.	Ruth O'Brien (717) 783-2800
Medical Assistance Provider Appeal Procedures 55 Pa. Code Chapter 31	July 2004, as proposed	This regulation implements 67 Pa.C.S. 1106 which provides that the Department's Bureau of Hearings and Appeals, in consultation with an advisory committee, will promulgate regulations establishing rules of procedure governing Medical Assistance Provider appeals.	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	July 2005, as proposed	Section 1902(a)(25) of the Social Security Act (42 U. S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to insure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U. S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language.	Ruth O'Brien (717) 783-2800
REVENUE			
Construction Contractors 61 Pa. Code, Article II	June 2004, as proposed.	The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities.	Douglas Berguson 717-346-4633
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	June 2004, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas Berguson 717-346-4633
Prebuilt Housing	April 2004, as proposed.	The regulation codifies legislative changes relating to prebuilt housing that were set forth in Act 23-2000 (72 P. S. §§ 7201(g)(8), (vv)—(zz), 7202(f) and 7204(60)).	Douglas Berguson 717-346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	June 2004, as proposed.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas Berguson 717-346-4633
Small Games of Chance Amendments 61 Pa. Code, Part VII	June 2004, as proposed.	The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance.	Douglas Berguson 717-346-4633
Support Offset and Other Personal Income Tax Provisions	June 2004, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas Berguson 717-346-4633
SECURITIES COMMISSION			
Rule 144A exchange transactions 64 Pa. Code § 203.203	Proposed Rulemaking May 2004	The Commission plans to propose a regulation to exempt from registration certain transactions in Rule 144A securities with certain accredited investors.	G. Philip Rutledge (717) 783-5130
Investment adviser registration procedures 64 Pa. Code § 303.012	Proposed Rulemaking May 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Investment adviser capital requirements 64 Pa. Code § 303.042	Proposed Rulemaking May 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Investment adviser required records 64 Pa. Code § 304.012	Proposed Rulemaking May 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Investment adviser required financial reports 64 Pa. Code § 304.022	Proposed Rulemaking May 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Dishonest and unethical practices 64 Pa. Code § 305.019	Proposed Rulemaking May 2004	The Commission plans to amend this regulation to include those practices which, in the context of investment adviser custody of client funds or securities, would be deemed to be dishonest or unethical.	G. Philip Rutledge (717) 783-5130
Investment adviser custody or possession of funds or securities of clients 64 Pa. Code § 404.013	Proposed Rulemaking May 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE			
State Board of Accountancy —General Revisions— 49 Pa. Code, Chapter 11. (16A-559)	Spring 2004, as Proposed.	The regulation would clarify certain issues related to the enforcement of the C.P.A. Law; make requirements consistent with the language of the C.P.A. Law; repeal outdated and unnecessary requirements; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.	Dorna Thorpe (717) 783-1404
—CPA Examination— 49 Pa. Code, Chapter 11. (16A-5510)	Spring 2004, as Final (Proposed-Omitted)	This proposed regulation would revise examination requirements as needed to implement the new computer-based C.P.A. examination and would repeal unnecessary requirements related to the administration of the examination. Statutory Authority: Section 3 of the CPA Law, 63 P. S. § 9.3.	
—Schedule of Civil Penalties— 49 Pa. Code § 43b.10a (16-32)	Spring 2004, as Proposed	This proposed regulation amends the schedule of Act 48 civil penalties for violations of the C.P.A. law and the Board's regulations to correct a technical error in the authority cited for two violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Architects Licensure Board —Definition of Sole Proprietorship and Clarification of Renewal Fee for Firms— 49 Pa. Code §§ 9.2 and 9.3 (16A-418)	Spring 2004, as Proposed.	This regulation is needed to clarify which types of firm practice are subject to the annual fee for registered architecture firms. Statutory Authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a).	Dorna Thorpe (717) 783-3397
—Schedule of Civil Penalties— 49 Pa. Code § 43b.21. (16-32)	Spring 2004, as Proposed	This regulation would amend the schedule of Act 48 civil penalties for violations of the Architects Licensure Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Athletic Commission —Communicable Disease Testing—58 Pa. Code §§ 1.1 and 28.1 (16-34)	Spring 2004, as Proposed	This regulation would expand the Commission's current regulations that authorize the testing of boxers for HIV to permit testing for other communicable diseases, including Hepatitis C. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501.	Greg Sirb (717) 787-5720
State Board of Auctioneer Examiners —Deletion of Reference to Examination Fees—49 Pa. Code § 1.41. (16A-647)	Summer 2004, as Final.	The regulation would delete references to examination fees. Statutory Authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a).	Tammy Radel (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Barber Examiners —Deletion of Examination Fees— 49 Pa. Code, Chapter 3. (16A-425)</p> <p>—Ten chair schools— 49 Pa. Code § 3.82 (16A-426)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.4 (16-32)</p>	<p>Spring 2004, as Final.</p> <p>Summer 2004, as Final.</p> <p>Spring 2004, as Proposed</p>	<p>The regulation would delete references to the licensing examination fees. Statutory Authority: Section 14 of the Barber's Licensing Law, 63 P. S. § 564.</p> <p>The regulation would reduce the minimum number of barber chairs and desks and the minimum square footage requirements for barber schools and eliminate the requirement of two inspections for new barber schools. Statutory Authority: Section 15-A.4(b) of the Barbers' Licensing Law, 63 P. S. § 566.4(b).</p> <p>This regulation would amend the schedule of Act 48 civil penalties for violations of the Barbers' Licensing Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Sara Sulpizio (717) 783-3402</p>
<p>State Board of Chiropractic —Chiropractic specialties— 49 Pa. Code Ch. 5 (16A-4312)</p> <p>—Patient records— 49 Pa. Code § 5.51 (16A-4313)</p> <p>—Volunteer license— 49 Pa. Code § 5.20 (number not yet assigned)</p>	<p>Spring 2004, as Proposed.</p> <p>Summer 2004, as Proposed.</p> <p>Spring 2004, as Proposed.</p>	<p>The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This regulation is required by the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.</p>	<p>Deborah Smith (717) 783-7155</p>
<p>Commissioner, BPOA —Schedule of Civil Penalties— 49 Pa. Code §§ 43b.4; 43b.8; 43b.9; 43b.10a and 43b.11a (16-32)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code §§ 43b.15; 43b.16; 43b.17; 43b.18; 43b.19 and 43b.20 (16-29)</p>	<p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Statement of Policy</p>	<p>The regulation would amend the schedules of civil penalties for the State Board of Barber Examiners; State Real Estate Commission; State Board of Vehicle Manufacturers, Dealers and Salespersons; State Board of Accountancy; and State Architects Licensure Board that were previously codified as regulations under Act 48 of 1993. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> <p>This Statement of Policy would establish Act 48 Civil Penalty Schedules for six additional boards (State Board of Certified Real Estate Appraisers; State Board of Examiners in Speech-Language and Hearing; State Board of Examiners of Nursing Home Administrators; State Board of Nursing; State Board of Occupational Therapy Education and Licensure; and State Board of Medicine). Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Cynthia K. Montgomery (717) 783-7200</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Commissions, Elections & Legislation—Fees for Notary Services—(16-33)	Spring 2004, as Proposed.	This regulation would increase the fees that notaries are permitted to charge for their services. An increase has not occurred since February 1984. Statutory Authority: Sections 21 and 22.3 of the Notary Public Law, 57 P. S. §§ 167 and 168.3.	Nancy Chavez (717) 787-5280
Corporations Bureau—UCC Revised Article 9—(16-35)	Spring 2004, as Proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Christal Pike-Nase (717) 787-6802
State Board of Cosmetology—Sanitation/Disinfection—49 Pa. Code §§ 7.90—7.101 (16A-454)	Spring 2004, as Final.	The proposed regulation would update the Board's sanitation and disinfection requirements for manicuring, cosmetician and cosmetology shops and schools. Statutory Authority: Sections 11 and 14 of the Beauty Culture Law, 63 P. S. §§ 517 and 520.	Sara Sulpizio (717) 783-7130
—General Revisions—49 Pa. Code §§ 7.1—7.142. (16A-459) (Includes previous 16A-457)	Fall 2004, as Proposed.	The Board plans a comprehensive amendment to Chapter 7 to bring existing regulations up-to-date and to clarify requirements for sanitation and the provisions of advanced aesthetic services. Statutory Authority: Section 11 of the Beauty Culture Law, 63 P. S. § 517.	
State Board of Dentistry—Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia—49 Pa. Code §§ 33.331—33.344. (number not yet assigned)	Spring 2004, as Proposed.	This regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and the enactment of Act 135 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o) and Section 2 of Act 135 of 2002.	Lisa Burns (717) 783-7162
—Sexual Misconduct—49 Pa. Code, Chapter 33. (16A-4613)	Fall 2004, as Final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
—Expanded Function Dental Assistants—49 Pa. Code § 33.103. (16A-4612)	Spring 2004, as Final.	This regulation would eliminate the clinical examination component with respect to expanded function dental assistants. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
—Volunteer license—49 Pa. Code § 33.110 (number not yet assigned)	Spring 2004, as Proposed	This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Funeral Directors —Unprofessional Conduct— 49 Pa. Code § 13.201, 202. (16A-483)	Spring 2004, as Proposed.	The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	Michelle Smey (717) 783-3397
—Advertising— 49 Pa. Code §§ 13.191 to 13.196 (16A-484)	Spring 2004, as Proposed.	These amendments would update the Board's regulations related to advertising. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Application— 49 Pa. Code, Chap. 13 (16A-485)	Spring 2004, as Proposed.	This regulation revises the procedures for applying for licensure as a funeral establishment. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Facility— 49 Pa. Code, Ch. 13 (16A-486)	Spring 2004, as Proposed.	The amendments would update facility requirements for funeral establishments. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Qualifications— 49 Pa. Code, Ch. 13 (16A-487) State Board of Funeral Directors (cont'd)	Spring 2004, as Proposed.	The amendments would update qualifications for licensure. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Supervisor— 49 Pa. Code, Chap. 13 (16A-488)	Spring 2004, as Proposed.	This regulation amends the procedures for licensure as a supervisor and clarifies the responsibilities of a funeral supervisor. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
—Continuing Education— 49 Pa. Code, Ch. 13 (16A-489)	Fall 2004, as Final.	This regulation is being promulgated to comply with the requirement of Act 48 of 2000 that the Board adopt regulations to implement continuing education, as now required by Section 10(b) of the Funeral Director Law. Statutory Authority: 63 P. S. § 479.10(b).	
—Limited License— 49 Pa. Code §§ 13.1, 13.12, and 13.77 (16A-4810)	Spring 2004, as Proposed.	This regulation is being promulgated to implement the provisions of Act 48 of 2000 that authorized the Board to enter into agreements with other states to issue limited licenses to funeral directors from other states. Statutory Authority: Section 9(c) of the Funeral Director Law, 63 P. S. § 479.9(c).	
—Forms Review— 49 Pa. Code §§ 13.204 and 13.244 (16A-4813)	Spring 2004, as Proposed.	This regulation would delete the requirement that form statements of funeral goods and services and preneed contracts be reviewed and approved by the Board. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
State Board of Landscape Architects —Deletion of Reference to Examination Fees—49 Pa. Code § 15.12. (16A-617)	Fall 2004, as Final.	The regulation would delete references to examination fees. Statutory Authority: Section 4(2) of the Landscape Architects' Registration Law, 63 P. S. § 904(2).	Shirley Klinger (717) 772-8528
—General Revisions— 49 Pa. Code, Chapter 15. (16A-618)	Spring 2004, as Proposed.	The regulation would entail general revisions of the Board's current regulations. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine —Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-4914)	Fall 2004, as Final.	This regulation would implement the act of March 20, 2002 (P. L. __, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations establishing CME requirements for physicians, including training in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	Joanne Troutman (717) 783-1400
—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-4915)	Spring 2004, as Proposed	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.	
—Licensure of Medical Doctors— 49 Pa. Code §§ 17.1(b), 17.2(c) and 17.5(c)(2) (16A-4917)	Spring 2004, as Proposed.	This regulation would delete the requirements that graduates of foreign medical schools demonstrate 32 months and 4000 hours of instruction and 72 weeks of clinical instruction. It would also amend the regulation pertaining to licensure by endorsement to prove the Board greater discretion in assessing the qualifications of physicians who have extensive practice experience. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
—Disciplinary Procedures— 49 Pa. Code, Chapter 16, Subchapter E. (16A-4918)	Spring 2004, as Proposed	This regulation would amend the Board's disciplinary procedures regulations to codify existing practices and to assure that in light of the passage of the MCARE Act, the procedures suggested by the Health Care Services Malpractice Act survive. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9.	
—Physician's Assistants— 49 Pa. Code, Chapter 18, Subchapter D (number not yet assigned)	Spring 2004, as Proposed.	This regulation amends the Board's regulations pertaining to physician assistants. Statutory Authority: Section 13 of the Medical Practice Act of 1985, 63 P. S. § 422.1.	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Spring 2004, as Proposed.	This statement of policy would establish a schedule of Act 48 civil penalties for failure to report under the MCARE Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a); Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8; and Section 903(1) of the Mcare Act, 40 P. S. § 1303.903(1).	
—Volunteer License— 49 Pa. Code § 16.18 (number not yet assigned)	Spring 2004, as Proposed.	This regulation is required to amend the current regulations regarding volunteer licenses to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing —Conscious Sedation— 49 Pa. Code § 21.14. (16A-5114)	Spring 2004, as Proposed.	This regulation would embody the statement of policy on conscious sedation at 49 Pa. Code § 21.413(d). Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Ann Steffanic (717) 783-7142
—CRNP Program Approval— 49 Pa. Code §§ 21.260—278, 286-289. (16A-5119)	Spring 2004, as Proposed.	This regulation would establish requirements for CRNP education programs approved by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Update of CRNP Prescriptive Authority Fees— 49 Pa. Code § 21.253. (16A-5116)	Spring 2004, as Final.	This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2.	
—CRNP Continuing Education— 49 Pa. Code § 21.253. (16A-5117)	Spring 2004, as Final	This regulation pertains to continuing education requirements associated with Certified Registered Nurse Practitioners. Statutory Authority: Sections 2.1(k) and 8.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 218.1.	
—Programs in Transition— 49 Pa. Code § 21.51 (16A-5118)	Spring 2004, as Proposed.	This regulation sets requirements for hospital-based registered nurse diploma education programs to transition to degree-granting status under the authority of a college or university which is pursuing, but has not yet attained, regional accreditation. Statutory Authority: Section 2.1(k) and Section 6 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 216.	
—Licensed Dietitian—Nutritionist Regulations— 49 Pa. Code §§ 21.701—21.717 (16A-5120)	Spring 2004, as Proposed.	Act 99 of 2002 amended the Professional Nursing Law to include the licensure of dietitian-nutritionists. These regulations implement those amendments. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Temporary Practice Permits— 49 Pa. Code §§ 21.7 and 21.149 (16A-5121)	Spring 2004, as Proposed.	The regulation provides for temporary practice permits for graduate professional nurses and graduate practical nurses and for currently-licensed professional nurses and practical nurses practicing in other jurisdictions who apply for licensure in this Commonwealth. Statutory Authority: Sections 2.1(k) and 4.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 214.1; and sections 3.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 653.1 and 667.6.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>—LPN/IV Therapy— 49 Pa. Code § 21.145 (16A-5122)</p> <p>—Volunteer License— 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Statement of Policy</p>	<p>This regulation addresses the LPN's role in working with peripherally inserted catheters (PIC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.</p> <p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).</p> <p>The policy statement would establish a schedule of Act 48 civil penalties for violations of the Professional Nursing Law and the Practical Nurse Law. Statutory Authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).</p>	
<p>State Board of Examiners of Nursing Home Administrators —Deletion and Correction of Fees— 49 Pa. Code § 39.72. (16A-628)</p> <p>—Requirements for Admission to Examination— 49 Pa. Code § 39.5. (16A-627)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Fall 2004, as Proposed.</p> <p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Statement of Policy.</p>	<p>This regulation would delete licensing examination fees. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p> <p>This regulation would update and revise the requirements for admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p> <p>This Statement of Policy would establish a schedule of Act 48 civil penalties for violations of the Nursing Home Administrators Licensing Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Christina Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Spring 2004, as Statement of Policy.</p>	<p>The Statement of Policy would establish a schedule of Act 48 of 1993 civil penalties for violations of the Occupational Therapy Practice Act and Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Lisa Burns (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Optometry —General Revisions— 49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528)</p> <p>—Continuing Education— 49 Pa. Code, §§ 23.82, 23.83, 23.87 (16A-529)</p> <p>—Continuing Education, Certification to Treat Glaucoma— 49 Pa. Code §§ 23.82, 23.86, 23.91, and 23.205 (16A-5211)</p> <p>—Volunteer License— 49 Pa. Code § 23.26 (number not yet assigned)</p>	<p>Spring 2004, as Final.</p> <p>Spring 2004, as Final.</p> <p>Spring 2004, as Final.</p> <p>Spring 2004, as Proposed.</p>	<p>The Board is making general revisions to its current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory Authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14).</p> <p>This regulation would amend the continuing education requirements of licensees. Statutory Authority: Section 3(b)(12) and Section 4.1(b) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(b)(12), 244.4a(b).</p> <p>This regulation implements amendments to the Act made by Act 225 of 2002, adds the American Academy of Ophthalmology and its affiliates to the list of pre-approved continuing education providers, and establishes an application procedure and related fee for certification to treat glaucoma. Statutory Authority: 63 P. S. §§ 244.2b and 244.3(b)(12) & (14).</p> <p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).</p>	<p>Deborah Smith (717) 783-7155</p>
<p>State Board of Osteopathic Medicine —Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-5313)</p> <p>—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-5314)</p> <p>—Delegation— 49 Pa. Code, Chap. 16 (16A-5312)</p> <p>—Volunteer License— 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)</p>	<p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Proposed.</p> <p>Summer 2004, as Final.</p> <p>Spring 2004, as Proposed.</p>	<p>This regulation would implement the act of March 20, 2002 (P. L. __, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations requiring osteopathic physicians to complete CME in patient safety and risk management. Statutory Authority: Section 910 of Act 13.</p> <p>This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.</p> <p>This regulation would establish standards for the delegation of osteopathic medical services to qualified personnel. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.</p> <p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.</p>	<p>Gina Bittner (717) 783-4858</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Pharmacy —Technology and Automation— 49 Pa. Code, Chapter 27. (16A-5410)</p> <p>—Drug Therapy and Administration of Injectable Medications, Biologicals and Immunizations— 49 Pa. Code, Chapter 27 (16A-5412)</p>	<p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Proposed.</p>	<p>The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).</p> <p>Section 2 of Act 102 of 2002 requires the Board to adopt regulations establishing the parameters of written agreements or protocols for drug therapy management in institutional settings and to establish education and training standards and practice guidelines under which pharmacists may be authorized to administer injectable medications, biologicals, and immunizations to persons who are more than eighteen years of age. Statutory Authority: Sections 9.1 and 9.2 of the Pharmacy Act, 63 P. S. §§ 390-9.1 and 390-9.2.</p>	<p>Melanie Zimmerman (717) 783-7156</p>
<p>State Board of Physical Therapy —General Revisions—49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24. (16A-659)</p> <p>—Certificate of Authorization to Practice Physical Therapy Without a Referral— 49 Pa. Code Chap. 40 (16A-651)</p>	<p>Spring 2004, as Final.</p> <p>Spring 2004, as Final.</p>	<p>The regulation would correct and revise existing regulations regarding physical therapists. Statutory Authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).</p> <p>This regulation would implement the act of Feb. 21, 2002 (P. L. ___, No. 6) (Act 6), which enables licensees to seek a certificate of authorization to practice physical therapy without a referral from a physician. Statutory Authority: Section 2 of Act 6 of 2002; Section 3 of the Physical Therapy Practice Act, 63 P. S. § 1303.</p>	<p>J. Robert Kline (717) 783-7134</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Podiatry —Professional Liability Insurance— 49 Pa. Code, Chapter 29, §§ 29.52—29.54 (16A-447)	Spring 2004, as Proposed	This regulation would amend the current regulations to eliminate references to the Health Care Services Act and replaces them with references to the Medical Care Availability and Reduction of Error (MCARE) Act. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Gina Bittner (717) 783-4858
—Sexual Misconduct— 49 Pa. Code, Chapter 29 (16A-448)	Spring 2004, as Proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting form a professional relationship. Statutory Authority: Sections 15 and 16(3) of the Podiatry Practice Act, 63 P. S. §§ 42.15 and 42.16(3).	
—Registration and Practice of Acupuncturists— 49 Pa. Code, Chapter 29 (16A-449)	Spring 2004, as Proposed.	This regulation is required to establish the registration fees and regulate the practice of acupuncturists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803	
—Volunteer License— 49 Pa. Code § 29.55 (number not yet assigned)	Spring 2004, as Proposed.	This regulation is required to amend the Board's regulations to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	
State Board of Psychology —Ethics Principles— 49 Pa. Code § 41.61. (16A-6312)	Spring 2004, as Proposed.	This regulation would amend Principles 2(b) and 7(i) of the Board's Code of Ethics. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. 1203.2(2).	Christina Stuckey (717) 783-7155
—Education Requirements— 49 Pa. Code § 41.31 (16A-6313)	Summer 2004, as Proposed.	This regulation would require all doctoral degree programs in psychology and fields related to psychology within North American and the U. S. territories to either be accredited by the APA/CPA or designated by ASPPB. Statutory Authority: Sections 3.2(1) and 6(a)(2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and 1206(a)(2).	
—Notice Requirements— 49 Pa. Code §§ 41.65—41.66 (16A-6314)	Fall 2004, as Final.	This regulation would require licensees to provide notice to the Board of certain criminal convictions and disciplinary actions taken by licensing authorities in other jurisdictions and require licensees who have been suspended or revoked by the Board to notify all current clients/patients of the disciplinary action. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Certified Real Estate Appraisers—General Revisions—49 Pa. Code § 36.51. (16A-7014)</p> <p>—Act 48 of 1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Statement of Policy.</p>	<p>The regulation represents a comprehensive revision of requirements relating to education and experience for initial certification; continuing education for renewal of certification; standards of practice; and supervision of appraisal assistants. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2); and Section 3 of the Assessors Certification Act, 63 P. S. § 458.3.</p> <p>The policy statement would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Appraisers Certification Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Michelle Smey (717) 783-4866</p>
<p>State Real Estate Commission—Education—49 Pa. Code, Chapter 35. (16A-561)</p> <p>—Deletion of Examination Fee—49 Pa. Code, Chapter 35. (16A-569)</p> <p>—Schedule of Civil Penalties—49 Pa. Code § 43b.8 (16-32)</p>	<p>Summer 2004, as Final.</p> <p>Summer 2004, as Final.</p> <p>Spring 2004, as Proposed.</p>	<p>This regulation proposes changes to the current pre-Licensure and continuing education requirements and adds distance education. Statutory Authority: Section 404.1(a) of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404a(a).</p> <p>This regulation is needed to delete references to the examination fee, which is determined by contract and charged by the professional testing organization, from the schedule of fees and examination provisions. Statutory Authority: Section 812.1 of the Administrative Code, 71 P. S. § 279.3a.</p> <p>This regulation would amend the existing Act 48 Schedule of Civil Penalties formerly promulgated by the Real Estate Commission in 1998. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Deborah Sopko (717) 783-3658</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors —Continuing Education— 49 Pa. Code, Chapter 47 (16A-693)	Spring 2004, as Proposed.	This regulation would require that licensees complete continuing education as a condition of license renewal. Statutory Authority: Sections 18(a) 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1918(a) and 1906(2).	Cindy Warner (717) 783-1389
—Dual Licensing of Substance Abuse Services— 49 Pa. Code § 49.17 (16A-697)	Spring 2004, as Statement of Policy.	This Statement of Policy establishes the Board's position on the dual licensing of providers of Substance Abuse Services by the Board and the Department of Health. Statutory Authority: Section 2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1902.	
—Sexual Intimacies— 49 Pa. Code §§ 50.20—50.25. (16A-691)	Spring 2004, as Proposed.	This regulation defines the professional relationship and prohibits sexual intimacies between a client/patient and the social worker, clinical social worker, marriage and family therapist or professional counselor. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	
—Supervised Clinical Experience— 49 Pa. Code, §§ 47.12c, 48.13 and 49.13. (16A-698)	Spring 2004, as Proposed.	This regulation permits supervised clinical experience to include group supervisory sessions within educational, institutional and agency settings without the requirement that the supervisor supervise no more than six individuals at the same time. Statutory Authority: Sections 6(2) and 7 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1906(2) and 1907.	
—Technical Amendments— 49 Pa. Code §§ 47.1 and 47.1a. (16A-699)	Spring 2004, as Proposed.	This regulation clarifies the definition of “accredited school” and deletes the requirement that supervisors of clinical social work applicants for licensure hold a license to practice social work in this Commonwealth so long as they are currently licensed to practice social work in any jurisdiction. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Examiners in Speech-Language and Hearing —Continuing Education— 49 Pa. Code, Chapter 45. (16A-6802)	Spring 2004, as Proposed.	This regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory Authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).	Cindy Warner (717) 783-1389
—Assistant Regulations— 49 Pa. Code §§ 45.301—308. (16A-6801)	Spring 2004, as Proposed.	This amendment would update the regulatory provisions pertaining to assistants. Statutory Authority: Section 5(8) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(8).	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Spring 2004, as Statement of Policy.	The policy statement would establish a schedule of Act 48 civil penalties for violations of the Speech-Language and Hearing Licensure Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Vehicle Manufacturers, Dealers and Salespersons—Consignment Sales—49 Pa. Code § 19.19. (16A-607) (formerly 16A-601)</p> <p>—Auction License—49 Pa. Code § 19.21. (16A-603)</p> <p>—Display Requirements—49 Pa. Code § 19.18. (16A-604)</p> <p>—Branch Lots—49 Pa. Code § 19.18. (16A-605)</p> <p>—Emergency Vehicles—49 Pa. Code Ch. 19 (16A-606)</p> <p>—Protest Procedures—49 Pa. Code, Chapter 19. (16A-608)</p> <p>—Act 48 of 1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-32)</p>	<p>Spring 2004, as Final.</p> <p>Spring 2004, as Final.</p> <p>Spring 2004, as Final.</p> <p>Spring 2004, as Final.</p> <p>Spring 2004, as Final.</p> <p>Spring 2004, as Proposed.</p> <p>Spring 2004, as Proposed.</p>	<p>This regulation would set forth the standards by which dealers may engage in consignment sales. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would set out standards for licensure as a vehicle auction, a new category of licensure created by the 1996 amendments to the Act. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would create an exception in the Board's regulations to permit a vehicle dealer to display up to five vehicles in a non-conforming area so long as the public is not permitted to enter the non-conforming area. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation permits vehicle dealers to (1) display a single vehicle, or series of single vehicles, at an unlicensed location if no sales activity is occurring at that location and (2) store vehicles at an unlicensed location if no sales activity is occurring at that location. Statutory Authority: Sections 2, 4 and 5 of the Board of Vehicles Act, 63 P. S. §§ 818.2, 818.4(4), 818.4(9), and 818.5(e).</p> <p>The proposed regulation would exempt dealers of emergency vehicles from complying with display area regulations. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would establish procedures to be followed in franchise protest hearings. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would amend the schedule of Act 48 of 1993 civil penalties for violations of the Board of Vehicles Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Teresa Woodall (717) 783-1697</p>
<p>State Board of Veterinary Medicine—Implanting Electronic Devices and Conforming Regulations to Act 167 of 2002—49 Pa. Code, Chapter 31. (16A-5715)</p>	<p>Spring 2004, as Proposed.</p>	<p>This regulation would add implanting electronic identification devices as a duty that may be performed by a veterinary technician or a non-certified employee. In addition, Act 167 of 2002 made terminology changes, changes to the continuing education provisions, and changes to the grounds for discipline of certified veterinary technicians. This regulation conforms the Board's regulations to Act 167 of 2002. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5, and Section 1 of Act 167 of 2002.</p>	<p>J. Robert Kline (717) 783-7134</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE EMPLOYEES' RETIREMENT SYSTEM			
4 Pa. Code Chapter 243, Section 243.3 (relating to optional alternate retirement programs) 4 Pa. Code Chapter 249, Section 249.58 (relating to optional alternate retirement plans).	Summer 2004	Revisions to Optional Alternate Retirement Program Regulations: 4 Pa. Code §§ 243.3 and 249.58—Amend to eliminate language that permits current members of SERS to withdraw from SERS to join an alternate retirement plan established under Act 2001-35.	M. Catherine Nolan (717) 237-0392 Sean Sanderson (717) 237-0261
STATE POLICE			
Regulations to set forth procedures to be followed regarding the interception, maintenance, and destruction of recordings made pursuant to 18 Pa.C.S. §§ 5704(16), 5749 (Reg. 17-67).	The Department is currently working on a preliminary draft of the proposed regulations.	Act 53 of 2002 requires the State Police Commissioner, in consultation with the Attorney General, to promulgate these regulations.	Syndi L. Guido 717-772-0905
Regulations to effectuate the collection and testing of DNA from individuals convicted of specified offenses.	The Department is currently developing the regulations.	Act 57 of 2002 amended Title 42 of the Judicial Code to include Chapter 47, which establishes a DNA database and provides for the collection and testing of DNA samples from individuals convicted of specified offenses. The act is a recodification of a prior DNA act. The act requires the Department to promulgate regulations to effectuate the act.	Syndi L. Guido 717-772-0905
Updating the guidelines for the administration of Megan's Law and regulations regarding neighborhood notification of sexually violent predators' residence, school, or employer.	The regulations are in the drafting process.	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them.	Syndi L. Guido 717-772-0905
Regulations regarding police officers' use of unmarked vehicles (Reg. 17-65).	The proposed regulations have been approved by the Office of General Counsel and the Attorney General. They will be submitted to the LRB, standing committees, and IRRC, February 2004.	Act 75 of 2001 requires the State Police to promulgate regulations, in consultation with the Department of Transportation, for police officers' use of unmarked vehicles. The regulations must (1) establish the procedure an officer in an unmarked car must use when stopping a motorist; (2) require the use of audible and visual signals; and (3) establish requirements for wearing official police uniforms and display of official police identification	Syndi L. Guido 717-772-0905
Updating regulations implementing the Lethal Weapons Training Act.	The regulations are still in the drafting stage.	Pursuant to the Private Detectives Act, the State Police must promulgate regulations to implement the education and training program for certifying individuals in handling lethal weapons.	Syndi L. Guido 717-772-0905

