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# PENNSYLVANIA BULLETIN

Volume 34  
Saturday, February 28, 2004 • Harrisburg, Pa.  
Number 9  
Pages 1219—1310

**Agencies in this issue:**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Transportation  
Executive Board  
Fish and Boat Commission  
Health Care Cost Containment Council  
Historical and Museum Commission  
Housing Finance Agency  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
State Employees' Retirement Board  
State Police  
Turnpike Commission

**Detailed list of contents appears inside.**



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

**No. 351, February 2004**

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# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2004 regular session of the General Assembly (2 documents) . . . . . 1227

## THE COURTS

### COMMONWEALTH COURT

Notice to the bar; change of address . . . . . 1230

### LOCAL COURT RULES

#### Dauphin County

Promulgation of local rules; no. 1793 S 1989. . . . . 1229

#### Erie County

Transcription; misc. 90011-04. . . . . 1230

## EXECUTIVE AGENCIES

### DELAWARE RIVER BASIN COMMISSION

#### Notices

Meeting and public hearing . . . . . 1255

### DEPARTMENT OF AGRICULTURE

#### Notices

Plum Pox Virus commercial nursery fruit tree indemnity program . . . . . 1256

Plum Pox Virus commercial orchard fruit tree indemnity program . . . . . 1258

### DEPARTMENT OF BANKING

#### Notices

Action on applications. . . . . 1259

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Elm street program guidelines; new communities program guidelines . . . . . 1261

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices. . . . . 1261

Storage Tank Advisory Committee meeting cancellation. . . . . 1294

Water Resources Advisory Committee meeting cancellation. . . . . 1295

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information. . . . . 1306

### DEPARTMENT OF HEALTH

#### Notices

Pennsylvania Cancer Control, Prevention and Research Advisory Board meeting . . . . . 1296

Requests for exception; long-term care nursing facilities. . . . . 1295

### DEPARTMENT OF PUBLIC WELFARE

#### Statements of Policy

Incident management . . . . . 1234

### DEPARTMENT OF TRANSPORTATION

#### Notices

Addendum and revision of the listing of approved speed-timing devices and appointment of maintenance and calibration stations . . . . . 1295

### EXECUTIVE BOARD

#### Statements of Policy

##### Reorganizations:

Insurance Department . . . . . 1234

Office of Administration. . . . . 1234

### FISH AND BOAT COMMISSION

#### Rules and Regulations

Fishing; boating . . . . . 1232

General provisions; fishing; boating . . . . . 1231

### HEALTH CARE COST CONTAINMENT COUNCIL

#### Notices

Meetings scheduled . . . . . 1296

### HISTORICAL AND MUSEUM COMMISSION

#### Notices

National Register nominations to be reviewed by the Historic Preservation Board . . . . . 1296

### HOUSING FINANCE AGENCY

#### Notices

Request for proposals; financial audit for the homeowners' emergency mortgage assistance program. . 1296

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Actions taken by the Commission . . . . . 1297

Notice of filing of final rulemakings . . . . . 1298

### INSURANCE DEPARTMENT

#### Notices

Insurance Services Office, Inc.; homeowners loss cost level revision; rate filing . . . . . 1298

Insurance Services Office, Inc.; personal auto prospective loss cost revision; rate filing. . . . . 1298

Keystone Health Plan East; community medical; rate filing . . . . . 1299

Notice to workers' compensation insurance carriers . 1299

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases . . . . . 1299

---

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**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Delegation of authority to the Bureau of Fixed  
Utility Services to extend the 30-day consider-  
ation period for registering securities certificates;  
doc. no. M-00970915 ..... 1300  
Railroad..... 1300  
Service of notice of motor carrier applications..... 1300  
Telecommunications..... 1303

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids ..... 1303

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearings scheduled ..... 1303

**STATE EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearings scheduled ..... 1304

**STATE POLICE**

**Notices**

Mobile video recording system equipment standards  
and approved mobile video recording systems..... 1304

**TURNPIKE COMMISSION**

**Notices**

Retention of a design advisory team/facilitation  
firm..... 1305

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

<b>4 Pa. Code (Administration)</b>		<b>55 Pa. Code (Public Welfare)</b>	
<b>Adopted Rules</b>		<b>Statements of Policy</b>	
5 .....	366	6000 .....	1234
6 .....	366	<b>58 Pa. Code (Recreation)</b>	
<b>Statements of Policy</b>		<b>Rules and Regulations</b>	
9 .....	855, 1234	63 .....	1231, 1232
114 .....	63	65 .....	1231
<b>7 Pa. Code (Agriculture)</b>		93 .....	1231, 1232
<b>Proposed Rulemaking</b>		<b>Proposed Rulemaking</b>	
76 .....	831	141 .....	484
104 .....	561	143 .....	484
<b>12 Pa. Code (Commerce, Trade and Local Government)</b>		147 .....	485, 486
<b>Statements of Policy</b>		<b>61 Pa. Code (Revenue)</b>	
123 .....	488	<b>Adopted Rules</b>	
<b>25 Pa. Code (Environmental Protection)</b>		872 .....	50
<b>Adopted Rules</b>		<b>67 Pa. Code (Transportation)</b>	
86 .....	388	<b>Proposed Rulemaking</b>	
<b>28 Pa. Code (Health and Safety)</b>		103 .....	843
<b>Adopted Rules</b>		212 .....	951
1001 .....	677	<b>Statements of Policy</b>	
1003 .....	677	86 .....	567
1005 .....	677	88 .....	567
1007 .....	677	<b>204 Pa. Code (Judicial System General Provisions)</b>	
1051 .....	677	<b>Adopted Rules</b>	
<b>31 Pa. Code (Insurance)</b>		81 .....	9
<b>Proposed Rulemaking</b>		85 .....	948
147 .....	844	87 .....	948
151 .....	850	89 .....	948
<b>34 Pa. Code (Labor and Industry)</b>		<b>210 Pa. Code (Appellate Procedure)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
401 .....	319	65 .....	379
403 .....	319	<b>231 Pa. Code (Rules of Civil Procedure)</b>	
405 .....	319	<b>Adopted Rules</b>	
<b>37 Pa. Code (Law)</b>		200 .....	9, 557
<b>Proposed Rulemaking</b>		400 .....	9
42 .....	853	1000 .....	9
<b>49 Pa. Code (Professional and Vocational Standards)</b>		1300 .....	22
<b>Adopted Rules</b>		1500 .....	9
9 .....	235	1600 .....	9
13 .....	39	2000 .....	9
16 .....	40	2020 .....	9
18 .....	43	2050 .....	9
25 .....	47	2100 .....	9
31 .....	388	2120 .....	9
<b>Proposed Rulemaking</b>		2150 .....	9
16 .....	56	2170 .....	9
21 .....	851	2200 .....	9
25 .....	58, 563	2220 .....	9
29 .....	565	2250 .....	9
35 .....	61	2300 .....	9
39 .....	55	2320 .....	9
41 .....	60	2350 .....	9
		2950 .....	22
		3000 .....	9, 22
		4000 .....	9
		<b>Proposed Rulemaking</b>	
		3000 .....	476
		3300 .....	476



**234 Pa. Code (Rules of Criminal Procedure)**  
**Proposed Rulemaking**  
4 ..... 34

**246 Pa. Code (Minor Court Civil Rules)**  
**Proposed Rulemaking**  
200 ..... 480  
300 ..... 480  
500 ..... 480

**249 Pa. Code (Philadelphia Rules)**  
Unclassified ..... 36

**255 Pa. Code (Local Court Rules)**  
Unclassified ..... 37, 231, 379, 482, 483, 557, 829,  
830, 949, 1229, 1230

# THE GENERAL ASSEMBLY

## Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 007 through 009</b>					
008	Feb 9	SB0279	PN1061	60 days	Vehicle Code (75 Pa.C.S.)—display of registration plate, special motorcycle registration plate for veterans, automated red light enforcement systems in first class cities, enumeration of police powers, etc.
009	Feb 10	HB1785	PN3309	immediately*	General Local Government Code (53 Pa.C.S.)—governing body of authorities and parking authorities in cities of the first class

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 04-321. Filed for public inspection February 27, 2004, 9:00 a.m.]

## Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 010 through 012</b>					
010	Feb 12	HB2332	PN3288	immediately	Water and Wastewater Treatment Project Bond Act—enactment
011	Feb 12	HB2006	PN3291	immediately	Intergovernmental Cooperation Authority Act for Cities of the Second Class—enactment
012	Feb 12	SB0778	PN1391	immediately*	Commerce and Trade (12 Pa.C.S.)—codifying portions of Job Enhancement Act, contract requirements, guidelines and administration and application requirements Keystone Innovation Zones

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

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[Pa.B. Doc. No. 04-322. Filed for public inspection February 27, 2004, 9:00 a.m.]

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# THE COURTS

## Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

### Order

*And Now*, this 12th day of February 2004, Dauphin County Local Rules of Civil Procedure are promulgated and amended as follows:

#### Rule 1920 Actions in Divorce or Annulment

##### 1920.2 Question of Jurisdiction or Venue

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2. **Either party may submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2.**

##### 1920.14 Rescinded

##### 1920.43 Special Relief

A petition for special relief filed in accordance with Pennsylvania Rule of Civil Procedure 1920.43 shall include a rule to show cause. When a response to the rule to show cause is filed, either party may submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

##### 1920.45 Rescinded

##### 1920.46 Rescinded

##### 1920.51 Appointment of Master

(a) [ **1** ] (2)(i) A Master shall be appointed by the Court to take testimony and file a report in the form prescribed by the Pennsylvania Rules of Civil Procedure for an action for divorce or annulment and the claims for alimony, alimony pendente lite, equitable distribution of marital property, counsel fees, costs, or expenses, or any aspect thereof. **A motion for appointment of master shall be served on the non-moving party. Proof of service shall be filed with the Prothonotary.**

(a)(2)(iii) Rescinded

(a)(3) [ **Motion for the appointment of a Master shall set forth whether or not the grounds for divorce or annulment are likely to be contested and shall, in addition, set forth those claims permitted to be joined under the Divorce Code which are at issue. No such motion shall be filed until twenty (20) days have expired from the service of the Complaint in Divorce or Annulment.** ] The documents required under Pa.R.C.P. 1920.31 and 1920.33 shall be filed before or simultaneously with the motion for appointment of Master. If the non-moving party has not filed the required documents at the time the motion for appointment of master is filed, the court shall issue an order staying the

motion for appointment of master and requiring the filing of these documents within fourteen (14) days.

(b) [ **The Master shall give at least ten (10) days written notice of the time and place of taking testimony to the persons entitled thereto.** ] If the [ **defendant** ] party is in custodia legis, the notice shall advise [ **him or her of his right to a Writ of Habeas Corpus ad Testificatum** ] the party that arrangements will be made with the institution for the individual to participate in the hearing by telephone.

##### 1920.51A Filing Fee; Compensation of Master and Stenographer

(2) [ **The Court shall maintain a list of Divorce Masters appointed from names of qualified persons submitted by the Dauphin County Bar Association. No attorney shall have his name listed unless he shall first have made application therefore on a form approved by the court, which form shall set forth the date upon which the attorney was first admitted to practice before the Supreme Court of Pennsylvania, and shall furnish the office address of the attorney in this County. The attorney shall further certify in his application that he continues on the date of such application to be a member in good standing of the Bar of the Supreme Court of Pennsylvania and that he maintains his principal office at the office address indicated in the application, which office is staffed for the major portion of normal business hours for his private law practice. Any attorney may be removed from the list upon his own application, or at the direction of the Court. Reinstatement of an attorney to the list after his having been removed therefrom upon his own application shall be by further application as provided hereinbefore for listing in the first instance. An attorney who has been removed from the list at the direction of the Court shall not be reinstated except upon further direction of the Court. Any attorney who shall change the place of his principal office or place of law practice within the County shall notify the Court of such change within ten (10) days thereof. In order to maintain the correctness of the list, the Court, upon proper order and in such form and at such times as it deems necessary, may require any attorney listed to renew his certification as to his continued eligibility for listing. Notwithstanding that they are not engaged in private law practice, attorneys employed by Central Pennsylvania Legal Services and the Dauphin County District Attorney's or Public Defender's Office shall, upon application as set forth herein, be deemed eligible for appointment as Masters in divorce, unless otherwise prohibited by the terms of their employment.**

A Master shall serve for one year and thereafter until the Court appoints a successor. One of such Masters shall also be designated as Administrative Master to perform such supervisory duties as the Court may direct. ] Divorce Masters shall be appointed by the Court.