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations to implement age compliance checks of liquor licensees (Reg. 17-64).	The proposed regulations have been submitted to the LRB, the standing committees, and IRRC	Act 141 of 2002 amended the Crimes Code to allow individuals between the age of 18 and 21 to purchase, possess, and transport alcoholic beverages if they are working under the direct supervision of an adult liquor control enforcement officer. The act requires the State Police to promulgate regulations prescribing the manner in which age compliance checks are performed. At a minimum, the regulations must require the underage individual to undergo approved training prior to participation in a compliance check.	Syndi L. Guido 717-772-0905
Regulations to authorize designation of certain vehicles used by special response teams of teams of the Department of Corrections as emergency vehicles for purposes of the Vehicle Code. (Reg. 17-66.)	These regulations have been submitted to the LRB, the standing committees, and IRRC	These regulations were proposed at the request of the Department of Corrections to enable special response teams to use vehicles equipped with red lights.	Syndi L. Guido 717-772-0905
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
177—Emission Inspection	10/03 Retain	Changes to the regulation to accommodate OBD testing and minor deficiencies were made and the regulations were published on November 22, 2003. The retention of these regulations is necessary to stay in compliance with the federal Clean Air Act Amendments and commitments made in the Commonwealth's State Implementation Plan.	Mike Rorick 717-787-5523
43—Temporary Registration Cards and Plates	05/03 Amend	Act 152 requires messengers and agents to be under contract and supercedes many parts of this regulation. The needed revisions have been identified and will be reviewed by the Advisory Committee formed by the statute. The formal revision process should begin in 3rd quarter 03-04. Chapter 43 regulates department agents regarding the issuance of temporary registration cards and plates. The requirement of agents and messengers to be under contract will cause major changes to this regulation.	Mike Rorick 717-787-5523
171—School Buses and School Vehicles	11/01 Amend	Completed. This regulation was published in the PA Bulletin, November 29, 2003. Updating to be more in line with Federal Regulations allowing white roofs to help cool buses. Other minor revisions. (Clarification of SB stopping arm language).	Mike Rorick 717-787-5523

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
175—Vehicle Equipment and Inspection	10/03 Amend	Vehicle Code revisions regarding changes to the hours of operation of inspection stations were made and interim procedures are in place to accommodate the change. Regulation changes needed to implement a settlement agreement (that resulted from 2 law suites) were drafted, published, passed and published in the PA Bulletin on November 29, 2003 as a final rule making. These changes enabled the Department to meet its December 1, 2003 implementation deadline. Changes to the regulation regarding hours of operation will be pursued in 2004. Section 4702 of the Vehicle Code requires the Department to establish a system of annual and semi-annual safety inspections. Chapter 175 prescribes the equipment and inspection criterion for vehicles subject to PA's safety inspection program. As a result of HB152 a subsequent amendment (in 2004) will focus on operating hours for inspection stations.	Mike Rorick 717-787-5523
163—Warning Devices	12/98 Retain	This regulation is recommended for full review in 2004. Section 4530 of the Vehicle Code charges the Department with promulgating regulation to prescribe needed lighting devices for motor vehicles designed to warn approaching traffic of the presence of a stopped vehicle.	Mike Rorick 717-787-5523
63—Proportional Registration of Fleet Vehicles	9/03 Amend	Amendments prepared and formal revision process for specific revision started 12/03. Revision in progress changes temporary authorization from 30 to 90 days to make consistent with other temporary registrations issued by the Department.	Mike Rorick 717-787-5523
71—School Bus Drivers	10/03 Retain	Completed. This regulation was published in the PA Bulletin, November 29, 2003. This regulation outlines the medical criteria for school bus drivers. Advances in medicine and medical technologies have allowed more individuals to become school bus drivers, and these regulations outline the medical requirements for licensing.	Mike Rorick 717-787-5523
83—Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers	10/03 Retain	In October, the Department responded to comments from the public and the IRRC. The next steps will be to work with the Office of Chief Counsel to put the regulation into final format, and then continue them through the promulgation process. It is anticipated that the regulations will be published as final by May 2004. These regulations allow physically challenged individuals the opportunity to learn to drive while being instructed by a certified driver education instructor in a vehicle that contains a brake for the instructors use.	Mike Rorick 717-787-5523
86—Occupational Limited License	11/03 Promulgate new regulations	Act 24 of 2003 now requires publication of regulations to require additional information if necessary from a petitioner seeking an occupational limited license. The Department plans to publish a proposed rulemaking in early 2004.	Mike Rorick 717-787-5523
88—Ignition Interlock	11/03 Issue Statement of Policy and promulgate new regulations	Act 24 of 2003 requires the Department to publish a Statement of Policy governing the use of ignition interlock systems in vehicles in accordance with the provisions of 75 Pa.C.S. § 3805. The Statement of Policy is to be published before February 1 and must be followed with regulations within one year.	Mike Rorick 717-787-5523