(3) Divorce Masters [and the stenographers who record masters' proceedings] shall be compensated at a rate set by order of court.

(4) The Court shall pay an appearance fee by a stenographer who is hired to record the masters' proceedings. The cost of transcripts shall be borne by the parties.

1920.53(a)(1) HEARING BY MASTER. [REPORT. The Master shall conduct a hearing within thirty (30) days following his appointment by the Court and shall file his Report with the Prothonotary within the time limits prescribed by the Pennsylvania Rules of Civil Procedure unless the time for filing has been extended by the Court, for cause shown.

The Master shall cause a record to be kept of all proceedings. If objection be made to the admission or rejection of evidence, the Master shall note on the record the offer, its purpose, the objection, and its grounds.

As part of the report to the Court, the Master shall make a recommendation for allocation of costs and expenses between the parties.

The Master shall give notice to each party of the filing of the report with the Court in accordance with the Pennsylvania Rules of Civil Procedure. ] If the moving party is seeking a divorce under section 3301 (c) of the Divorce Code, the moving party shall file the executed affidavits of consent and waiver of notice of intention to secure entry of the divorce decree prior to the Master taking testimony. If the moving party is seeking a divorce under section 3301 (d) of the Divorce Code, the moving party shall serve the 3301 (d) affidavit and the relevant notices prior to the Master taking testimony.

1920.55.(a) Rescinded

1920.77 Divorce Information Sheet

(a) The Divorce Information Sheet shall be filed with the Prothonotary simultaneously with the filing of the Praecepto to Transmit Record pursuant to Pa.R.C.P. 1920.42 or the filing of the Motion for Appointment of Master pursuant to Pa.R.C.P. 1920.51. The Divorce Information Sheet shall be obtained from the Prothonotary's Office. The Divorce Information Sheet shall contain the Social Security Numbers of the parties to the divorce in accordance with 23 Pa.C.S. Section 4304.1(a)(3). The Divorce Information Sheet shall also contain information to enable the Prothonotary to submit required statistical information to the Commonwealth of Pennsylvania, Department of Health, Vital Statistics Division.

(b) After the Divorce Decree is signed by a judge, the Divorce Information Sheet shall be removed from the public file by the Prothonotary and shall be kept confidential in accordance with 23 Pa.C.S. Section 4304.1 (a)(3).

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH H. KLEINFELTER,  
*President Judge*

[Pa.B. Doc. No. 04-323. Filed for public inspection February 27, 2004, 9:00 a.m.]

ERIE COUNTY  
Transcription; Misc. 90011-04

Administrative Order

And Now to-wit this 9th day of February 2004, effective immediately, all requests for transcriptions shall include identification of the proceeding(s) to be transcribed and the date(s) of such proceedings. Only matters identified in the request will be transcribed. If the request does not have any identified proceeding(s), then nothing will be transcribed.

By the Court

WILLIAM R. CUNNINGHAM,  
*President Judge*

[Pa.B. Doc. No. 04-324. Filed for public inspection February 27, 2004, 9:00 a.m.]

## COMMONWEALTH COURT

### Notice to the Bar; Change of Address

The former address of the Commonwealth Court was:

Commonwealth Court of Pennsylvania  
P. O. Box 11730  
Harrisburg, PA 17108

or

Commonwealth Court of Pennsylvania  
6th Floor, South Office Building  
Harrisburg, PA 17120

The current address of the Commonwealth Court, which should be used in all future correspondence, is:

Commonwealth Court of Pennsylvania  
6th Floor, Irvis Office Building  
Harrisburg, PA 17120

G. RONALD DARLINGTON,  
*Executive Administrator*  
*Commonwealth Court*

[Pa.B. Doc. No. 04-325. Filed for public inspection February 27, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CHS. 63, 65 AND 93]

#### General Provisions; Fishing; Boating

The Fish and Boat Commission (Commission) amends Chapters 63, 65 and 93 (relating to general fishing regulations; special fishing regulations; and boat registration and numbering). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

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

#### B. Contact Person

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

#### C. Statutory Authority

The amendments to §§ 63.6, 63.10 and 63.15 (relating to authorized devices for game fish, baitfish and fishbait; ice fishing; and field dressing of fish) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes). The amendment to § 93.2 (relating to permanent and temporary registration) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304(d.1) of the code (relating to issuing agents). A person violating any of these sections commits a summary offense of the third degree for which a \$50 fine is imposed.

#### D. Purpose and Background

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to ice fishing, the field dressing of fish, a fishing pier for persons with disabilities at Lake Scranton, Lackawanna County, and temporary Internet boat registration renewals. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

#### E. Summary of Proposed Rulemaking

(1) *Sections 63.6 and 63.10.* New and different types of ice fishing devices have been developed for use during the past several years. Therefore, it has become increasingly difficult to determine whether some of these devices are truly tip-ups or just modifications to a fishing rod. The Commission proposed amendments that will allow an angler while ice fishing to fish with a maximum of five fishing devices that may consist of hand lines, tip-ups, fishing rods or any combination thereof. The Commission's Bureau of Fisheries indicates that this change will have no adverse effect upon the fishery. The Commission

has amended these sections to read as set forth in the notice of proposed rulemaking published at 33 Pa.B. 5927 (December 6, 2003).

(2) *Section 63.15.* Subsection (d) does not apply to officially recognized fishing cleaning stations except that for species of fish for which minimum size limits apply, the skin must remain attached to the fillet and the size of the fillet is subject to a size limit of 75% of the size limit for the species. Yellow perch taken from Lake Erie are subject to minimum size limits first established at 8 inches in 1996 and revised in 2002 to provide for a 7-inch limit during the ice fishing period.

Officially recognized fish cleaning stations are in Erie County, and they provide a valuable service to customers who engage in recreational fishing for sport fish in Lake Erie. Because yellow perch is subject to a minimum size limit, the requirement to leave the skin on these fish applies to officially recognized fish cleaning stations. The Commission has been asked to provide some relief from this requirement that causes problems for the fish cleaning stations and their customers. Accordingly, the Commission has amended this section to read as set forth in the notice of proposed rulemaking.

Officially recognized fish cleaning stations are responsible for ensuring that the fish they clean are in compliance with regulations, and they must document compliance by giving their customers signed, dated receipts indicating the species and the number of fish dressed.

(3) *Section 65.24.* Under a 1994 agreement among Pennsylvania Gas and Water Company, Allied Services of Scranton, PA and the Commission, a special fishing pier for persons with disabilities was constructed and opened at Lake Scranton. The agreement provided that fishing from this pier would be subject to certain restrictions, which in turn were subject to some exceptions. These restrictions were, in turn, carried over into a miscellaneous special fishing regulation.

The Lake Scranton fishing pier for persons with disabilities was a model for similar facilities installed at State parks and other lakes under the leadership and encouragement of Commissioner Paul Mahon. The current miscellaneous fishing regulation on Lake Scranton needs to be updated to better reflect the use of the fishing pier by persons with disabilities. Both the owner of Lake Scranton and Allied Services have agreed to modifications to this regulation. The Commission has amended this miscellaneous special fishing regulation to read as set forth in the notice of proposed rulemaking.

(4) *Sections 93.2 and 93.13.* The Department of Transportation currently allows most customers to renew their vehicle registrations online. The customer is then allowed to print a Temporary Internet Vehicle Registration from a computer. This temporary registration is valid for 15 days.

In the near future, the Commission may offer online renewals for its boat registration customers. The Commission solicited cost estimates for this upgrade to the functionality of the "outdoor shop" on the Internet and determined that the Commission will be able to move forward with this project for at least part of the 2004 registration renewal cycle. Customers will be able to renew their boat registrations online and print a temporary Internet registration that will be valid for 30 days. Customers who renew their boat registrations online will pay the Commission a \$2 issuing agent fee.

To implement the online boat registration renewals, the Commission has amended §§ 93.2 and 93.13 to read as set forth in the notice of proposed rulemaking. Staff will carefully monitor the response to the availability of online registration renewals with a \$2 fee and will make recommendations for appropriate adjustment, if any, in the future.

#### F. Paperwork

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

#### G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment to § 93.13 will impose new costs on the private sector and the general public in that individuals who renew their boat registrations online will have to pay the Commission a \$2 issuing agent fee. The other amendments will impose no new costs on the private sector or the general public.

#### H. Public Involvement

A notice of proposed rulemaking was published at 33 Pa.B. 5927. The Commission did not receive any public comments concerning the proposals.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 63, 65 and 93, are amended by amending §§ 63.6, 63.10, 63.15, 65.24, 93.2 and 93.13 to read as set forth at 33 Pa.B. 5927.

(b) The Deputy Executive Director will submit this order and 33 Pa.B. 5927 to the Office of Attorney General for approval as to legality as required by law.

(c) The Deputy Executive Director shall certify this order and 33 Pa.B. 5927 and deposit them with the Legislative Reference Bureau as required by law.

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

DENNIS T. GUISE,  
Deputy Executive Director

**Fiscal Note:** Fiscal Note 48A-150 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 04-326. Filed for public inspection February 27, 2004, 9:00 a.m.]

## [58 PA. CODE CHS. 63 AND 93]

### Fishing; Boating

The Fish and Boat Commission (Commission) amends Chapters 63 and 93 (relating to general fishing regulations; and boat registration and numbering). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking relates to fishing and registration and titling.

#### A. Effective Date

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

#### B. Contact Person

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

#### C. Statutory Authority

The amendments to §§ 63.6 and 63.8 (relating to authorized devices for game fish, baitfish and fishbait; and long bows, crossbows, spears and gigs) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations). The amendments to § 93.9 (relating to surrender of certificate of registration) are published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The amendments to § 93.102 (relating to application procedure and contents of applications for certificates of title) are published under the statutory authority of section 5325 of the code (relating to rules and regulations).

#### D. Purpose and Background

This final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing and registration and titling. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes. The Commission's Boating Advisory Board considered the proposed changes to §§ 93.9 and 93.102 and recommended that the Commission adopt the amendments as set forth in the notice of proposed rulemaking published at 33 Pa.B. 5081 (October 11, 2003).

#### E. Summary of Changes

(1) *Sections 51.72 and 51.73.* The Commission has decided to withdraw temporarily the proposal to add §§ 51.72 and 51.73 (relating to permits for commercial pest control agents; and general permits for fish collecting activities). The Commission intends to consider this proposal at a later date.

(2) *Section 63.6.* A recent review of the Commission's regulations has revealed the need to clarify that nets may not be used to catch or take game fish. This issue has arisen with regard to the Lake Erie tributaries and the illegal netting of steelhead. Accordingly, the Commission has amended this section to read as set forth in the notice of proposed rulemaking.

(3) *Section 63.8.* In recent years, crossbows have become more popular. The Game Commission has relaxed restrictions for their use during the regular firearms season for deer and during the elk and bear seasons. Allowing their use in fishing would have no or little impact and would eliminate the need for a permit for

their use for persons with disabilities. Accordingly, the Commission has amended this section to read as set forth in the notice of proposed rulemaking.

(4) *Section 93.9.* This section sets forth the conditions under which an individual is required to surrender a certificate of registration. The condition in this section dealing with documented vessels is not valid. Documented vessels are exempt from the requirement to display the registration number but are required to be registered, in part, to serve as proof of payment of sales tax. Because documented vessels are required to be registered, their owners must possess a certificate of registration and display a validation decal. Accordingly, the Commission has amended this section to read as set forth in the notice of proposed rulemaking.

(5) *Section 93.102.* A question has arisen regarding whether it is appropriate for the Commission to issue a certificate of title for a boat that is currently registered in another state. For example, a North Carolina resident recently sought to obtain a Pennsylvania title for his boat that is currently registered in North Carolina. Although North Carolina does not have a mandatory titling program, it does allow individuals to voluntarily title their boats. The individual did not want to title his boat in North Carolina but wished to keep his boat registered there.

The Commission has determined that as a matter of policy, it should not issue a certificate of title for a boat that is currently registered or titled, or both, in another state or that is documented by the United States Coast Guard unless the application for title is accompanied by the current certificates of registration or title, or both, for the boat or evidence that the marine document for the boat is no longer in effect. Accordingly, the Commission has amended this section to read as set forth in the notice of proposed rulemaking.

*F. Paperwork*

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

*G. Fiscal Impact*

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

*H. Public Involvement*

A notice of proposed rulemaking was published at 33 Pa.B. 5081. The Commission did not receive any public comments concerning the proposals.