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
255—Messenger Services	05/03 Amend	Act 152 requires messengers and agents to be under contract and supercedes many parts of this regulation. The needed revisions have been identified and will be reviewed by the Advisory Committee formed by the statute. The formal revision process should begin in 3rd quarter 03-04. Chapter 255 regulates messenger services. The requirement of agents and messengers to be under contract will cause major changes to this regulation.	Mike Rorick 717-787-5523
441—Access to and Occupancy of Highways by Driveways & Local Roads	1/00 Amend	Complete—need to finalize details of proposed rulemaking. Proposed rulemaking submitted to the Office of Chief Counsel in 1/03. Update to better reflect current requirements	Art Breneman 717-787-3620
103—Vehicles Required to Stop at Railroad Crossings	1/00 Repeal	Complete—The request to rescind Chapter 103 was sent to the Office of Chief Counsel on 12/8/03. Section 3342 of the Vehicle Code requires a regulation but Chapters 229 and 231 already adopted federal regulations. This regulation will be repealed.	Art Breneman 717-787-3620
201—Engineering and Traffic Studies	12/98 Repeal	Complete—This chapter was published as proposed deletion on 4/19/03. This deletion is in the final rulemaking process. Section 6105 of the Vehicle Code requires a regulation, but this chapter will be partly eliminated since it duplicates Manual on Uniform Traffic Control Devices (MUTCD). Remaining required language will be placed in a new regulation, i.e., Chapter 212.	Art Breneman 717-787-3620
203—Work Zone Traffic Control	12/98 Repeal	Complete—This chapter was published as proposed deletion on 4/19/03. This deletion is in the final rulemaking process. Section 6123 of the Vehicle Code requires a regulation, but most of Chapter 203 is unnecessary when adopting MUTCD. Remaining required language will be placed in a new regulation, i.e., Chapter 212.	Art Breneman 717-787-3620
211—Official Traffic Control Devices	12/98 Repeal and Replace	Complete—This chapter was published as proposed deletion on 4/19/03. This deletion is in the final rulemaking process. Section 6121 of the Vehicle Code required a manual consistent with MUTCD. The size of the regulation will be drastically reduced. The new regulation will be called Chapter 212.	Art Breneman 717-787-3620
457—Pre-qualification of Bidders	10/00 Amend	Complete—CMD received the proposed changes from OCC in 11/02. CMD incorporated the changes recommended by OCC and returned the revisions to OCC to continue the promulgation process. 36 P. S. Section 670-404.1 "Prequalification of Bidders" mandates the Department to have regulations to establish and maintain a system for the qualification of competent and responsible bidders. Proposed changes are on hold.	Art Breneman 717-787-3620
449—Liquid Fuels Tax	05/03 Completed	This regulation was amended effective May 17, 2003. Regulation procedures for proper use of Liquid Fuel Funds needed to be updated.	Donna Chambers 717-783-2446

[Pa.B. Doc. No. 04-218. Filed for public inspection February 6, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

Reg. No.	Agency/Title	Received
10-173	Department of Health Schedules of Controlled Substances	1/28/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-219. Filed for public inspection February 6, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Dominic J. Bozzi, Insurance Solutions Concept, Inc. and Comprehensive Insurance Services, Inc.; Doc. No. SC04-01-018

Notice is hereby given of the Order to Show Cause issued on January 22, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P. S. §§ 46, 47, 310.6 and 310.11; and 31 Pa. Code §§ 37.46 and 37.48 (relating to standards for denial of certificate/license; and reporting requirements).

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the 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 the 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 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. 04-220. Filed for public inspection February 6, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of David M. Grier; file no. 03-182-13152; Nationwide Insurance Company; doc. no. P04-01-012; February 26, 2004, 1:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Johanna Velasquez; file no. 03-280-06262; AAA Mid-Atlantic Insurance Company; doc. no. PH04-01-013; March 5, 2004, 9 a.m.

Appeal Herbert W. Kramer, Jr.; file no. 03-265-80256; State Farm Insurance Company; doc. no. PH04-01-011; March 4, 2004, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The

Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-221. Filed for public inspection February 6, 2004, 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 office 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 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Leonard Gochenaur, Jr.; file no. 03-182-11919; Selective Insurance Company of South Carolina; doc. no. P04-01-010; February 24, 2004, 1:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-222. Filed for public inspection February 6, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Dauphin County, Swatara Township

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,800 net useable square feet of new or existing warehouse flex space within 1/2 mile of the intersection of Routes 83 and 283, Swatara Township.

Proposals due: February 27, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Willard J. Rhodes, (717) 657-4228

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-223. Filed for public inspection February 6, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

C-20031636. Donna L. Blair v. Norfolk Southern Railway Company. Complainant states that the gates at Station Road in Newville Borough, Cumberland County, have not worked for several years and suggests that they should be replaced.

An initial hearing on this matter will be held on Tuesday, April 13, 2004, at 10 a.m. in Hearing Room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-224. Filed for public inspection February 6, 2004, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 1, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-00120401. George R. Trostle (103 Good Road, New Providence, Lancaster County, PA 17560)—persons in paratransit service, between points in Lancaster County, and from points in said county, to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owing or operating motor vehicles.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00120400, F.2. GGC Acquisition Corporation (619 Duff Road, Sewickley, Allegheny County, PA 15143), a corporation of the Commonwealth—persons in group and party service, using vehicles with a seating capacity of 11 to 15 passengers, including the driver: (1) from points in the County of Washington west of and including the Townships of Peters, North Strabane, South Strabane and Amwell, and from points in the Townships of Nottingham and Somerset that lie within an airline distance of 1 mile of the post office in the Village of Eight Four, all in Washington County, to points in Pennsylvania, excluding points of origin, those points in Washington County beyond an airline distance of 20 statute miles of the limits of the Borough of Canonsburg, Washington County; (2) from that portion of Allegheny County within the area formed by the following line: beginning at a point where Pennsylvania Route 88 intersects the boundary of Washington and Allegheny Counties, thence north on Pennsylvania Highway Route 88 to Legislative Route 02060, thence west on Legislative Route 02060 to Painters Run Road (also known as Bower Hill Road), thence west on Painters Run Road (also known as Bower Hill Road) to its intersection with Pennsylvania Route 519, thence south on Pennsylvania Route 519 to the Allegheny-Washington County line, to points in Pennsylvania; (3) from points in the Township of Upper St. Clair, Allegheny County, to points in Pennsylvania, excluding service between points in Allegheny County; (4) from points in that part of Washington County on and west of a line beginning at the Allegheny County-Washington County line and extending along Highway Route 247 and Pennsylvania Highway Route 88 to its junction with Legislative Route 62034, thence along Legislative Route 62034 to its junction with Legislative Route 62056, thence along Legislative Route 62056 to its junction with an unnumbered road at or near Vanceville, thence along an unnumbered road to its junction with an unnumbered road at or near Ontario Mine, thence along an unnumbered road to its junction with U. S. Highway Route 40, thence along U. S. Highway Route 40 through Beallsville to its junction with Legislative Route 62074, thence along Legislative Route 62074 to its junction with Legislative Route 62176, thence along Legislative Route 62176 to Westburg (excluding points on Pennsylvania Highway Route 88 north of Millsboro), to points in Pennsylvania; with right No. 4 subject to the following condition: That no right, power or privilege is granted to render service from the Village of Hickory in the Township of Mt. Pleasant, the Villages of Venice and Cecil in the Township of Cecil, the Villages of Cherry Valley and Slovan in the Township of Smith, Shaw Mine in the Township of Robinson, the Boroughs of Midway and McDonald, all in Washington County, to the

Three Rivers Stadium in Allegheny County; (5) from points in the City of Pittsburgh, Allegheny County, and points in that part of Allegheny County lying north of the Ohio River and north and east of the Monongahela River, to points in Pennsylvania: with right No. 5 subject to the following conditions: (a) that no right, power or privilege is granted to provide service to points within 40 statute miles of the City-County Building in the City of Pittsburgh, Allegheny County; and (b) that no right, power or privilege is granted to provide service from the Boroughs of Tarentum and Brackenridge and the Township of Harrison, Allegheny County; (6) from that part of the City of Pittsburgh bounded and described as follows: beginning at the intersection of Interstate Route 579 (Crosstown Boulevard) and Bigelow Boulevard; thence via Bigelow Boulevard to North Craig Street; thence via North Craig Street, to Baum Boulevard; thence via Baum Boulevard to its intersection with Negley Avenue; thence north on Negley Avenue to its intersection with East Liberty Boulevard; thence via East Liberty Boulevard to its intersection with Collins Street; thence north on Collins Street to its intersection with Negley Run Boulevard; thence via Negley Run Boulevard to its intersection with Washington Boulevard; thence north on Washington Boulevard to its intersection with Allegheny River Boulevard; thence east on Allegheny River Boulevard to the city line of the City of Pittsburgh; thence south along the city line to Penn Avenue; thence west on Penn Avenue to Penn Circle South; thence via Penn Circle South to Center Avenue; thence via Center Avenue to its intersection with Morgan Street; thence via Morgan Street to its intersection with Aliquippa Street; thence via Aliquippa Street to its intersection with Robinson Street; thence via Robinson Street to its intersection with Fifth Avenue; thence west via Fifth Avenue to the Crosstown Boulevard; thence via Crosstown Boulevard to the point of beginning, to points in Pennsylvania; with right No. 6 subject to the following condition: that no right, power or privilege is granted to transport between points in Allegheny County or to transport groups and parties of persons in charter service (but not including persons on special excursions and tours or sight-seeing service) from points in Allegheny County to points outside Allegheny County within an airline distance of 40 statute miles of the city-county building in the City of Pittsburgh, Allegheny County; which is to be a transfer of the rights authorized under the certificate issued at A-00096279, F.2 to G. G. & C. Bus Co., Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

A-00120400, F.3. GGC Acquisition Corporation (619 Duff Road, Sewickley, Allegheny County, PA 15143), a corporation of the Commonwealth—persons on schedule: (1) between the Village of Wolfdale, Washington County, and the Borough of Canonsburg, Washington County, over the following route: beginning in the Village of Wolfdale, Canton Township, Washington County, thence via State Highway Route 844 to Jefferson Avenue in the City of Washington, thence via Jefferson Avenue, West Beau Street and North Main Street to the Village of Arden, thence via Route 62189 to West Pike Street in the Village of Meadowlands, Chartiers Township, thence via West Pike Street to the Borough of Houston, thence in said borough on West Pike Street to the Borough of Canonsburg, thence in said borough on West Pike Street, East Pike Street and Adams Avenue to the plant site of McGraw-Edison Power Systems Division, and vice versa; with route No. 1 subject to the following conditions: that no right, power or privilege is granted to transport passengers locally between points either within the City

of Washington or Canton Township, or locally between the City of Washington and Canton Township, or to transport passengers between either the City of Washington or Canton Township and the intersection of East Pike Street and Adams Avenue in the Borough of Canonsburg; and that no right, power or privilege is granted to pick up or discharge passengers at points on said route situated between the intersection of Tyler Avenue and Jefferson Avenue in the City of Washington and the intersection of North Main Street and Route 62100 in South Strabane Township; (2) between the Borough of Canonsburg, Washington County, and the Village of Midland, Chartiers Township, over the following route: beginning at the plant site of McGraw-Edison Power Systems Division, in the Borough of Canonsburg, Washington County, thence on Adams Avenue, East Pike Street, Strabane Avenue, Latimer Avenue and Boone Avenue to South Main Street in the Borough of Houston, thence in said borough on South Main Street and North Main Street, thence via Route 62090 to the Village of Midland, Chartiers Township, and vice versa, all in Washington County; with the right to render shuttle service between points on the aforesaid routes and through service without a change of buses between points on said routes; (3) over the following alternate routes in the City of Washington and the Townships of Canton, South Strabane and North Franklin, Washington County: beginning at the intersection of Rex Road and Jefferson Avenue, thence via Jefferson Avenue to the intersection of West Maiden Street and Jefferson Avenue, thence via West Maiden Street to the intersection of South Main Street and Maiden Street, thence via South Main Street to the intersection of Beau Street and Main Street, and vice versa; beginning at the intersection of Wylie Avenue and Jefferson Avenue thence via East Wylie Avenue to Exit No. 6 of Interstate 70 thence via Interstate 70 West to Exit No. 4 located at West Chestnut Street, thence via West Chestnut Street to North Main Street, thence via Wheeling Street to the intersection of Main Street and Wheeling Street and vice versa; beginning at the intersection of North Main Street and Beau Street, thence via North Main Street at or near the Village of Arden at the intersection of North Main Street and Legislative Route 62189, and vice versa, with a spur route over Wilson Avenue between the intersection of North Main Street and Wilson Avenue and the Washington Hospital; beginning at the intersection of Main Street and Beau Street, thence via South Main Street to the intersection of South Main and Maiden Streets, with a spur route beginning at the intersection of East Maiden Street and South Wade Avenue, thence via South Wade Avenue to the intersection of South Wade Avenue and East Beau Street, and vice versa; beginning at the intersection of Beau Street and Main Street, thence via East Beau Street to the intersection of East Beau Street and Interstate 70 at Exit No. 8, thence via Interstate 70 West to Exit No. 7 at intersection of Interstate 70 and Route 19 (Murtland Avenue), thence via Route 19 to intersection of Route 19 and Oak Springs Road, with the rights to service Washington Plaza and Washington Mall, to the intersection of Highland Avenue and East Walnut Street, thence via East Walnut Street to intersection of North Main Street and East Walnut Street, thence via North Main Street to intersection of Beau Street and Main Street and vice versa; with the right to render shuttle service between points on the aforesaid routes and through service without change of buses, between points on the aforesaid routes and to points located on the carrier's presently certified routes; with route No. 3 subject to the following conditions: *first*: that no right,

power or privilege is granted to pick up or discharge passengers locally along Legislative Route 62214 (Oak Spring Road) in South Strabane Township between the intersection of Legislative Route 62214 and the private road at the Washington Mall, on the one hand, and the intersection of Legislative Route 62214 and Legislative Route 62095 (Locust Avenue Extension), on the other hand; *second*: that no right, power or privilege is granted to pick up or discharge passengers locally along U. S. Route 40 (West Chestnut Street a/k/a the National Pike) in North Franklin Township between the boundary of the City of Washington (being the intersection of Hays Avenue, formerly Hays Crossing, and U. S. Route 40), on the one hand, and the intersection of U. S. Highway Route 40 and the private road at the Franklin Mall, on the other hand; and *third*: that no right, power or privilege is granted to pick up or discharge passengers locally along U. S. Route 19 (Murtland Avenue) in South Strabane Township between the intersection of U. S. Route 19 and Legislative Route 62214 (Oak Springs Road), on the one hand, and the intersection of U. S. Route 19 and interstate 70, on the other hand; (4) over the following alternate routes in the City of Washington and the Townships of Canton and South Strabane, Washington County: *Route 1*: beginning at the intersection of North Main Street and Hallam Avenue, in the City of Washington, thence on Hallam Avenue to Locust Avenue, thence on Locust Avenue to Wilson Avenue to North Main Street, thence on North Main Street to Brady Avenue (with the right to render service to Thomas Campbell Apartments), thence on Brady Avenue to Third Street, thence on Third Street to Donnan Avenue, thence on Donnan Avenue to Hall Avenue to Franklin Street, thence on Franklin Street to Wheeling Street, thence on Wheeling Street to Main Street, and return via the same route to the point of beginning. *Route 2*: to Summerlea Avenue, thence on Summerlea Avenue to Maple Avenue, thence on Maple Avenue to its intersection with North Main Street, and return via the same route to the point of beginning. *Alternate Routes*: via Maple Avenue to Summerlea Avenue, and return via the same route to the point of beginning; via Michigan Street to Maple Street, and return via the same route to the point of beginning. *Route 3*: Beginning at the intersection of West Chestnut Street and McCarroll Avenue, in the City of Washington, thence on McCarroll Avenue to Ewing Street, thence on Ewing Street to Hayes Avenue, thence on Hayes Avenue (Jessop Place) to Weirich Avenue, thence on Weirich Avenue to Ford Street to Hawkins Avenue, thence on Hawkins Avenue, to West Wylie Avenue, thence on West Wylie Avenue to Barnett Street, thence on Barnett Street to Charles Street, thence on Charles Street to the intersection of Griffith Street and Edgewood Avenue, and return via the same route to the point of beginning. *Route 4*: beginning at the intersection of West Chestnut Street and Hayes Avenue, in the City of Washington, thence on Hayes Avenue to Fayette Street, thence on Fayette Street to Euclid Avenue, thence on Euclid Avenue to Griffith Avenue, thence on Griffith Avenue to Caldwell Avenue, thence on Caldwell Avenue to Green Street, thence on Green Street to Jessop Place, and return via the same route to the point of beginning. *Spur Routes*: beginning at the intersection of Weirich Avenue and Jessop Place, thence on Weirich Avenue to West Wylie Avenue, thence on West Wylie Avenue to the intersection of Jefferson Avenue and West Wylie, and return via the same route to the point of beginning; beginning at the intersection of Griffith Street and Woodland Avenue, thence on Woodland Avenue to the intersection of Jefferson Avenue and Woodland Avenue, and return via the same route to the

point of beginning. *Route 5:* beginning at the intersection of North Avenue and Murtland Avenue in the City of Washington, thence on Murtland Avenue and Oak Springs Road in the Township of South Strabane, and return via the same route to the point of beginning. *Route 6:* beginning at the intersection of Interstate Highway Route 70 and Murtland Avenue (U. S. Highway Route 19, South Strabane Township), thence on Interstate Highway Route 70 to the intersection of Interstate Highway Route 70 and East Wylie Avenue to the intersection of Wylie Avenue and Jefferson Avenue in the City of Washington, and return via the same route to the point of beginning; with all routes under right No. 4 subject to the following conditions: *first:* that the rights powers and privileges herein granted shall include the right to render shuttle service between points on the aforesaid routes and through service without changing buses between points on the aforesaid routes and points on applicant's presently certified routes; *second:* that the rights, powers and privileges herein granted shall include the right to digress from each of the aforesaid routes, to mass gatherings, such as church, school, lodge, circus, athletic and similar gatherings, within 1/2 mile on either side of said routes, provided these digressions do not interfere with the regular scheduled service and that no extra fare be charged; (5) in either direction, over the following route: *Spur Route:* beginning at the intersection of Highway Route 19 and Oak Spring Road in the Township of South Strabane, Washington County, thence via Oak Spring Road to the Washington Mall Shopping Center, thence through the Washington Mall Shopping Center, returning to Oak Spring Road, thence via Oak Spring Road to its intersection with Highway Route 19; with the right to render shuttle service between points on said spur route and through service without a change of buses between points on said spur route and presently certificated routes of the applicant; (6) between terminals located at the City of Washington, Washington County, and the City of Pittsburgh, Allegheny County, over the following routes: *Route 1:* beginning at the City Bus Station in the City of Washington; thence over various city streets to U. S. Highway Route 19; thence north on U. S. Highway Route 19 to Interstate Highway Route 279; thence north on Interstate Highway Route 279 to the City of Pittsburgh, Liberty Avenue Exit; thence over various city streets to the Pittsburgh Convention Center; and to return over the same route to the point of beginning; *Route 2:* beginning in the Borough of Canonsburg; thence over various borough streets to Interstate Highway Route 79; thence north on Interstate Highway Route 79 to Interstate Highway Route 279; thence north on Interstate Highway Route 279 to the City of Pittsburgh, Liberty Avenue Exit; thence over various city streets to the Pittsburgh Convention Center; and to return over the same route to the place of the beginning; *Route 3:* beginning in the City of Washington; thence over various city streets to U. S. Highway Route 19; thence north on U. S. Highway Route 19 to Interstate Highway Route 70; thence west on Interstate Highway Route 70 to Interstate Highway Route 79; thence north on Interstate Highway Route 79 to Interstate Highway Route 279; thence north on Interstate Highway Route 279 to the City of Pittsburgh, Liberty Avenue Exit; thence over various city streets to the Pittsburgh Convention Center; and to return over the same route to the place of the beginning; *Route 4:* beginning at the intersection of U. S. Highway Route 19 and State Route (S. R.) 1002 in Peters Township, Wash-

ington County; thence west on S. R. 1002 to the intersection with S. R. 1009 in the Village of Morganza; thence south on S. R. 1009 to the Borough of Canonsburg; thence south on S. R. 1009 through the Borough of Houston and the Village of Meadowlands to Legislative Route (L. R.) 62094; thence on L. R. 62094 to the City of Washington; and to return over the same route to the point of beginning; *Route 6:* beginning at the intersection of U. S. Highway Route 19 and L. R. 62192 in North Strabane Township, Washington County; thence west on L. R. 62192 to its intersection with S. R. 1009; and to return over the same route to the place of beginning; and *Route 6:* beginning at the intersection of U. S. Highway Route 19 and S. R. 3004 in the Township of Upper St. Clair, Allegheny County; thence south on S. R. Route 3004 to its intersection with S. R. 3004 to its intersection with S. R. 3009; thence south on S. R. 3009 to where it changes to S. R. 1002; thence on S. R. 1002 to its intersection with U. S. Highway Route 19 in Peters Township, Washington County; and to return over the same route to the place of beginning; with all of the above routes of right No. 6 subject to the following condition: no right, power or privilege is granted to transport persons between points in Allegheny County; which is to be a transfer of the rights authorized under the certificate issued at A-00096279, F.3 to G. G. & C. Bus Co., Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