*Findings*

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 63 and 93, are amended by amending §§ 63.6, 63.8, 93.9 and 93.102 to read as set forth at 33 Pa.B. 5081.

(b) The Deputy Executive Director will submit this order and 33 Pa.B. 5081 to the Office of Attorney General for approval as to legality as required by law.

(c) The Deputy Executive Director shall certify this order and 33 Pa.B. 5081 and deposit them with the Legislative Reference Bureau as required by law.

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

DENNIS T. GUISE,  
*Deputy Executive Director*

**Fiscal Note:** Fiscal Note 48A-149 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 04-327. Filed for public inspection February 27, 2004, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective February 11, 2004.

The organization chart at 34 Pa.B. 1235 (February 28, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 04-328. Filed for public inspection February 27, 2004, 9:00 a.m.]

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#### [4 PA. CODE CH. 9]

#### Reorganization of the Office of Administration

The Executive Board approved a reorganization of the Office of Administration effective February 12, 2004.

The organization chart at 34 Pa.B. 1236 (February 28, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 04-329. Filed for public inspection February 27, 2004, 9:00 a.m.]

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [55 PA. CODE CH. 6000]

#### Incident Management

##### Scope

Individuals who are registered with a county mental retardation program or who receive supports and services from facilities licensed by the Department of Public Welfare's Office of Mental Retardation (OMR), or both, are afforded the protections detailed in this statement of policy.

Providers who receive funds from the mental retardation system, either directly or indirectly, to provide or secure supports or services for individuals authorized to receive services from a county mental retardation pro-

gram and providers licensed by the OMR are reporters and are to file incident reports as specified in this statement of policy.

County mental retardation programs and their designated support coordination entities are reporters and are to file incident reports as specified in this statement of policy.

Following the processes outlined in this statement of policy will satisfy the incident reporting requirements of 55 Pa. Code (relating to public welfare) for the following regulation chapters:

- Chapter 20—Relating to Licensure or Approval of Facilities and Agencies
- Chapter 2380—Relating to Adult Training Facilities
- Chapter 2390—Relating to Vocational Facilities
- Chapter 6400—Relating to Community Homes for Individuals with Mental Retardation
- Chapter 6500—Family Living Homes
- Chapter 6600—Intermediate Care Facilities for the Mentally Retarded

##### Purpose

The purpose of this statement of policy is to specify the guidelines and procedures for the incident management process. The incident management process is a subset of a larger risk management process. Incident policies, procedures, training, response and reporting are all important aspects of the incident management process. Combined with other areas of risk assessment such as, but not limited to, employee injuries, complaints, satisfaction surveys and hiring practices, incident management is an essential component of a comprehensive quality management process.

Providers and counties establish incident management and risk management related policies, procedures, orientation and training that address the items identified in Appendix E (relating to incident management components).

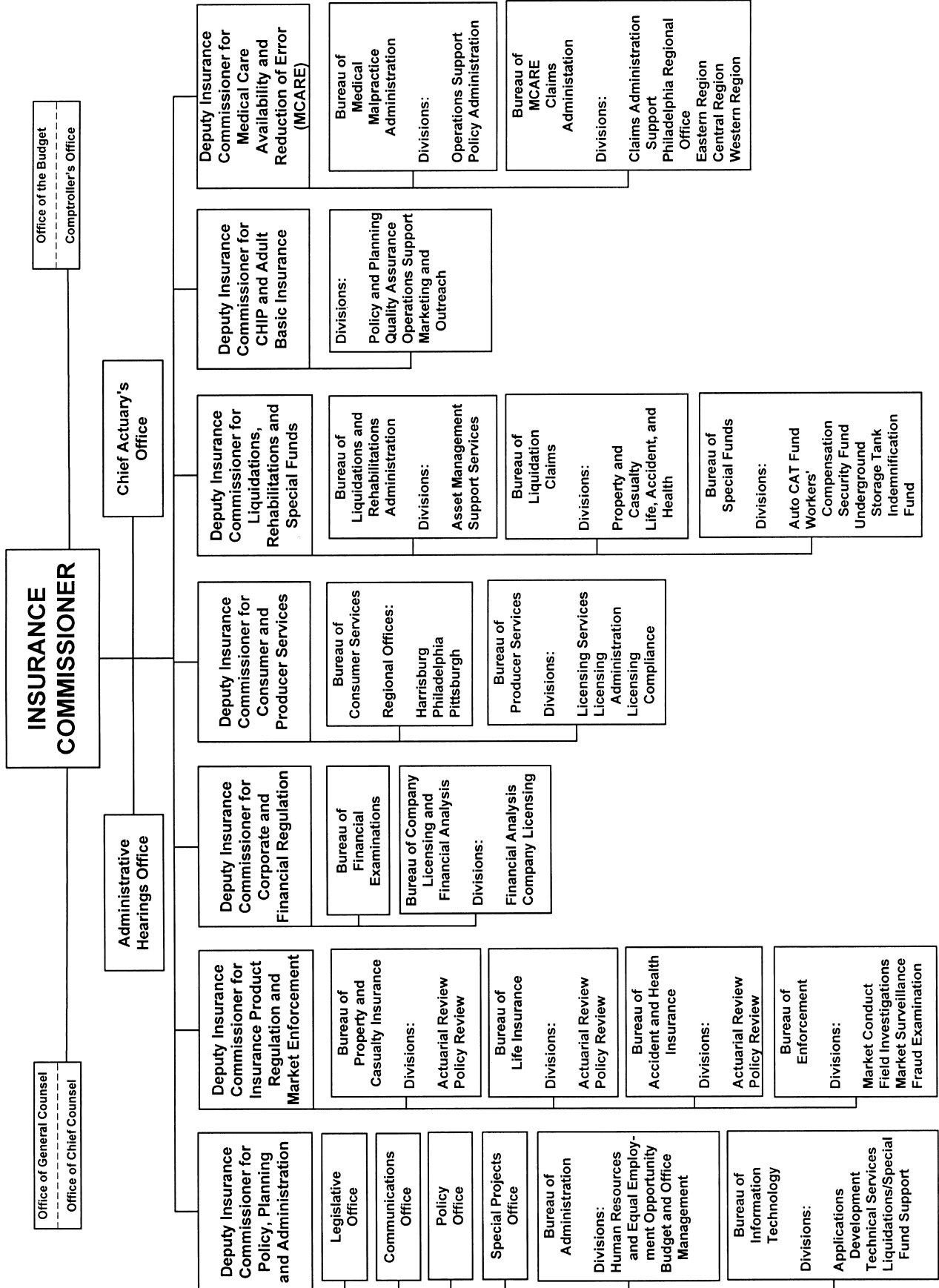
This statement of policy establishes processes that will ensure the health and safety, enhance the dignity and protect the rights of individuals receiving supports and services. The processes include uniform practices for:

- Building organizational policies and structures to support incident management.
- Taking timely and appropriate action in response to incidents.
- Reporting of incidents.
- Investigating of incidents.
- Taking corrective action in response to incidents.
- Implementing quality improvement, risk management and incident management processes for the analysis and interpretation of individual and aggregate incident data.

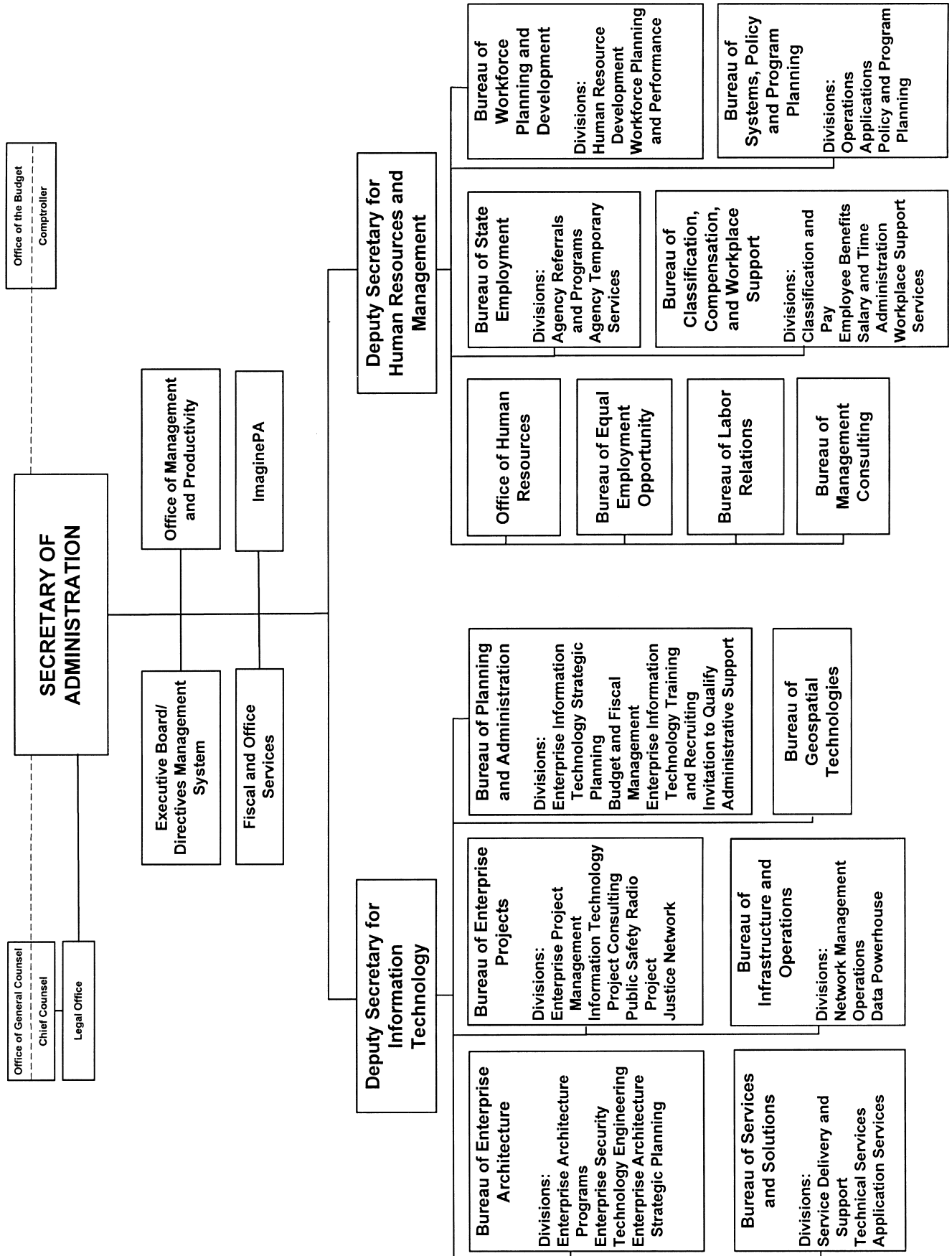
##### Background

All providers of mental retardation services and supports, including private and State-operated intermediate care facilities for persons with mental retardation (ICFs/MR), county mental health/mental retardation programs and the OMR are partners in the effort to ensure the health, safety and rights of persons receiving supports

INSURANCE DEPARTMENT



**GOVERNOR'S OFFICE OF ADMINISTRATION**



and services. Each entity reports certain incidents, collects information about those incidents and takes action based on those reports. The development and expansion of community-based supports and services and the increasing flexibility people enjoy to choose a wide variety of both traditional and nontraditional supports have increased the need to establish consistent Statewide processes for safeguarding individuals. To this end, the OMR promulgated Subchapter D (relating to incident management), published at 32 Pa.B. 2117 (April 27, 2002). Following the implementation period, the OMR systematically collected and evaluated feedback from a variety of sources. As part of a continuous quality improvement effort, opportunities for improvement were identified in the feedback, which resulted in the revisions contained in this statement of policy.

#### *Discussion*

The primary goal of an incident management system is to ensure that when an incident occurs, the response will be adequate to protect the health, safety and rights of the individual. This statement of policy communicates clear and specific methodologies to ensure appropriate responses at the provider, county and State levels. The standardization of the reporting format, the time frames for reporting and the investigation protocol are key to conducting individual, provider, countywide and Statewide analysis of incidents. The continuous review and analysis of reported incidents at the provider, county and State levels is to enhance risk management processes and to formulate actions to prevent the recurrence of incidents.

All reportable incidents are to be submitted electronically by means of the Home and Community Services Information System (HCSIS), a web-based system developed by the Department of Public Welfare. If HCSIS is unavailable, the submission of incidents is to occur by following the directions in the Incident Management Contingency Plan. See Appendix J (relating to incident management contingency plan).

The incident management processes described in this statement of policy expect that investigations at the provider, county and State levels be conducted by certified investigators. This will ensure that all incidents that require investigation receive a systematic investigation that meets established standards. A training program and certification process has been established by the OMR and communicated by Mental Retardation Bulletin 00-01-06, Announcement of Certified Investigator Training, dated September 6, 2001.

In addition to the OMR reporting processes described in this statement of policy, reporting requirements of other laws, regulations and policies must be followed. See Appendix F (relating to related laws, regulations and policies). Providers, supports coordination entities, counties and OMR must be vigilant to report any incident when there is a suspected crime to law enforcement. When an individual is allegedly abused, neglected or the victim of a crime, the individual is to be offered the support of a Victim's Assistance Program. See Appendix G (relating to victim's assistance programs).

Facilities must comply with Chapters 2380, 2390, 6400, 6500 and 6600. To the extent that this statement of policy exceeds the requirements of Chapters 2380, 2390, 6400, 6500 and 6600, the use of this subchapter is optional for facilities. Because this statement of policy meets or exceeds the regulatory requirements in Chapters 2380, 2390, 6400, 6500 and 6600 compliance with the reporting

procedures in this statement of policy will be accepted by the Department as meeting the regulatory requirements of §§ 2380.17, 2390.18, 6400.18 and 6500.20.

The intention of the OMR is to develop an effective incident management system that applies an elevated standard concerning the health, safety and rights of individuals receiving services. Complying with this statement of policy will provide the opportunity to test and revise the policy before regulations related to incident management are revised or initiated. Therefore, it is in everyone's best interest that all providers adhere to the reporting specified in Annex A.

#### *Obsolete Bulletins*

Mental Retardation Bulletin 00-01-05, Incident Management, issued August 27, 2001

Mental Retardation Bulletin 00-02-02, Announcement of the Incident Management Implementation Schedule and Contingency Plan, issued March 1, 2002

Mental Retardation Bulletin 00-02-14, Incident Management Interpretive Guideline, issued October 29, 2002

Mental Retardation Bulletin 00-02-15, Incident Management Interpretive Guideline—Hospital Discharge Instructions, issued November 27, 2002

#### *Obsolete Statement of Policy*

Sections 6000.461—6000.474 (relating to incident management)

#### *Effective Date*

This statement of policy is effective February 21, 2004.

*(Editor's Note:* The regulations of the Department, 55 Pa. Code Chapter 6000, are amended by deleting a statement of policy in §§ 6000.461—6000.474 and by adding a statement of policy in §§ 6000.901—6000.904, 6000.911—6000.913, 6000.921—6000.925, 6000.931, 6000.941, 6000.951—6000.959, 6000.961, 6000.962, 6000.971, 6000.972, 6000.981—6000.985 and Appendices E—K to read as set forth in Annex A.)

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-BUL-065. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 55. PUBLIC WELFARE**

#### **PART VIII. MENTAL RETARDATION MANUAL**

#### **Subpart A. STATEMENTS OF POLICY**

#### **CHAPTER 6000. STATEMENTS OF POLICY**

#### **Subchapter D. (Reserved)**

#### **§§ 6000.461—6000.474. (Reserved).**

#### **Subchapter Q. INCIDENT MANAGEMENT**

#### **GENERAL PROVISIONS**

Sec.  
6000.901. Scope.  
6000.902. Purpose.  
6000.903. Licensing applicability.  
6000.904. Definitions.

#### **RESPONSIBILITY FOR REPORTING/INVESTIGATING**

6000.911. Providers.  
6000.912. Individuals and families.  
6000.913. County mental health/mental retardation programs.

#### **REPORTABLE INCIDENTS**

6000.921. Categories of incidents.  
6000.922. Incidents to be reported within 24 hours.  
6000.923. Incidents to be reported within 72 hours.

- 6000.924. Incident management contingency plan.  
6000.925. Categories of incidents to be investigated.

#### SEQUENCE OF REPORTING

- 6000.931. Multiple categories and sequences.

#### INCIDENT MANAGEMENT PROCESS

- 6000.941. Administrative structure.

#### ROLES

- 6000.951. Initial reporter.  
6000.952. Point person.  
6000.953. Incident management representative.  
6000.954. Certified investigator.  
6000.955. Supports coordinator.  
6000.956. Supports coordinator supervisor/unit manager.  
6000.957. County incident manager.  
6000.958. Regional incident manager.  
6000.959. Bureau of State Operated Facilities (BSOF) incident manager.

#### TYPES OF INCIDENT REPORTS

- 6000.961. Standardized incident report.  
6000.962. Abbreviated incident report.

#### REVIEW PROCESS

- 6000.971. County review process.  
6000.972. OMR regional office review process.

#### QUALITY MANAGEMENT

- 6000.981. Support to quality management.  
6000.982. Purpose of quality management.  
6000.983. Use of incident data.  
6000.984. Provider incident management quarterly reports.  
6000.985. County incident management reports.

#### GENERAL PROVISIONS

##### § 6000.901. Scope.

(a) Individuals who are registered with a county mental retardation program or who receive supports and services from facilities licensed by the OMR are afforded the protections detailed in this subchapter.

(b) Providers who receive funds from the mental retardation system, either directly or indirectly, to provide or secure supports or services for individuals authorized to receive services from a county mental retardation program and providers licensed by the OMR are reporters and are to file incident reports as specified in this subchapter.

(c) County mental retardation programs and their designated support coordination entities are reporters and are to file incident reports as specified in this subchapter.

##### § 6000.902. Purpose.

The purpose of this subchapter is to specify the guidelines and procedures for the incident management process. The incident management process is a subset of a larger risk management process. Incident policies, procedures, training, response and reporting are all important components of the incident management process. Combined with other areas of risk assessment such as employee injuries, complaints, satisfaction surveys and hiring practices, incident management is an essential component of a comprehensive quality management process. See Appendix E (relating to incident management components).

##### § 6000.903. Licensing applicability.

A facility must comply with Chapters 2380, 2390, 6400, 6500 and 6600. To the extent that this subchapter exceeds the requirements of Chapters 2380, 2390, 6400, 6500 and 6600, the use of this subchapter is optional for facilities. Because this subchapter meets or exceeds the regulatory requirements in Chapters 2380, 2390, 6400, 6500 and 6600, compliance with the reporting procedures

in this subchapter will be accepted by the Department as meeting the regulatory requirements of §§ 2380.17, 2390.18, 6400.18 and 6500.20.

##### § 6000.904. Definitions.

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

*Department*—The Department of Public Welfare of the Commonwealth.

*HCSIS*—The Home and Community Services Information System.

*OMR*—The Office of Mental Retardation of the Department.

#### RESPONSIBILITY FOR REPORTING/INVESTIGATING

##### § 6000.911. Providers.

(a) Employees, contracted agents and volunteers of providers covered within the scope of this subchapter are to respond to events that are defined as an incident in this subchapter. When an incident is recognized or discovered by a provider, prompt action is to be taken to protect the individual's health, safety and rights. The responsibility for this protective action is assigned to the provider initial reporter and point person. The protection may include dialing 911, escorting to medical care, separating the perpetrator, calling ChildLine, arranging for counseling and referring to a victim assistance program. Unless otherwise indicated in the individual support plan, the provider point person or designee is to inform the individual's family within 24 hours, or within 72 hours for medication error and restraint, of the occurrence of an incident and to also inform the family of the outcome of any investigation.

(b) After taking all appropriate actions following an incident to protect the individual, the provider is to report all categories of incidents and complete an investigation as necessary whenever services or supports are:

(1) Rendered at the provider's site.

(2) Provided in a community environment, other than an individual's home, while the individual is the responsibility of an employee, contracted agent or volunteer.

(3) Provided in an individual's own home or the home of his family, while an employee, contracted agent or volunteer is providing services in the home.

(c) In situations when multiple providers learn of an incident, the provider responsible for the individual at the time the incident occurred is to report the incident and conduct any required investigation. If it cannot reasonably be determined which provider had responsibility at the time of the incident, all providers who are aware of the incident are to report the incident and investigate.

(d) If, during an investigation, the certified investigator assigned by the provider determines that an alleged perpetrator is not an employee, a volunteer or an individual receiving services from the provider, the certified investigator is to complete the investigation summary in the HCSIS incident management application stating the reason why the investigation could not be concluded. The certified investigator is to review the protective action taken by the agency and ensure communication with county staff occurs, outside HCSIS, to alert the county that appropriate interventions may be needed to protect the individual.

(e) In addition, employees, contracted agents or volunteers of provider agencies are to report deaths, alleged abuse or neglect when they become aware of such incidents regardless of where or when these incidents occur. If the death, alleged abuse or neglect occurred beyond the provider's responsibility as specified in subsection (b)(1)—(3), the provider is not to report the incident in HCSIS, but instead should give notice of the incident, outside of HCSIS, to the individual's supports coordinator.

(f) Any person, including the victim, shall be free from intimidation, discriminatory, retaliatory or disciplinary actions exclusively for the reporting or cooperating with a certified investigation. These individuals have specific rights as defined by the Whistleblower Law (43 P. S. §§ 1421—1428) and the Older Adults Protective Services Act (35 P. S. § 10225.101—10225.5102). See Appendix F (relating to related laws, regulations and policies).

#### **§ 6000.912. Individuals and families.**

(a) Individuals and families are to notify the provider, when they feel it is appropriate, or their supports coordinator regarding any health and safety concerns they may have related to a service or support that they are receiving. If an individual or family member observes or suspects abuse, neglect or any inappropriate conduct, whether occurring in the home or out of the home, they should contact the provider or their supports coordinator, or both, and they may also contact the Office of Mental Retardation directly at 1 (888) 565-9435. As specified in this subchapter, the supports coordinator will either inform the involved provider of the incident or file an incident report. Once informed by the supports coordinator, the provider is subsequently responsible to take prompt action to protect the individual, complete an investigation as necessary and file an incident report. In the event of the death of an individual, the family is requested to notify the supports coordinator.

(b) When an individual or the individual's representative arrange his own supports through a payment agent or intermediary service organization and an incident occurs, the individual, the individual's family or his representative is to inform the provider, when it is appropriate, or the supports coordinator that an incident has occurred. The provider or supports coordinator will take prompt action to protect the individual, ensure a certified investigator is assigned as necessary and file an incident report in HCSIS.

#### **§ 6000.913. County mental health/mental retardation programs.**

(a) When an individual or family informs his supports coordinator that an event has occurred that can be defined as an incident and there is a relationship as specified in § 6000.911(b)(1)—(3) (relating to providers) the supports coordinator is to immediately notify the provider rendering the support or service. The provider is responsible for taking prompt action to protect the individual, completing an investigation as necessary and filing an incident report in HCSIS.

(b) When an individual or a family member informs the supports coordinator of an event that can be categorized as abuse or neglect as defined in this subchapter and there is no relationship as specified in § 6000.911(b)(1)—(3), the supports coordinator will take prompt action to protect the individual. Once the individual's health and safety are assured, the supports coordinator will ensure a

certified investigator is assigned as necessary and file an incident report in HCSIS.

(c) When a family member of an individual informs the individual's supports coordinator of the death of the individual, the supports coordinator will determine if a report has been filed by a provider. If a provider is not required to file the report, the supports coordinator will file an incident report in HCSIS.

(d) In some circumstances, county mental retardation program staff may be required to report incidents. County staff are to report deaths and incidents of alleged abuse or neglect when a provider or supports coordinator relationship does not currently exist, or in circumstances when the process for reporting or investigating incidents, described in this subchapter, for providers or support coordination entities compromises objectivity.

(e) If a county incident manager or designee is informed that a provider's certified investigator suspects that abuse or neglect is occurring beyond the authority of the provider to investigate, the county is to take all available action to protect the health and safety of the individual. The county may need to employ the resources of law enforcement, ChildLine, area agency on aging, counselors or other protective service agencies to protect the individual.

### **REPORTABLE INCIDENTS**

#### **§ 6000.921. Categories of incidents.**

(a) The following are the categories of incidents to be responded to by staff who are knowledgeable about incident management processes and protecting individuals. After the immediate health and safety assurances have been met, these incidents are to be reported in HCSIS. The categories are divided into those that must be reported within 24 hours of discovery or recognition and those that are to be reported within 72 hours.