A-00120400, F.4. GGC Acquisition Corporation (619 Duff Road, Sewickley, Allegheny County, PA 15143), a corporation of the Commonwealth—persons upon call or demand in the City of Washington and the Borough of East Washington, and the Townships of Canton, North Franklin, North Strabane and South Strabane, Washington County; which is to be a transfer of the rights authorized under the certificate issued at A-00096279, F.4 to G. G. & C. Bus Co., Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219

A-00120400, F.5. GGC Acquisition Corporation (619 Duff Road, Sewickley, Allegheny County, PA 15143), a corporation of the Commonwealth—persons in paratransit service, between points in the County of Washington, provided no right, power or privilege is granted to provide service between points in the City of Monongahela; the Townships of Carroll, Fallowfield, Somerset, Union and West Pike Run; the Boroughs of Allenport, Bentleyville, California, Charleroi, Coal Center, Dunlevy, Elco, Ellsworth, Long Branch, New Eagle, North Charleroi, Roscoe, Speers and Stockdale, all in Washington County, and from points in said cities, townships and boroughs to points in Washington County; which is to be a transfer of the rights authorized under the certificate issued at A-00096279, F.5 to G. G. & C. Bus Co., Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-225. Filed for public inspection February 6, 2004. 9:00 a.m.]

Statement of Policy; Sunset of Chapter 30, Title 66 of the Public Utility Code

Public Meeting held
January 16, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland; statements follow

Sunset of Chapter 30, Title 66 of the Public Utility Code; M-00041786

Statement of Policy

In light of the sunset of Chapter 30 of Title 66 of the Public Utility Code on December 31, 2003,¹ the Public Utility Commission (Commission) is issuing this statement of policy to clarify the duties and obligations of telecommunications carriers in regard to the final Commission orders issued under the provisions of Chapter 30.² These final orders approved Chapter 30 plans consisting of alternative forms of economic regulation for an incumbent local exchange carrier's (ILEC) competitive and non-competitive services, in conjunction with certain network modernization commitments.

For the reasons that follow, the Commission believes that the current Public Utility Code provides sufficient authority for ILECs to remain under their present alternative forms of regulation as approved by this Commission in previous final orders. The Commission also believes that the Public Utility Code provides sufficient authority to require that ILECs continue their network modernization plans (NMPs) to deploy a universally available state-of-the-art broadband network in Pennsylvania.

Chapter 30 was enacted in 1993 in order to achieve early deployment of a universally available state-of-the-art broadband network in Pennsylvania. In order to accomplish that fundamental objective, Chapter 30 encouraged the Commission to grant petitions by ILECs for an alternative form of rate regulation, such as price cap regulation for non-competitive services, provided that the ILEC also committed to a NMP that provided broadband service to 100% of its customers by 2015. At this time, all 37 ILECs in Pennsylvania have filed, and the Commission has approved, Chapter 30 plans that (1) authorize alternative forms of rate regulation for non-competitive services, (2) declare certain services to be competitive and free from rate regulation, and (3) obligate the ILECs to accelerate their deployment of broadband services in accordance with the implementation schedule set forth in each NMP.³

Based upon our analysis of the Public Utility Code at Title 66 and the nature of the orders⁴ that approved the Chapter 30 alternative plans of regulation for all ILECs operating in Pennsylvania, the Commission presently concludes that those final orders, and the Chapter 30 plans approved by those final orders, remain in effect and

are fully enforceable in all respects upon the ILECs after the sunset date of December 31, 2003. This conclusion has several bases.

First, although Chapter 30 encourages the Commission to approve a "price cap" form of regulation for ILECs to ensure that rates are just and reasonable, 66 Pa.C.S. § 3004(d)(2), there is nothing in Chapter 13 of the Public Utility Code, the general ratemaking section, that presently requires rate base/rate of return regulation or that prohibits price cap regulation as a means to maintain "just and reasonable" rates. Rather, the price cap form of rate regulation is just one of several lawful means to achieve just and reasonable rates.⁵

Second, under Chapter 15 of the Public Utility Code, the Commission has statutory authority to require ILECs to furnish and maintain adequate, safe, and reasonable service, and, further to require ILECs to make repairs, changes and improvements to its service and facilities as may be deemed necessary or proper for the benefit of the public. 66 Pa.C.S. § 1501. The NMPs fall within the scope of this type of authority and, in any event, were bona fide commitments made in conjunction with each ILEC's request for an alternative, and generally lesser, form of economic regulation as approved by Commission orders.

Third, an agency's final orders are presumed to remain in effect unless reversed on appeal or amended by the agency after notice and opportunity to be heard.⁶ A determination that all Chapter 30 orders are now void and that all ILEC services are again subject to rate base/rate of return regulation may have a substantial negative retroactive effect on these companies' investment decisions which were induced, in part, by a lesser degree of economic regulation.

Finally, it should be noted that the Legislative Budget and Finance Committee report on Chapter 30 reached the same basic conclusions regarding the effect of sunset.⁷

Accordingly, the Commission finds that the price cap form of regulation, streamlined form of rate regulation, and price stability mechanisms remain in effect for all ILECs that have Commission-approved alternative forms of regulation and are a lawful means to insure just and reasonable rates in accordance with section 1301 of the Public Utility Code. The Commission also determines that the ILECs' network deployment and other obligations under their currently approved Chapter 30 plans, including the filing of biennial updates, continue for the future. In addition, the Commission further finds that those services declared competitive through final orders⁸ continue to be deemed competitive at this time, and that the Commission may add or subtract to the list of services which are competitive. Finally, the Commission determines that it will not impose active price regulation over

⁵ For example, in *Popowsky v. Pa. PUC*, 674 A.2d 1149 (Pa. Cmwlth. 1996), the Commonwealth Court approved a ratemaking method known as "operating ratio" for determining just and reasonable rates, holding that the Public Utility Code did not limit the Commission's discretion only to the use of a rate base/rate of return methodology.

⁶ 66 Pa.C.S. § 703(e) and (g).

⁷ Legislative Budget and Finance Committee, *Pennsylvania Public Utility Commission's Implementation of Chapter 30* (June 2003), at S-18 and S-19 ("We could identify no significant impact that would necessarily occur should Chapter 30 sunset on December 31, 2003. If Chapter 30 sunsets, the PUC-approved petitions for alternative regulation and the network modernization plans would remain in effect. . . . While some may argue that the PUC would have to revert back to rate base/rate of return regulation if Chapter 30 sunset, the PUC has authority even without Chapter 30 to implement alternative rate regulation. . . .").

⁸ The Commission has designated certain telecommunications services competitive through final orders approving Chapter 30 plans as well as other final adjudications. For example, see *Bell Atlantic-Pennsylvania, Inc.*, Docket Nos. P-00930715, et al., 82 Pa. P.U.C. 194 (1994); vacated in part on other grounds, *Popowsky v. Pa. PUC*, 669 A.2d 1029 (Pa. Cmwlth. 1995); Cmwlth Ct. order rev'd in part and Comm'n order reinstated in part, *Popowsky v. Pa. PUC*, 550 Pa. 449, 706 A.2d 1197 (1997). See also *Bell Atlantic-PA v. Pa. PUC*, 763 A.2d 440 (1999) (Global Order).

¹ Section 4 of Act 67 of 1993 provided that Chapter 30 shall expire on December 31, 2003, unless sooner reenacted by the General Assembly, Sec. 4, HB84, No. 1993-67.

² A "statement of policy" is a document that interprets or implements any act of the legislature enforced or administered by that agency. 45 P.S. § 1102. Unlike a regulation that establishes a binding norm, a statement of policy represents an announcement of the policy the agency intends to implement in future adjudications. *Pa. Human Relations Com. v. Norristown School Dist.*, 374 A.2d 671 (Pa. 1977).

³ Minor exceptions exist for Hancock Telephone Company, Citizens Communications Services Company, West Side Telephone Company and Deposit Telephone Company located on the borders of Pennsylvania and who operate primarily in neighboring states and serve only a small number of Pennsylvania residents.

⁴ All Chapter 30 Plans were approved by final order, after notice and opportunity to be heard. Moreover, none of those orders are on appeal.

interexchange carriers' rates at this time given the competitive nature of these services.⁹

Under the Public Utility Code, the Commission has both the duty and obligation to enforce its orders. 66 Pa.C.S. §§ 501, 502, 503 and 3301. Moreover, sections 703(e) and (g) of the Public Utility Code provide that final orders are presumed to remain in effect unless reversed on appeal or amended after notice and opportunity to be heard. Thus, it is the Commission's present view and statement of policy herein that all final orders issued pursuant to Chapter 30 remain in effect and are enforceable by the Commission. The Commission will apply this statement of policy in all current Chapter 30 related proceedings and in any future adjudication, as they may arise, and reach a final determination based on the specific issues raised and arguments made in those adjudications. *Therefore,*

It Is Ordered That:

1. A copy of this statement of policy be served on all ILECs with Commission-approved Chapter 30 plans.
2. A copy of this statement of policy be served on the Pennsylvania Telephone Association, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff.
3. A copy of this statement of policy be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

Statement of Chairperson Terrance J. Fitzpatrick

Sunset of Chapter 30, Title 66 of the Public Utility Code	Public Meeting January 16, 2004 JAN-2004-L-0011* Docket No. M-00041786
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The Commission today adopts a Statement of Policy regarding the expiration of Chapter 30 of the Public Utility Code, concluding that despite the expiration of the law, the Commission has authority to pursue the same policies as when the law was in effect. I join in this Policy Statement as an initial declaration of the Commission's intentions. However, I do so with the reservations set forth below.