(b) For the incidents that require reporting within 24 hours, the first section of the incident report must be completed in HCSIS within 24 hours. The first section includes a minimum data set (individual and provider demographics, action taken to protect the individual and description of the incident and the category of incident). The final section of the incident report includes additional information about the incident, any required investigation and corrective actions. The final section is to be completed within 30 days of recognition or discovery of the incident.

(c) The second set of incidents requires reporting within 72 hours of recognition or discovery. These incidents are reported using abbreviated data entry screens in HCSIS.

(d) When multiple individuals associated with a provider/entity are involved in certain primary categories or secondary categories, or both, of incidents, the incident can be reported using a site report. Only those events designated in the list of reportable incidents as a site report may be filed in this manner. An individual who is part of a group involved in a site report and is injured must have a separate individual report completed using the proper classification.

(e) Providers, supports coordination entities, counties and OMR must be vigilant to report any incident when there is a suspected crime to law enforcement. When an individual is allegedly abused, neglected or the victim of a crime, the individual is to be offered the support of a

victim's assistance program. See Appendix G (relating to victim's assistance programs).

**§ 6000.922. Incidents to be reported within 24 hours.**

(a) The following are categories of incidents to be reported within 24 hours after the occurrence of the incident:

(1) *Abuse.* The allegation or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation. Abuse is reported on from the victim's perspective, not on the person committing the abuse.

(i) *Physical abuse.* An intentional physical act by staff or other person which causes or may cause physical injury to an individual, such as striking or kicking, applying noxious or potentially harmful substances or conditions to an individual.

(ii) *Psychological abuse.* An act, other than verbal, which may inflict emotional harm, invoke fear or humiliate, intimidate, degrade or demean an individual.

(iii) *Sexual abuse.* An act or attempted acts such as rape, incest, sexual molestation, sexual exploitation or sexual harassment and inappropriate or unwanted touching of an individual by another. Any sexual contact between a staff person and an individual is abuse.

(iv) *Verbal abuse.* A verbalization that inflicts or may inflict emotional harm, invoke fear or humiliate, intimidate, degrade or demean an individual.

(v) *Improper or unauthorized use of restraint.* A restraint not approved in the individual support plan or one that is not a part of an agency's emergency restraint procedure is considered unauthorized. A restraint that is intentionally applied incorrectly is considered an improper use of restraint.

(2) *Death.* All deaths are reportable.

(3) *Disease reportable to the Department of Health.* An occurrence of a disease on the *Pennsylvania Department of Health List of Reportable Diseases*. The current list can be found at the Department of Health's website, [www.health.state.pa.us](http://www.health.state.pa.us). An incident report is required only when the reportable disease is initially diagnosed.

(4) *Emergency closure.* An unplanned situation that results in the closure of a home or program facility for 1 or more days. This category does not apply to individuals who reside in their own home or the home of a family member. This may be reported as a site report.

(5) *Emergency room visit.* The use of a hospital emergency room. This includes situations that are clearly "emergencies" as well as those when an individual is directed to an emergency room in lieu of a visit to the Primary Care Physician (PCP) or as the result of a visit to the PCP. The use of an emergency room by an individual's PCP, in place of the physician's office, is not reportable.

(6) *Fire.* A situation that requires the active involvement of fire personnel, that is, extinguishing a fire, clearing smoke from the premises, responding to a false alarm, and the like. Situations which require the evacuation of a facility in response to suspected or actual gas leaks or carbon monoxide alarms, or both, are reportable. Situations in which staff extinguish small fires without the involvement of fire personnel are reportable. This may be reported as a site report.

(7) *Hospitalization.* An inpatient admission to an acute care facility for purposes of treatment. Scheduled treatment of medical conditions on an outpatient basis is not reportable.

(8) *Individual-to-individual abuse.* An interaction between one individual receiving services and another individual receiving services resulting in an allegation or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation. Individual-to-individual abuse is reported on from the victim's perspective, not on the person committing the abuse.

(i) *Physical abuse.* An intentional physical act that causes or may cause physical injury to an individual, such as striking or kicking, or applying noxious or potentially harmful substances or conditions to an individual.

(ii) *Psychological abuse.* An act, other than verbal, which may inflict emotional harm, invoke fear or humiliate, intimidate, degrade or demean an individual.

(iii) *Sexual abuse.* An act or attempted act such as rape, incest, sexual molestation, sexual exploitation or sexual harassment and inappropriate or unwanted touching of an individual by another. Nonconsensual sex between individuals receiving services is abuse.

(iv) *Verbal abuse.* A verbalization that inflicts or may inflict emotional harm, invoke fear or humiliate, intimidate, degrade or demean an individual.

(9) *Injury requiring treatment beyond first aid.* Any injury that requires the provision of medical treatment beyond that traditionally considered first aid. First aid includes assessing a condition, cleaning an injury, applying topical medications, applying a Band-Aid, and the like. Treatment beyond first aid includes lifesaving interventions such as CPR or use of the Heimlich maneuver, wound closure by a medical professional, casting or otherwise immobilizing a limb. Evaluation/assessment of an injury by emergency personnel in response to a "911" call is reportable even if the individual is not transported to an emergency room.

(10) *Law enforcement activity.* The involvement of law enforcement personnel is reportable in the following situations:

(i) An individual is charged with a crime or is the subject of a police investigation that may lead to criminal charges.

(ii) An individual is the victim of a crime, including crimes against the person or his property.

(iii) A crime such as vandalism or break-in that occurs at a provider site. This may be reported as a site report.

(iv) An on-duty employee or an employee who is volunteering during off duty time, who is charged with an offense, a crime or is the subject of an investigation while on duty or volunteering. This is reported as a site report.

(v) A volunteer who is charged with an offense, a crime or is the subject of an investigation resulting from actions or behaviors that occurred while volunteering. This is reported as a site report.

(vi) A crisis intervention involving police/law enforcement personnel.

(vii) A citation given to an agency staff person for a moving violation while operating an agency vehicle, or while transporting individuals in a private vehicle, is reported as a site report.

(11) *Missing person.* A person is considered missing when they are out of contact with staff for more than 24 hours without prior arrangement or if they are in immediate jeopardy when missing for any period of time. A person may be considered in "immediate jeopardy" based on the person's personal history and may be considered "missing" before 24 hours elapse. Additionally, it is considered a reportable incident whenever the police are contacted about an individual or the police independently find and return the individual, or both, regardless of the amount of time the person was missing.

(12) *Misuse of funds.* An intentional act or course of conduct, which results in the loss or misuse of an individual's money or personal property. Requiring an individual to pay for an item or service that is normally provided as part of the individual support plan is considered financial exploitation and is reportable as a misuse of funds. Requiring an individual to pay for items that are intended for use by several individuals is also considered financial exploitation. Individuals may voluntarily make joint purchases with other individuals of items that benefit the household.

(13) *Neglect.* The failure to obtain or provide the needed services and supports defined as necessary or otherwise required by law or regulation. This includes the failure to provide needed care such as shelter, food, clothing, personal hygiene, medical care, protection from health and safety hazards, attention and supervision, including leaving individuals unattended and other basic treatment and necessities needed for development of physical, intellectual and emotional capacity and well being. This includes acts that are intentional or unintentional regardless of the obvious occurrence of harm.

(14) *Psychiatric hospitalization.* An inpatient admission to a psychiatric facility, including crisis facilities and the psychiatric departments of acute care hospitals, for the purpose of evaluation or treatment, or both, whether voluntary or involuntary. This includes admissions for "23 hour" observation and those for the review or adjustment, or both, of medications prescribed for the treatment of psychiatric symptoms or for the control of challenging behaviors.

(15) *Rights violation.* An act which is intended to improperly restrict or deny the human or civil rights of an individual including those rights which are specifically mandated under applicable regulations. Examples include the unauthorized removal of personal property, refusal of access to the telephone, privacy violations and breach of confidentiality. This does not include restrictions that are imposed by court order or consistent with a waiver of licensing regulations.

(16) *Suicide attempt.* The intentional and voluntary attempt to take one's own life. A suicide attempt is limited to the actual occurrence of an act and does not include suicidal threats.

#### **§ 6000.923. Incidents to be reported within 72 hours.**

(a) The following are categories of incidents to be reported within 72 hours after the occurrence of the incident:

(1) *Medication error.* Any nonconforming practice with the "Rights of Medication Administration" as described in the OMR Medication Administration Training Course. This includes omission, wrong dose, wrong time, wrong person, wrong medication, wrong route, wrong position, wrong technique/method and wrong form. Over the counter medication is excluded. Treatment procedures (for

example, skin creams, shampoo, eye drops, and the like) that do not contain a prescription medication are excluded. A medication error occurring during a home visit, when the family is responsible for the administration, is not reportable. An individual's refusal to take medication is not reportable. See Appendix H (relating to abbreviated incident report, medication error).

(2) *Restraints.* Any physical, chemical or mechanical intervention used to control acute, episodic behavior that restricts the movement or function of the individual or portion of the individual's body, including those that are approved as part of an individual support plan or those used on an emergency basis. Improper or unauthorized use of restraint is considered abuse and is to be reported under the abuse category. See Appendix I (relating to abbreviated incident report, restraint).

(i) *Physical.* A physical or manual restraint is a physical hands-on technique that lasts 30 seconds or more, used to control acute, episodic behavior that restricts the movement or function of an individual or portion of an individual's body such as a basket hold and prone or supine containment.

(ii) *Mechanical.* A mechanical restraint is a device used to control acute, episodic behavior that restricts the movement or function of an individual or portion of an individual's body. Examples of mechanical restraints include anklets, wristlets, camisoles, helmets with fasteners, muffs and mitts with fasteners, poseys, waist straps, head straps, restraining sheets and similar devices. A device used to provide support for functional body position or proper balance and a device used for medical treatment, such as a wheelchair belt or helmet for prevention of injury during seizure activity, are not considered mechanical restraints.

(iii) *Chemical.* A chemical restraint is a drug used to control acute, episodic behavior that restricts the movement or function of an individual. A drug ordered by a licensed practitioner as part of an on-going treatment program or pretreatment prior to medical or dental examination or treatment is not a chemical restraint. Medications prescribed on a Pro Re Nata (PRN) basis for the treatment of episodically occurring and well-defined symptoms of an underlying disorder (such as an anxiety disorder, auditory hallucinations, and the like) and not simply for behavior control, are not considered chemical restraints. For further clarification see Mental Retardation Bulletin 00-02-09, issued July 11, 2002, titled *Pro Re Nata Medication Usage for Psychiatric Treatment—Clarification of Interpretation.*

#### **§ 6000.924. Incident management contingency plan.**

Reportable incidents are to be submitted electronically by means of the HCSIS, a web-based system developed by the Department. In the event that HCSIS is unavailable, the submission of incidents is to occur by following the directions in the Incident Management Contingency Plan. See Appendix J (relating to incident management contingency plan).

#### **§ 6000.925. Categories of incidents to be investigated.**

The following chart indicates those incidents to be investigated by the provider, the county and OMR. The investigation process does not preclude investigations by law enforcement or other agencies responsible to investigate.



<i>Primary Category</i>	<i>Secondary Category</i>	<i>Entity Responsible for Investigation</i>
Abuse	All	Provider
	Improper or unauthorized use of restraint	Provider and County
Neglect	All	Provider
Rights Violation	All	Provider
Misuse of Funds	All	Provider
Death	When an individual is receiving services from a provider/entity. (See § 6000.911(b)(1)–(3).)	Provider and OMR or Department of Health (county participation as requested by OMR)
Hospitalization	Accidental Injury Unexplained Injury Staff to Individual Injury Injury Resulting from Individual to Individual Abuse	Provider Provider Provider Provider
	Injury Resulting from Restraint	Provider and County
Emergency Room Visit	Unexplained Injury Staff to Individual Injury Injury Resulting from Individual to Individual Abuse	Provider Provider Provider
	Injury Resulting from Restraint	Provider and County
Injury requiring treatment beyond first aid	Staff to Individual Injury Resulting from Individual to Individual Abuse	Provider Provider
	Injury Resulting from Restraint	Provider and County
Individual to Individual Abuse	Sexual Abuse	Provider

### SEQUENCE OF REPORTING

#### § 6000.931. Multiple categories and sequences.

(a) Many real life occurrences may result in events that may be classified under multiple categories of incidents. In an attempt to assist the point person in identifying an appropriate order for reporting incidents that may be classified under multiple categories, the following sequence is suggested. This sequence may not be appropriate in all situations, but should be used as a guide in selecting the most appropriate category.

(1) *24-Hour Reporting Primary Incident Category.*

- (i) Death.
- (ii) Suicide attempt.
- (iii) Hospitalization.
- (iv) Psychiatric hospitalization.
- (v) Emergency room visit.
- (vi) Abuse.
- (vii) Individual to individual abuse.
- (viii) Neglect.
- (ix) Missing person.
- (x) Injury requiring treatment beyond first aid.
- (xi) Disease reportable to the Department of Health.
- (xii) Fire.
- (xiii) Misuse of funds.
- (xiv) Rights violation.
- (xv) Law enforcement activity.
- (xvi) Emergency closure.

(2) *72-Hour Reporting Primary Incident Category.*

- (i) Medication error.
- (ii) Restraint.

(b) If a death, hospitalization, psychiatric hospitalization, emergency room visit or injury requiring treatment beyond first aid is the result of a medication error or the use of a restraint, a report is to be initiated within 24 hours using the corresponding primary category. Data about the medication error or the restraint is also to be recorded within 72 hours in the abbreviated HCSIS data entry screens for medication error or restraint.

### INCIDENT MANAGEMENT PROCESS

#### § 6000.941. Administrative structure.

Providers, supports coordination entities and counties are to create an administrative structure that is sufficient to implement the requirements of this subchapter. Specifically, they shall:

- (1) Assign an individual with overall responsibility for incident management.
- (2) Develop a policy for incident management.
- (3) Ensure that staff, individuals and families are trained on incident management policies and procedures.
- (4) Assign roles within their organization for reporting and investigation of incidents.
- (5) Assure corrective action to individual incidents.
- (6) Conduct analysis of data on incidents and the quality of investigations.
- (7) Identify and implement individual and systemic changes based on risk management analysis.

### ROLES

#### § 6000.951. Initial reporter.

The initial reporter is any person who witnesses the incident or is the first to discover or be made aware of the

signs of an incident. The initial reporter first responds to the situation by taking prompt action to protect the individual's health, safety and rights. The protection may include dialing 911, escorting to medical care or calling ChildLine. As soon as the immediate needs of the person have been met, the initial reporter notifies the provider point person of the incident and receives instructions on next steps to take. The initial reporter documents his observations in a narrative report which is kept in the provider/entity's files. In cases of alleged abuse or neglect, the initial reporter will comply with the applicable laws and regulations. See Appendix F (relating to related laws, regulations and policies).

#### § 6000.952. Point person.

A point person is assigned and authorized to perform specific duties as described in provider/entity or county policy. In general, a point person is to receive verbal or other reports or allegations of incidents from individuals, families and initial reporters. They are to safeguard the individual, ensure that HCSIS Incident Reports are submitted, communicate with others involved in investigations, follow-up and review of incidents. This role is pivotal in the incident management process. When an incident is reported, the point person, as a representative of the agency, is to:

(1) First confirm that appropriate actions have been taken or order additional actions to secure the safety of the individual involved in the incident.

(2) Separate the individual from the target when the individual's health and safety may be jeopardized.

(3) Ensure notification requirements of the Older Adults Protective Services Act (35 P.S. §§ 10225.101—10225.5102) and 23 Pa.C.S. §§ 6301—6384 (relating to Child Protective Services Law) are met.

(4) Determine whether an investigation or other follow-up is needed.

(5) Secure the scene of an incident when an investigation may be required.

(6) Ensure that, when needed, a certified investigator is promptly assigned.

(7) Notify appropriate supervisory/management personnel within 24 hours of the incident, as specified in provider/entity or county policies.

(8) Initiate a HCSIS Incident Report within 24 or 72 hours as described in the Reportable Incident section of this bulletin.

(9) Notify the family within 24 hours (72 hours for medication error and restraint) unless otherwise indicated in the individual support plan.

#### § 6000.953. Incident management representative.

The incident management (IM) representative is the person designated by the provider with overall responsibility for incident management. This includes the assurance that the activities of the initial reporter and point person have been completed. In addition, the IM representative is responsible for the finalization of the incident report within 30 days of the incident. The IM representative is responsible to evaluate the quality of incident investigations as described in the *Pennsylvania Certified Investigators Manual*, Labor Relations Alternatives, Inc.

#### § 6000.954. Certified investigator.

A certified investigator is a person who has been trained and received a certificate in investigation from

OMR as communicated via Mental Retardation Bulletin 00-01-06, issued September 6, 2001, titled *Announcement of Certified Investigator Training*. Certified investigators are to promptly begin an investigation, when assigned, and are to enter a summary of their investigation findings in the HCSIS Incident Report.

#### § 6000.955. Supports coordinator.

(a) A support coordinator is a person who is responsible for the coordination of services for an individual and who receives reports from an individual or family. When an individual or a family member informs the supports coordinator of an event that can be categorized as abuse or neglect as defined in this subchapter and there is no relationship as specified in § 6000.911(b)(1)—(3) (relating to providers), the supports coordinator functioning in the point person role is to take prompt action to protect the individual. Once the individual's health and safety are assured, the supports coordinator will ensure a certified investigator is assigned, as necessary, and file a HCSIS Incident Report.

(b) When a family informs their supports coordinator of the death of a relative, the supports coordinator will determine if a report has been filed by a provider. If no provider is required to file the report, the supports coordinator will file a HCSIS Incident Report.

#### § 6000.956. Supports coordinator supervisor/unit manager.

The supports coordinator supervisor and the supports coordinator unit manager are responsible for the finalizing of HCSIS Incident Reports filed by the supports coordinator.

#### § 6000.957. County incident manager.

The county incident manager is the person designated by the county with overall responsibility for incident management within his county program. This responsibility includes a review to ensure that incidents are managed and reported in accordance with the process described in this statement of policy and to approve or not approve HCSIS Incident Reports submitted by the provider or supports coordination entity. In addition, the county incident manager is responsible for the final submission of HCSIS Incident Reports filed by the county point person.

#### § 6000.958. Regional incident manager.

The regional incident manager is the person designated by OMR with overall responsibility for incident management within his region. This responsibility includes a review to ensure that incidents are managed and reported in accordance with the process described in this subchapter and to approve or not approve HCSIS Incident Reports.

#### § 6000.959. Bureau of State Operated Facilities (BSOF) incident manager.

The BSOF incident manager is the person designated by OMR with overall responsibility for incident management for incidents filed by State-operated facilities. This responsibility includes a review to ensure that incidents are managed and reported in accordance with the process described in this subchapter and to approve or not approve HCSIS Incident Reports.

### TYPES OF INCIDENT REPORTS

#### § 6000.961. Standardized incident report.

The following process applies to the primary incident category to be reported within 24 hours.

(1) The first section of the incident report is to include individual and provider demographics, incident categorization, actions taken to protect the health and safety of the individual, and a description of the incident. See Appendix K (relating to standardized incident report). The first section is to be submitted through HCSIS within 24 hours of the incident being recognized or discovered.

(2) The certified investigator is responsible for conducting certified investigations, completing investigation records and for entering the summary of the investigator's findings into HCSIS. The summary is the compilation of the analysis and findings section of the investigation report. For more information on the analysis and findings section, see the *Pennsylvania Certified Investigation Manual*. The final section of the incident report will retain all of the information

(3) The final section of the incident report will retain all of the information from the first section and will add additional information relevant to the incident. See Appendix K. The final section is to be submitted through HCSIS within 30 days of the incident being recognized or discovered. If the provider agency determines it will not be able to meet the 30-day reporting timeframes for completion of the final section, notification of an extension is to be made to the county and the regional office of OMR by means of HCSIS prior to the expiration of the 30-day period.

(4) When multiple individuals associated with a provider or entity are involved in certain primary categories and secondary categories of incidents, the incident can be reported using a site report. Only those events designated in the list of reportable incidents as a site report may be filed in this manner.

**§ 6000.962. Abbreviated incident report.**

(a) The following process applies to the primary incident categories requiring reporting within 72 hours. These incidents are not individually approved by the county, OMR regional office or Bureau of State Operated Facilities, but are to have a 30-day analysis completed and maintained by the provider/entity. Analysis of these incidents is to be included in the quarterly report.

(b) Medication errors and the use of restraints are to be reported using the abbreviated HCSIS incident management data entry screens, designed to gather relevant data about these incidents. Data is to be input within 72 hours of the recognition or discovery of the event.

**REVIEW PROCESS**

**§ 6000.971. County review process.**

(a) Within 24 hours of the submission of the first section of the incident report, designated county staff are to review the incident to determine that appropriate actions to protect the individual's health, safety and rights occurred. If the appropriate actions have not taken place, the county staff should immediately communicate their concerns to the appropriate provider/entity staff.

(b) After the provider or entity submits the final section of the HCSIS Incident Report, county staff are to perform a management review within 30 days. Counties will conduct the management review process so that at least 90% of the submitted incident reports are approved or not approved within 30 days of finalization by the provider or supports coordination entity. The management review process is to review the full report

and approve or not approve the incident report. This process will include a determination that:

- (1) The appropriate action to protect the individual's health, safety and rights occurred.
- (2) The incident categorization is correct.
- (3) A certified investigation occurred when needed.
- (4) Proper safeguards are in place.
- (5) Corrective action in response to the incident has, or will, take place.

**§ 6000.972. OMR regional office review process.**

(a) Within 24 hours of the submission of the first section of the incident report, designated OMR regional office staff are to review the incident to determine that appropriate action to protect the individual's health, safety and rights occurred. If the appropriate actions have not taken place the OMR regional office staff should immediately communicate their concerns to the appropriate provider/entity and county staff.

(b) After the county approves the incident report, regional OMR staff are to perform a management review within 30 days. The OMR regional office will conduct the management review process so that at least 90% of the county approved incident reports are approved or not approved within 30 days. The management review process is to review the full report, including the county's response, and approve or not approve the incident report. This process will include a determination that:

- (1) The appropriate action to protect the individual's health, safety and rights occurred.
- (2) The incident categorization is correct.
- (3) A certified investigation occurred when needed.
- (4) Proper safeguards are in place.
- (5) Corrective action in response to the incident has, or will, take place.

**QUALITY MANAGEMENT**

**§ 6000.981. Support to quality management.**

The incident management policy described in this subchapter is designed to support provider/entity, county and OMR quality management and risk management structures and practices. As a part of OMR's quality initiatives, the incident management policy is a key component of the OMR Quality Framework and is integral to maintaining OMR's assurance to the Federal Centers for Medicare and Medicaid Services that the health and safety of individuals receiving services will be protected.

**§ 6000.982. Purpose of quality management.**

The purpose of quality management within the mental retardation system is to advance the quality of life of people served and supported. OMR assures that through the application of standardized incident management processes, systematic safeguards are in place to protect persons from events that place them at risk. Therefore, each provider and entity covered under the scope of this subchapter is to develop specific policy and procedures to implement a continuous quality improvement process, which includes a risk management and an incident management component. Since there is a wide diversity of agencies/entities responsible for the protection of individuals, the approach to quality management must be tailored to the unique structure of the organization.

Agencies should employ standardized approaches to quality management and incident management.

**§ 6000.983. Use of incident data.**

(a) HCSIS produces a set of standardized online reports that are available to providers/entities, counties and OMR. In addition to the online reports, providers and counties may request an electronic extract of incident management data through HCSIS.

(b) To assure effective quality and risk management processes, data is collected, aggregated, analyzed and utilized to make improvement decisions. Data and information in HCSIS are to be continuously, as well as systemically, assessed and analyzed by those individuals responsible for risk management, a risk management group or a risk management committee. The responsibility also includes analysis of data and information using standardized methodology and processes. There are a variety of quality management tools for analysis and trending. These tools assist in either defining, analyzing and preventing incidents or in sustaining improvements already implemented. OMR has begun to conduct training introducing some of these quality management tools and to demonstrate how to use them effectively. The outcome of this assessment and analysis process is to identify strategies for prevention.

**§ 6000.984. Provider incident management quarterly reports.**

(a) Within 60 days following the end of a calendar quarter, a provider/entity is to submit to each county with whom the provider contracts, a qualitative report that

describes the analysis of incidents and the systemic interventions implemented to improve the health and safety protections afforded to the individuals served. Supporting data is to be included with the report.

(b) OMR recognizes that providers desire a uniform format for quarterly reporting. A general template will be disseminated by OMR which will give structure to the design of the provider's qualitative quarterly report. This template will be flexible enough to accommodate the wide diversity of agencies/entities involved in the incident management process. Training on this template will occur prior to the first quarterly report due date.