First, despite the issuance of this Statement of Policy, there continues to be legal uncertainty regarding the scope of the Commission's authority. A statement of policy does not have the force of law,¹⁰ and if a question of the Commission's authority (following expiration of Chapter 30) is raised in a Commission proceeding, it may be resolved in the appellate courts of Pennsylvania. It appears to me that the Commission's position that it may continue to apply the policies of Chapter 30 is strongest where the Commission has previously issued final orders. This means that existing network modernization plans should remain in effect, incumbent local exchange carriers ("ILECs") should continue to be subject to alternative rate regulation, and services previously declared competitive should remain deregulated.

Conversely, the Commission's authority appears to be most in doubt where the Commission would attempt to apply a Chapter 30 policy to a new situation—for example, where an ILEC seeks to have additional services

deregulated on the basis that they are competitive.¹¹ Without Chapter 30, there is no explicit authority in the Public Utility Code for such deregulation.¹² The current state of the law in Pennsylvania supports the Commission's authority to adapt its form of regulation to accommodate competition, but does not authorize the Commission to deregulate services. See, *Elite Industries, Inc. v. PA PUC*, 2003 Pa. Lexis 1745, 832 A.2d 428 (2003). The federal courts have reversed attempts by federal agencies to deregulate without explicit statutory authorization. *MCI Telecommunications Corporation v. FCC*, 765 F.2d 1186 (DC Circuit 1985).

My second point is related to the first. In light of the legal uncertainty regarding the scope of the Commission's authority, I would have preferred to solicit comments from interested parties prior to issuing this Statement of Policy. The fact that the Commission is not legally compelled to seek comments prior to issuing a Statement of Policy does not answer the question whether it would have been a good idea to do so. Obtaining the views of interested parties would have given the Commission a clearer, more realistic, picture of the legal landscape, and would have enabled the Commission to develop a better-informed opinion on the legal issues.

In summary, while I support the issuance of this Statement of Policy, I must recognize that it does not eliminate all legal uncertainty over the scope of the Commission's authority to continue to pursue the policies set forth in Chapter 30, which has now expired. Only time will tell whether parties will contest the Commission's authority, and, if they do, how that legal question will be finally resolved.

Terrance J. Fitzpatrick,
Chairperson

Joint Statement of Commissioner Glen R. Thomas, Vice Chairperson Robert K. Bloom, Commissioner Kim Pizzingrilli and Commissioner Wendell F. Holland

Sunset of Chapter 30, Title 66 of The Public Utility Code	Public Meeting January 16, 2004 JAN-2004-L-0011* Docket Number: M-00041786
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Today the Commission is issuing a Statement of Policy regarding the sunset of Chapter 30 of Title 66 of the Public Utility Code on December 31, 2003 to clarify the duties and obligations of telecommunications carriers with regard to the final Commission Orders issued under the provisions of Chapter 30. The final Orders pertain to the incumbent local exchange carrier's (ILEC) competitive and non-competitive services, in conjunction with certain network modernization commitments as well as some of the final Orders which made various determinations with regard to the regulation of interexchange carriers (IXCs) and their services.

The Statement of Policy sets forth that the Commission presently concludes that those final Orders remain in effect and fully enforceable in all respects. We wholeheartedly agree. The Commission's conclusion is based on several grounds. First, there is nothing in Chapter 13 of the Public Utility Code, the general ratemaking section

¹¹ See, 66 Pa.C.S. § 3005 (expired). This concern also applies to the ability to continue to treat interexchange services as deregulated. See 66 Pa.C.S. § 3008 (expired).

¹² Both the Commission and the Supreme Court of Pennsylvania have used the terms "deregulation" or "deregulated" to describe the approach to competitive services under 66 Pa.C.S. § 3005 (expired). *Bell Atlantic-PA Inc.'s Petition and Plan for Alternative Regulation*, Dkt. No. P-00930715, 1994 Pa. PUC Lexis 142 (June 28, 1994), Slip Opinion at p. 49, *Popowsky v. PA PUC*, 550 Pa. 449, 706 A.2d 1197, 1200 (1997).

⁹ In the proceeding *Re Interexchange Carrier Regulation Under Chapter 30 of the Public Utility Code*, at M-00930496 (Order entered December 28, 1993) (*Interim Guidelines Order*), the Commission established interim guidelines for the regulation of IXCs under Chapter 30. By Final Order entered April 29, 1997, the Commission promulgated final regulations to implement IXC regulations. 27 Pa.B. 3217.

¹⁰ *PA Human Relations Commission v. Norristown Area School District*, 374 A.2d 671 (Pa. 1977).

that currently either requires rate base/rate of return regulation or that prohibits price cap regulation to maintain "just and reasonable" rates. 66 Pa.C.S. §§ 1301, et seq. Second, the companies' network modernization plans are within the scope of the Commission's authority under Chapter 15 to require the companies to make repairs, changes and improvements to their service and facilities as may be deemed necessary or proper for the benefit of the public. 66 Pa.C.S. §§ 1501, et seq. Third, under Section 703(e) and (g) an agency's final orders are presumed to remain in effect unless reversed on appeal or amended by the agency after notice and opportunity to be heard. 66 Pa.C.S. § 703(e) and (g). Finally, the Commission has both the duty and obligation to enforce its orders under Sections 501, 502, 503 and 3301. 66 Pa.C.S. §§ 501, 502, 503 and 3301. In fact, this Commission has recently stated that it has a "clear, unambiguous duty to enforce its orders. 66 Pa.C.S. § 501(a). Public Utilities have a clear, unambiguous duty to comply with Commission orders. 66 Pa.C.S. § 501(c)." *Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation Under Chapter 30 2000 Biennial Update to Network Modernization Plan*, Docket No. P-00930715, May 15, 2002.

For the reasons stated above, it is the Commission's view in this Statement of Policy that all final Orders issued pursuant to Chapter 30 remain in effect and are enforceable by this agency unless and until deemed otherwise. The Statement of Policy provides clarity to not only the telecommunications industry operating in Pennsylvania, but also the consumers of the Commonwealth that the Commission will continue to enforce its Orders regarding this very important issue.

Glen R. Thomas,
Commissioner

Robert K. Bloom,
Vice Chairperson

Kim Pizzingrilli,
Commissioner

Wendell F. Holland,
Commissioner

[Pa.B. Doc. No. 04-226. Filed for public inspection February 6, 2004, 9:00 a.m.]

Transfer of Assets

A-310189F0008 and A-310751F0005. Allegiance Telecom, Inc. and Qwest Communications International, Inc. Joint application of Allegiance Telecom, Inc. and Qwest Communications International, Inc. for approval of the assignment of assets whereby substantially all of the assets of Allegiance Telecom of Pennsylvania, Inc., the Pennsylvania operating subsidiary of Allegiance

Telecom, Inc., will be transferred to Qwest Communications Corporation, an indirect wholly owned subsidiary of Qwest Communications International, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 23, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicants: Allegiance Telecom, Inc. and Qwest Communications International, Inc.

Through and By Counsel: Yaron Dori, Esquire, Hogan and Hartson, LLP, 555 13th Street NW, Washington, DC 20004.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-227. Filed for public inspection February 6, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-195.4, Reefer Plug Project at Packer Avenue Marine Terminal (PAMT) until 2 p.m. on Thursday, February 26, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available February 10, 2004. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid onsite meeting will be held on February 19, 2004, at 11 a.m. at the South Guard House, 3201 S. Columbus Blvd. (PAMT Service Road), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-228. Filed for public inspection February 6, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

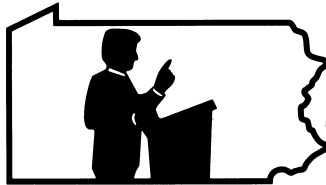
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:) Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

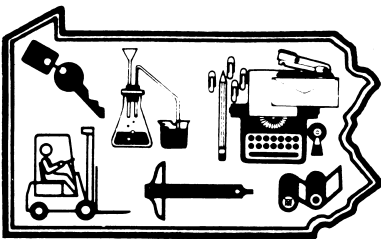
- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer

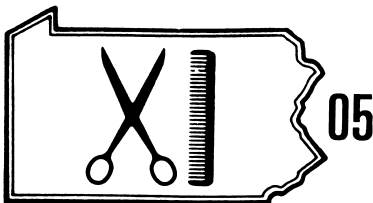


Commodities

SU-03-11 Shippensburg University is seeking vendors interested in providing "Serta" brand name or equal mattresses for student dorm rooms. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350; email mmholt@wharf.ship.edu. Package will be available 1/28/04 and bid responses will be due 2/24/04 by 4:00 PM. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Delivery required 7/14/04
Contact: Mona M. Holtry, (717) 477-1386

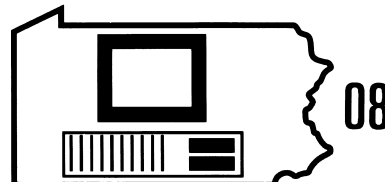
SERVICES



Barber Services

40776016 In House Barber/Beautician needed at the Allentown State Hospital to provide the following services: cuts, shampoos, dyes, perms and sets, etc. Copies of the bid can be obtained by contacting the Purchasing Department at (610) 740-3425 or by fax at (610) 740-3424.

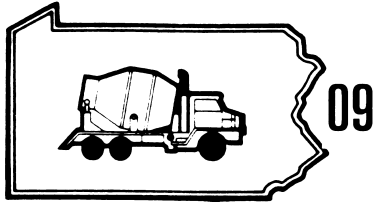
Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 7/1/04 to 6/30/08
Contact: Robert Mitchell, (610) 740-3425



Computer Related Services

KURFP-0065 The successful firm must be able to provide leasing services for a variety of equipment. The University has a current need to lease approximately 1,800 microcomputers (including IBM compatible PCs, Macintosh computers, computer servers, etc.) and may have a future need to lease various other types of equipment, furniture, vehicles, or other items not currently anticipated. It is the intent of the University to enter into a contract with a vendor who can provide leasing services to accommodate these needs. Interested firms should request a Request for Proposal package(s) by number and submit that request in writing to: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530, ph: 610/683-4132, fx: 610/683-4674, e-mail: reitz@kutztown.edu. RFP packages will be available from February 5, 2004 through February 19, 2004. There will not a pre-proposal meeting. Questions requiring clarification prior to proposal submission are due on/before 12:00 noon on February 19, 2004. Proposal submissions are due no later than 2:00 P.M. on March 4, 2004. Late submissions will not be accepted.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: Contract not to exceed five (5) years
Contact: Barbara Reitz, (610) 683-4132



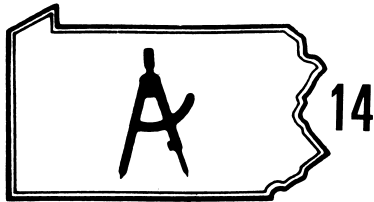
Construction & Construction Maintenance

MI-910 Lyle Patio and Sidewalk Replace patio, parapet walls and railings, and walks. Bidding Documents: Requests are made on-line at http://muweb.millersville.edu/~purchase/current_bid_opportunities.html.