**§ 6000.985. County incident management reports.**

(a) The county MH/MR program is to submit to his respective regional office a semiannual qualitative report on June 1 and December 1 of each year. A general template will be disseminated by OMR which will give structure to the design of the county's qualitative semi-annual report. The report is to describe the analysis of all incidents for individuals registered with the county mental retardation program. The county is to explain the systemic interventions implemented and document instructions to providers that will improve the health and safety protections afforded to the individuals served. Supporting data is to be included with the report. Training on this template will occur prior to the first semi-annual report due date.

(b) OMR will review data on all reported incidents at least semiannually to determine what trends may be developing Statewide, or by county, and take appropriate administrative steps to intervene. OMR will issue an annual report reviewing statewide incident trends.

(c) The following is a review schedule for quality incident management reporting:

<i>Report Period</i>	<i>Provider Report Due to County</i>	<i>County Report Due to OMR Region</i>
July 1—September 30	November 30	June 1
October 1—December 31	February 28	
January 1—March 31	May 31	December 1
April 1—June 30	August 31	

**APPENDIX E**

**INCIDENT MANAGEMENT COMPONENTS**

**PROVIDERS/ENTITIES ARE TO:**

- Promote the health, safety, rights and enhance the dignity of individuals receiving services.
- Develop provider-specific policy/procedures for incident management.
- Ensure that staff and others associated with the individual have proper orientation and training to respond to, report and prevent incidents.
- Provide ongoing training to individuals and families on the recognition of abuse and neglect.
- Ensure when incidents occur that affect a person's health, safety or rights, that the people who are present:
  - Take prompt action to protect the person's health, safety and rights. This includes separation of the target when the individual's health and safety are jeopardized. This separation shall continue until an investigation is completed. In addition, the target shall not be permitted to work directly with any other service recipient during

the investigation process. When the target is another individual receiving supports or services, and complete separation is not possible, the provider shall institute additional protections.

- Notify the responsible person designated in provider policy.
  - Assign trained individual(s) Point Person(s) to whom incidents are reported when they occur and who will make certain that all immediate steps to assure health and safety have been implemented and follow the incident through closure.
  - Contact appropriate law enforcement agencies when there is suspicion that a crime has occurred.
  - Comply with all applicable laws, regulations and policies.
  - Conduct certified investigations.
  - Analyze the quality of investigations.
  - Respond to concerns from individuals/family about the reporting and investigation processes.
  - Inform the family of the incident unless otherwise indicated in the individual's plan.

- Notify the family of the findings of any investigation unless otherwise indicated in the individual's plan.
- Maintain an investigation file within the agency.
- Create an incident management process which:
  - Designates an individual with overall responsibility for incident management.
  - Considers possible immediate and long-term effects to the individual resulting from an incident or multiple incidents.
  - Uses trend analyses to identify systemic issues.
  - Analyzes and shares information with relevant staff, including direct care staff.
  - Periodically assesses the effectiveness of the incident management process.
  - Monitors quality and responsiveness of all ancillary services (such as health, therapies, etc.) and acts to change vendors or subcontractors, or assists the individual to file available grievances or appeals procedures to secure appropriate services.

#### COUNTIES ARE TO:

- Promote the health, safety, rights and dignity of individuals receiving services.
- Develop county policies and procedures necessary to implement this bulletin.
- Have an administrative structure sufficient to meet mandates of this bulletin:
  - Designate an individual with overall responsibility for incident management.
  - Train staff in incident management procedures.
  - Assure that supports coordinators have proper orientation and training to respond to, document and prevent incidents.
  - Support providers with appropriate training and resources to meet the mandates of the bulletin.
- Provide ongoing training to individuals, families, guardians, and advocates regarding their rights, roles and responsibilities that are outlined in this bulletin.
- Provide training to individuals and families on the recognition of abuse and neglect.
- Have the Incident Management Processes in this bulletin referenced in county/provider contracts.
- Maintain an investigation file within the county.
- Create an incident management process which:
  - Assures accuracy of incident reports.
  - Reviews and closes all provider generated incidents.
  - Reviews and analyzes data.
  - Identifies and implements individual and systemic changes based on data analysis.
  - Analyzes and shares information with relevant staff.
  - Regularly reviews trend and occurrence data compiled by providers.
  - Assesses provider's incident management and investigative processes.
  - Assures provider compliance with plans of correction resulting from incidents and investigations.
- Conduct certified investigations.

- Analyze the quality of investigations.
- Respond to concerns from individuals/family about the reporting and investigation processes.
- In collaboration with the individual's planning team, revise the individual's plan as needed in response to issues identified through the incident management process.
- Comply with all applicable laws, regulations and policies.
- Coordinate with other agencies as necessary.
- In those instances where the county is the initial reporter of the incident, the county will assume the responsibility of the point person.

#### THE OFFICE OF MENTAL RETARDATION IS TO:

- Promote the health, safety, rights and dignity of individuals receiving services.
- Create an incident management review process which:
  - Maintains the statewide data system.
  - Analyzes data for statewide trends and issues.
  - Identifies issues and initiates systemic changes and provides periodic feedback.
  - Evaluates county and provider reports and analysis of trends.
- Monitor implementation of this bulletin.
- Support providers and counties with appropriate training to meet the mandate of the bulletin.
- Certify investigators.
- Provide support and technical assistance to counties to implement the incident reporting system.
- Conduct certified investigations.
- Analyze the quality of investigations.
- Respond to concerns from individuals/families about the reporting and investigation processes.
- Review and revise this bulletin as needed.
- Ensure compliance with all applicable laws, regulations and policies.
- Coordinate with other agencies as necessary.

#### **APPENDIX F**

##### **RELATED LAWS, REGULATIONS AND POLICIES**

The incident management and reporting detailed in this subchapter are related to a variety of laws, regulations and policies. The applicable licensing regulations (and facilities licensed under those regulations) include:

##### *Related Laws:*

- The Mental Health and Mental Retardation Act of 1966 (50 P. S. §§ 4101—4704)
- Title XIX Social Security Act (42 U.S.C.A. §§ 1396—1396v)
- 18 Pa.C.S. § 2713 (relating to the neglect of care-dependent person)
- The Child Protective Services Law (23 Pa.C.S. §§ 6301—6385)
- The Older Adults Protective Services Act (35 P. S. §§ 10225.101—10225.5102)

- Elder Care Payment Restitution Act (35 P. S. §§ 10226.101—10226.107)
- Early Intervention Services System Act (11 P. S. §§ 875.101—875.503)
- The Whistleblower Law (43 P. S. §§ 1422—1428)

*Title 55 of the Pennsylvania Code.*

- Chapter 20—Relating to Licensure or Approval of Facilities and Agencies
- Chapter 2380—Relating to Adult Training Facilities
- Chapter 2390—Relating to Vocational Facilities
- Chapter 3490—Relating to Child Protective Services
- Chapter 3800—Relating to Child Residential and Day Treatment Facilities
- Chapter 5310—Relating to Community Residential Rehabilitation Services for the Mentally Ill
- Chapter 6400—Relating to Community Homes for Individuals with Mental Retardation
- Chapter 6500—Relating to Family Living Homes
- Chapter 6600—Relating to Intermediate Care Facilities for the Mentally Retarded

*Title 6 of the Pennsylvania Code (Aging).*

- Chapter 11—Relating to Older Adult Daily Living Centers

*Related Policy Guidelines.*

- Medical Assistance Bulletin—Revised Medical and Treatment Self-Directive Statement: Your Rights As a Patient In Pennsylvania: Making Decisions About Your Care and Treatment (effective June 19, 1998)
- Mental Retardation Bulletin 00-98-08—Procedures for Substitute Health Care Decision Making (effective November 30, 1998)
- Mental Retardation Bulletin 00-94-32—Assessments: Lifetime Medical History (effective December 6, 1994)
- Mental Retardation Bulletin 00-03-01—Passage of Act 171 relating to the Older Adults Protective Services Act (OAPSA)

**ADDITIONAL REPORTING:**

In addition to the reporting methodologies described in this statement of policy, the following is provided as a guide to assist in identifying additional reporting. This does not fully define, nor is it intended to substitute for, the applicable statutes and regulations.

Reportable incidents involving individuals who reside in facilities licensed as ICF/MRs (both state and privately-operated), are to be reported to the appropriate Regional Field Office of the Pennsylvania Department of Health, Division of Intermediate Care Facilities.

Reportable incidents that occur in facilities licensed by OMR, involving individuals whose support needs are not funded through the Commonwealth or county mental retardation systems, are to be reported to whomever funds the individual's support and to the Commonwealth/Regional Office of Mental Retardation. This includes individuals from other states, individuals who are funded by agencies not part of the mental retardation system and

individuals whose support needs are privately funded.

**Neglect of care-dependent person (18 Pa.C.S. § 2713)**

The neglect of care-dependent person 18 Pa.C.S. § 2713 covers any adult who, due to physical or cognitive disability or impairment, requires assistance to meet his needs for food, shelter, clothing, personal care or health care. 18 Pa.C.S. § 2713 extends to certain listed facilities and to home health services provided to care-dependent persons in their residence. The statute criminalizes intentional, knowing or reckless conduct by a caregiver which results in bodily injury or serious bodily injury to a care-dependent person by the failure to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of a care-dependent person for whom the caregiver is responsible to provide care. A caregiver may also be prosecuted if he intentionally or knowingly uses a physical restraint, a chemical restraint or medication on a care-dependent person, or isolates that person, contrary to law or regulation, such that bodily or serious bodily injury results.

Anyone aware of possible violations of this may make a report to the appropriate law enforcement authorities. The reporting requirements of this bulletin are to be followed even if a report of a possible violation of this statute is made to law enforcement authorities. Copies of the statute were distributed via Mental Retardation Bulletin 00-95-25, issued December 26, 1995 and Mental Retardation Bulletin 00-97-06, issued August 29, 1997.

**The Child Protective Services Law (23 Pa.C.S. §§ 6301—6385)**

The Child Protective Services Law (CPSL) establishes procedures for the reporting and investigation of suspected child abuse. Certain types of suspected child abuse must be reported to law enforcement officials for investigation of criminal offenses. Children under the age of 18 are covered by the act including those who receive supports and services from the mental retardation system. Providers covered within the scope of this bulletin are required to report suspected child abuse in accordance with the procedures established in the CPSL and the Protective services Regulations. The CPSL defines child abuse as any of the following when committed upon a child under 18 years of age by a parent, person responsible for a child's welfare, an individual residing in the same home as a child or a paramour of a child's parent.

- Any recent act or failure to act that causes non-accidental serious physical injury.
- Any act or failure to act that causes nonaccidental serious mental injury or sexual abuse or sexual exploitation.
- Any recent act or series of such acts or failures to act that creates an imminent risk of serious physical injury or sexual abuse or sexual exploitation.
- Serious physical neglect constituting prolonged or repeated lack of supervision or the failure to provide essentials of life including adequate medical care which endangers a child's life or development or impairs the child's functioning.

Reports of suspected abuse are received by the Department of Public Welfare's (DPW) ChildLine and Abuse Registry (800) 932-0313, which is the central register for all investigated reports of abuse. Individuals who come into contact with children in the course of practicing their

profession are required to report when they have reasonable cause to suspect on the basis of their medical, professional or other training or experience, that a child is an abused child. Every facility or agency is required by the CPSL to funnel reports to the director or a designee to be promptly reported to ChildLine. The reporting, investigation and documentation requirements of this statement of policy must also be followed when a report of suspected child abuse is made. It must be noted that the definition of abuse found in the CPSL differs greatly from the definition promulgated in this statement. Because of this difference it is possible that an allegation may be "unconfirmed" in terms of the CPSL but still substantiated with reference to these guidelines. Likewise, the scope of reports subject to investigation differs so it is important to be familiar with the requirements of the CPSL.

**The Older Adults Protective Services Act (35 P. S. §§ 10225.101—10225.5102)**

The Older Adults Protective Services Act (OAPSA) of 1987 was enacted to protect all Pennsylvanians age 60 and older. The OAPSA established a detailed system for reporting and investigating suspected abuse, neglect, exploitation, and abandonment for care-dependent individuals. Act 13 was signed into law in 1997 as an amendment to the OAPSA. Unlike the other provisions of OAPSA that applied only to adults age 60 and above, Act 13 applied to adults age 18 and above who were considered "care-dependent" individuals and to "care-dependent" individuals under age 18 if they resided in a facility serving individuals over 18. Employees or administrators

of a covered entity reported suspected abuse incidents to the local Area Agency on Aging, where indicated, to the Pennsylvania Department of Aging and to local law enforcement pursuant to Chapter 7 of the OAPSA. These requirements existed in addition to the reporting procedures contained in this Bulletin. In 2002, the OAPSA was further amended by the Elder Care Payment Restitution Act.