Department: State System of Higher Education
Location: <http://muweb.millersville.edu/~muonline/direction.html>
Duration: 90 calendar days, work to begin May 2004
Contact: Bernadette Wendler, (717) 872-3570

IN-855 Land and Infrastructure Improvements This project consists of removing existing steps, sidewalks, handrails, excavation, site landscaping, etc. and to furnish and install new concrete stairs, sidewalks and curbs, bituminous paving segmental retaining walls, storm drainage, handrails, seeding, topsoil, landscaping materials, etc. Work includes furnishing of all labor, superintendence, materials, tools and equipment and performing all work necessary to complete the project at the satisfaction of, and subject to approval by IUP Engineering and Construction Group and the Pennsylvania State System of Higher Education.

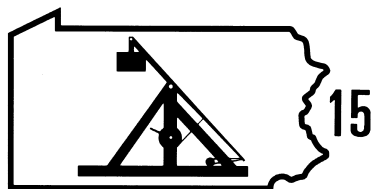
Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Bids are due February 19, 2004 at 2:00 p.m. IUP anticipates issuing Notice to Proceed by April 1, 2004.
Contact: Ronald E. Wolf, (724) 357-2289



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.

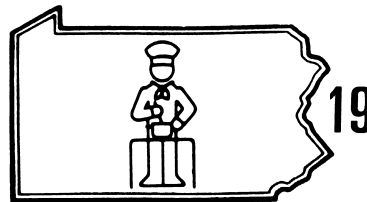
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

12DRILLG2 Vendor to provide on-call drilling equipment and operator for Soils and Geological engineering investigations on various types of terrain, per specifications. Also provide maintenance and protection of traffic during drilling operations when required. Contract will include renewal language similar to "By mutual consent of both parties, this contract shall be renewable in (1) one year periods, for a total of four such renewals." Letters of interest must be received no later than close of business February 17, 2004.

Department: Transportation
Location: Anywhere within Engineering District 1200 - Fayette, Greene, Washington and Westmoreland Counties.
Duration: July 1, 2004 to June 30, 2005. With renewal option as described previously.
Contact: Bob Hoone (or Dave Whitlatch), (724) 439-7245



Food

8411 Perishable Food Items - Month of May: Meat, Poultry, Produce and Fish for the Ebensburg Center, Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Duration: May 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290

8407 Perishable Food Items - Quarterly - Miscellaneous Foods, Prepared Salads, Fruits and Vegetables Frozen, Dairy Products, Cheese, Frozen Juices and Ice Cream and Sherbert for the Ebensburg Center. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg PA 15931. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Duration: April, May and June 2004
Contact: Nannette McCreary, Clerk Typist 3, (814) 472-0290

8413 Perishable Food Items - Month of May: Meat, Poultry, Produce and Fish for the Altoona Center, Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona PA 16601
Duration: May 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290

8414 Perishable Food Items - Month of June: Meat, Poultry, Produce and Fish for the Altoona Center, Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601
Duration: June 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290

AC 8408A Perishable Food Items - Quarterly: Miscellaneous Foods, Prepared Salads, Fruits and Vegetables Frozen, Dairy Products, Cheese, Frozen Juices, Ice Cream and Sherbert and Shell Eggs for the Altoona Center, Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601
Duration: April, May and June 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290

8410 Perishable Food Items - Month of April: Meat, Poultry, Produce and Fish for the Ebensburg Center, Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Duration: April 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290

8415 Bread and Rolls for the Ebensburg Center for July through December 2004. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

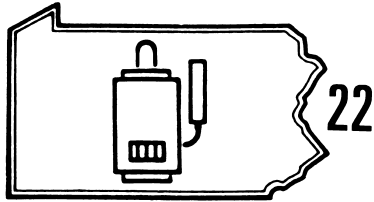
Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Duration: July through December 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290

8409 Perishable Food Items - Month of April: Meat, Poultry, Produce and Fish for the Altoona Center, Altoona Center (Storeroom) Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601
Duration: April 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290

8412 Perishable Food Items - Month of June: Meat, Poultry, Produce and Fish for the Ebensburg Center. Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

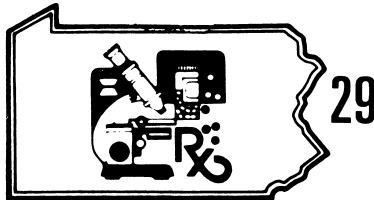
Department: Public Welfare
Location: Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Duration: June 2004
Contact: Nannette McCreary, Purchasing, (814) 472-0290



HVAC Services

SPC-04-009 Contractor shall provide service and repairs as needed to plumbing system at the Gino Merli Veterans Center. For detailed specifications, send request via fax to (570) 961-4400 or email to bpartyka@state.pa.us.

Department: Military Affairs
Location: Gino Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 2004 through June 30, 2008 with renewal option
Contact: Barbara Partyka, PA-1, (570) 961-4354



Medical Services

CN00006950 Vendor to provide mobile bedside x-ray services for the residents of the Hollidaysburg Veterans Home. Approximately 514 residents. Must provide all technical staff, equipment, and supplies in order to process the requested x-ray. Must be done by a board certified radiologist. STAT x-ray services must be provided seven days a week/twenty-four hours/day. An on-site visit is required by all vendors. The bid opening is tentatively scheduled to be held 02/27/04. Contractor must be registered with the Commonwealth. In order to do so, please visit (www.vendorregistration.state.pa.us) If you would like a bid packet, please either e-mail to bcclapper@state.pa.us or fax your request, along with your Vendor Registration Number, to the information following.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, PO Box 319, RT 220 and Meadows Intersection, Hollidaysburg, PA 16648-0319
Duration: 01 July 2004 through 30 June 2005 with renewal options
Contact: Becky J. Clapper, Fax: 814/696-5395

CN00006920 The contractor shall provide preventative maintenance, calibration, electrical safety testing and all necessary repairs to the dental equipment at the State Correctional Institution at Pittsburgh. Any questions, please contact Joan Delie, Correctional Health Care Administrator at 412/761-1955, ext. 329.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 2004 to June 30, 2007
Contact: Nancy Keller/Purchasing Agent, (412) 761-1955, ext. 378

SPC-04-008 Contractor to provide service and repairs as needed to the Dukane Nurse Call system at the Gino J. Merli Veterans Center as per detailed specifications. To obtain a copy, fax or e-mail to bpartyka@state.pa.us a request to the attention of Barbara Partyka, PA-1.

Department: Military Affairs
Location: Gino Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 2004 through June 30, 2005 with renewal option
Contact: Barbara Partyka, PA-1, (570) 961-4354

40776004 To provide maintenance/preventive maintenance for all bio-medical equipment A copy of the bid packet can be obtained by contacting the Purchasing Department at (610) 740-3425 or fax at (610) 740-3424.

Department: Public Welfare
Duration: 7/1/04 to 6/30/08
Contact: Robert Mitchell, (610) 740-3425

CN00006919 The contractor shall furnish dental prosthetic appliances such as denture, full or partial, cast frames and acrylic attachments, and various related attachments to the inmate population. For additional information, please contact Joan Delie, Corrections Health Care Administrator at (412) 761-1955, ext. 329.

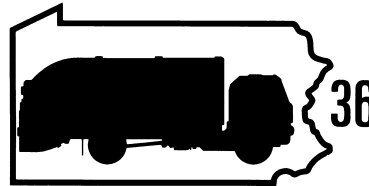
Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 2004 to June 30, 2007
Contact: Nancy Keller/Purchasing Agent, (412) 761-1955 Ext. 378

40776003 Provide a medical monitoring service for employees involved with asbestos abatement program and respirator use. The service shall include pulmonary function examinations, x-rays, and medical history profiles. The service shall be completed by a physician licensed as a Class B reader. Copies of the bid packet can be obtained by contacting the Purchasing Department at 610-740-3425 or fax at 610-740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 7/1/04 to 6/30/08
Contact: Robert Mitchell, (610) 740-3425

40776013 Contract services to provide for sexual offender treatment program for sexual offenses and/or sexual perversions on an as needed basis, on the grounds of the Allentown State Hospital. A bid packet can be obtained by contacting the Purchasing Department at 610-740-3425 or fax at 610-740-3424.

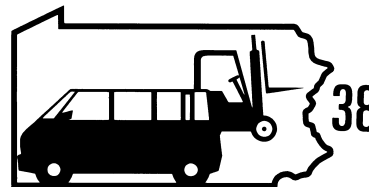
Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 6/1/04 to 7/30/08
Contact: Robert Mitchell, (610) 740-3425



Sanitation

40776005 Provide for the removal of biological waste from this hospital to an approved disposal site. This site will insure that all applicable laws and regulations are met. Copies of the bid proposal can be obtained by contacting the Purchasing Department at 610-740-3425 or fax at 610-740-3424.

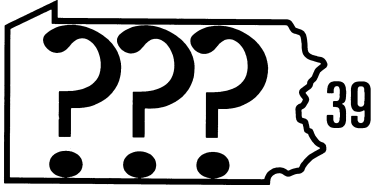
Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 7/1/04 to 6/30/08
Contact: Robert Mitchell, (610) 740-3425



Vehicle, Heavy Equipment and Powered Machinery Services

KURFP-0064 This Request for Proposal (RFP) contains information and instructions to enable interested vendors to prepare and submit proposals and accompanying material for consideration by Kutztown University to satisfy its need for leasing of Modular Trailers. RFP packages are available for a non-refundable fee of \$15.00 from: Barbara Barish, Contract Specialist, Kutztown University, Office of Planning and Construction, P.O. Box 730, 15200 Kutztown Road, Kutztown, PA 19530; phone: (610) 683-4602; email: loguebar@kutztown.edu. RFP packages are available February 2, 2004. A pre-proposal meeting is scheduled for February 12, 2004 at 1:30 p.m. in Room OM-26, Old Main Building. All questions regarding this RFP are to be submitted in writing on or before February 18, 2004 by the close of business. Proposals are to be received no later than 3:00 PM, March 3, 2004 in Room 229, Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: Lease shall be for a minimum of 24 months extendible on a month to month basis for a maximum of 30 months.
Contact: Barbara Barish, (610) 683-4602



Miscellaneous

30776024 The scope of this contract is to furnish and install an outdoor 50 kW diesel emergency generator with subbase fuel tank, and an outdoor 600 amp automatic transfer switch at Building (34). It also includes installation of an outdoor 600 amp enclosed circuit breaker and a 600 amp main circuit breaker for an existing panelboard. Contractor is required to furnish all labor, materials, equipment, tools and supervision. A bid packet can be obtained by contacting the Purchasing Office at 610-740-3425 or fax 610-740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: Upon award of contract, vendor shall have 150 calendar days to complete the job.
Contact: Robert Mitchell, (610) 740-3425

SU-03-10 Contractor to provide supervision, labor, materials, tools and equipment to perform repairs to existing (Modernfold) folding partitions located in the Cumberland Union Building at Shippensburg University. Vendors interested in receiving a bid package must fax a request to Mona Holtry, fax (717) 477-1350; or email a request to: mmholt@wharf.ship.edu. Bids are due 2/17/04 by 4:00 P.M. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Work to be completed as soon as possible.
Contact: Mona M. Holtry, (717) 477-1386

[Pa.B. Doc. No. 04-229. Filed for public inspection February 6, 2004, 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