**The Elder Care Payment Restitution Act (35 P. S. §§ 10226.101—10226.107)**

The Elder Care Payment Restitution Act eliminated the requirements of Act 13 for which suspected abuse of individuals with mental retardation under the age of 60 was reported to the Area Agency on Aging and in some cases, to the Department of Aging. This act became effective February 9, 2003.

**Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191)**

HIPAA and the applicable regulations at 45 CFR Parts 160 and 164 (Privacy Rule) established a set of National standards for the protection of personal health information. The Privacy Rule addresses the use and disclosure of individuals' health information or "protected health information" by organizations subject to the Privacy Rule or "covered entities." The Privacy Rule establishes standards for individuals' rights to understand and control how their personal health information is used. The U. S. Department of Health and Human Services, Office of Civil Rights is responsible to implement and enforce the Privacy Rule.

### REPORTING MATRIX

The following is provided as a guide to assist in identifying additional reporting. This does not fully define, nor is it intended to substitute for, the applicable statutes and regulations.

<i>Reportable Incident</i>	<i>Report to OMR</i>	<i>Report to County<sup>1</sup></i>	<i>Report to AAA<sup>2</sup> If 60 or older</i>	<i>Report to ChildLine if under 18</i>	<i>PA Department of Aging<sup>3</sup> If 60 or older</i>	<i>DOH</i>	<i>Local Law Enforcement</i>	<i>Acts 28/26<sup>4</sup></i>
Death	X	X	If suspicious	If suspicious	If suspicious	If ICF/MR	If suspicious	If the result of neglect
Disease Reportable to the Department of Health	X	X				X		
Emergency Closure	X	X				If ICF/MR		
Emergency Room Visit	X	X				If ICF/MR		
Fire	X	X				If ICF/MR		
Hospitalization	X	X				If ICF/MR		
Individual to Individual Abuse	X	X				If ICF/MR		
Injury requiring treatment beyond first aid	X	X				If ICF/MR		
Law Enforcement Activity	X	X				If ICF/MR		
Medication Error	X	X				If ICF/MR		
Missing Person	X	X				If ICF/MR	If person is at risk	
Misuse of Funds	X	X	If exploitation			If ICF/MR	If it appears that a crime has occurred	
Neglect	X	X	X	X	If serious bodily injury or serious physical injury	If ICF/MR	If serious bodily injury or serious physical injury	If serious bodily injury
Physical Abuse	X	X	X	X	If serious bodily injury	If ICF/MR	If serious bodily injury or serious physical injury	
Psychiatric Hospitalization	X	X				If ICF/MR		
Psychological Abuse	X	X	X	X		If ICF/MR		
Restraint	X	X				If ICF/MR		If serious bodily injury
Rights Violation	X	X				If ICF/MR		
Sexual Abuse	X	X	X	X	X	If ICF/MR	X	
Suicide Attempt	X	X				If ICF/MR		
Verbal Abuse	X	X	X			If ICF/MR		

<sup>1</sup> If an individual is not funded by OMR or by County MR services a report should be made to the funding agent.

<sup>2</sup> Allegations of abuse or neglect involving children under 18 who reside in a facility that primarily serves adults must be reported to Child Line.

<sup>3</sup> Allegations of abuse or neglect involving children under 18 who reside in a facility that primarily serves adults must be reported to Child Line.

<sup>4</sup> Reporting under Acts 28/26 is only mandated for Commonwealth employees.



**APPENDIX G****VICTIM'S ASSISTANCE PROGRAMS**

When individuals are abused, neglected, injured or victims of crimes, there are resources to assist them physically, emotionally, financially and legally. Organizations have been developed based on the need to support victims through the criminal justice system, recognizing that victim's needs are oftentimes overlooked. Individuals with disabilities who fall victim to crimes, especially physical violence and sexual assaults, should be encouraged and assisted to access these resources. It is suggested that providers develop relationships with local entities and assist individuals in accessing such services when appropriate.

There are two main types of victim assistance programs: system and community-based organizations. System-based programs that generally operate out of a District Attorney's office provide notification to victims/witnesses of court proceedings. Community based programs are designed to provide support and assistance to victims. Usually, the programs fall under the categories of:

- Rape Crisis/Sexual Assault programs providing services to victims and their family/supporters. Domestic Violence programs provide counseling and temporary housing to victims, as needed.
- Crime Victim Services provide supports and assistance to victims of crimes excluding sexual assaults and domestic violence.

There are domestic violence centers, rape crisis centers and victim assistance offices throughout the Commonwealth. In order to locate the most appropriate resource for individuals, you may contact the following statewide organizations. Additional information regarding local resources is available through these organizations:

PA Commission on Crime and Delinquency (PCCD)  
(717) 787-2040

PA Coalition Against Rape (PCAR)  
(800) 692-7445  
(717) 728-9740

PA Coalition Against Domestic Violence (PCADV)  
(800) 932-4632

Office of Victim Advocate (crime victim compensation)  
(717) 783-7501

Pennsylvania Protection and Advocacy (PP&A)  
(800) 692-7443

**APPENDIX H****ABBREVIATED INCIDENT REPORT****Medication Error**

The data entry screen is to include the following information:

- DEMOGRAPHICS (pre-populated from HCSIS demographics)
- Name of the individual for whom the Medication Error is being reported.
- Individual's Base Service Unit (BSU) number.<sup>1</sup>
- CATEGORIZATION
- Secondary category of Medication Error.

<sup>1</sup> If the individual is not registered with a County MH/MR Program, the report is to list the county or state where the person is/was a resident.

Date and time when the incident was recognized/discovered.

- MEDICATION ERROR INCIDENT INFORMATION

Staff position of the person giving medication.

Name of medication(s).

Indication if the error occurred over multiple consecutive administrations.

The reason(s) why the Medication Error occurred.

The response(s) to the Medication Error.

The agency system response to prevent this type of error from occurring in the future.

Any additional comments.

Indication if another Incident Report was filed as a result of the Medication Error.

If another Incident Report was filed, the Incident ID number.

In addition to the required information, providers may choose to include optional information to further analyze their medication errors.

- OPTIONAL MEDICATION ERROR INFORMATION

The name or unique identifier of person making the Medication Error.

Indication if the person making the Medication Error was working longer than their regular work hours at the time of the Medication Error.

The length of time the staff person who made the Medication Error has been giving medications.

The number of medications supposed to be given to this person at the same time as the Medication Error was made including the medication when the Medication Error was made.

The number of medications this person receives on a daily basis.

The number of people that the staff person who made the Medication Error has to give medications to around the same time as the Medication Error occurred.

**APPENDIX I****ABBREVIATED INCIDENT REPORT****Restraint**

The data entry screen is to include the following information:

- DEMOGRAPHICS (prepopulated from HCSIS demographics)
- Name of the individual for whom the Restraint was used.
- Individual's Base Service Unit (BSU) number.<sup>1</sup>
- CATEGORIZATION
- Secondary category of Restraint.
- Date of the Restraint.
- Time in Restraint.
- Time out of Restraint.
- RESTRAINT INCIDENT INFORMATION
- Restraint agent.
- Antecedent to the Restraint.

<sup>1</sup> If the individual is not registered with a County MH/MR Program, the report is to list the county or state where the person is/was a resident.

Reason for the Restraint.

Indication if the Restraint was used on a planned or emergency basis.

Authorizing Staff.

Indication if Prone (face down) Restraint was used.

Indication if another Incident Report was filed as a result of the Restraint.

If another Incident Report was filed the Incident ID number.

#### **APPENDIX J**

##### **INCIDENT MANAGEMENT CONTINGENCY PLAN**

In the event that a provider or county or entity is unable to report a 24-hour incident through the Home and Community Services Information System (HCSIS), faxed contingency reporting is to be utilized.

Incidents that are reported via fax are to be recorded on a copy of the attached Incident Management Contingency Form. This reporting method will satisfy regulatory requirements to report an incident. In the event of a serious incident (such as abuse with injury, suspicious death), a provider should also call its OMR Regional Office and County MH/MR Program to alert OMR and the county of the incident.

Once complete, the Incident Management Contingency Form is to be faxed to the appropriate OMR Regional Office and to the County MH/MR Program. The form should have a fax cover sheet that identifies the fax as a reportable incident and states the reason that the report needed to be faxed. Faxing the Incident Management Contingency Form is a short-term solution for meeting regulatory requirements for reporting incidents; however, once access to HCSIS can be established, the incident must be entered into HCSIS.

##### **CONTACT INFORMATION:**

OMR Regional Office Fax Numbers:

- Northeast Region (570) 963-3177
- Southeast Region (215) 560-3043
- Central Region (717) 772-6483
- Western Region (412) 565-5479

OMR Regional Office Phone Numbers:

- Northeast Region (570) 963-4391
- Southeast Region (215) 560-2242
- Central Region (717) 772-6507
- Western Region (412) 565-5144

STATEMENTS OF POLICY

INCIDENT MANAGEMENT  
CONTINGENCY FORM

FOR USE ONLY WHEN HCSIS IS NOT  
AVAILABLE

DATE OF REPORT:  M M    D D    Y Y Y Y -            -	TIME:  AM/PM
--	--------------------

The Incident Report must be entered into HCSIS when access to HCSIS can be established.

NAME OF INDIVIDUAL (LAST, FIRST, M.I.)			PROVIDER NAME:		
ADDRESS:			ADDRESS:		
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
PHONE:		COUNTY OF REGISTRATION:	PHONE:		
BASE SERVICE UNIT NUMBER:					
DATE OF BIRTH: M M    D D    Y Y Y Y -            -		SEX: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		DATE THE INCIDENT OCCURRED OR WAS RECOGNIZED/DISCOVERED: M M    D D    Y Y Y Y -            -	
CLASSIFICATION OF INCIDENT:			TIME THE INCIDENT OCCURRED OR WAS RECOGNIZED/DISCOVERED:  AM/PM		
DATE AND TIME OF DEATH (IF APPLICABLE):			PROVIDER LICENSE NUMBER (IF APPLICABLE):		
DESCRIBE THE TYPE OF INCIDENT AND THE ACTION(S) TAKEN TO ADDRESS THE INDIVIDUAL'S HEALTH AND SAFETY AND THE RESPONSE TO THE INCIDENT, WHAT HAPPENED, IF A MEDICAL REFERRAL WAS NECESSARY (PLEASE LIST) AND ANY CIRCUMSTANCES WHICH MAY HAVE PRECIPITATED THE INCIDENT: (ATTACH ADDITIONAL SHEETS IF NECESSARY)					
NAME OF RELATIVE OR GUARDIAN:		RELATIONSHIP:		NOTIFIED (YES/NO)	
NAME OF POINT PERSON:		TITLE:		PHONE:	

## APPENDIX K

## STANDARDIZED INCIDENT REPORT

## FIRST SECTION (completed within 24 hours)

The First Section is to include the following information:

- DEMOGRAPHICS (pre-populated from HCSIS demographics)

Name of the individual involved/affected by the incident.

Individual's Base Service Unit (BSU) number.<sup>1</sup>

County of Registration.

Gender.

Individual's date of birth.

MR Diagnosis.

Home address of the individual.

Living Arrangement of the individual.

Name and address of the reporting entity.

Location where the incident occurred.

Name of the point person.

- CATEGORIZATION

Date and time when the incident was recognized/discovered.

Primary and secondary category of the incident.

Determination if an investigation is required or desired.

Name of the Certified Investigator assigned, if the incident requires investigation.

- HEALTH AND SAFETY ASSURANCE

Description of the immediate and subsequent steps taken by the point person or other representatives of the provider to ensure the individual's health, safety and response to the incident, including date, time and by whom those steps were taken.

- INCIDENT DESCRIPTION

Narrative description of the incident completed by staff or other person(s) who were present when the incident occurred or who discovered that an incident had occurred.<sup>2</sup>

## FINAL SECTION (completed within 30 days)

The reporting entity will complete the Final Section of the incident report within 30 days from the date of the incident or of the date the provider learns of the incident (unless an extension has been made). The Final Section will retain all of the preceding information from the First Section and will add:

Name of the initial reporter.

Name of the individual's supports coordinator (pre-populated).

Whether CPR was administered.

Whether the Heimlich was administered.

If 911 was called, the time, date and person who called.

If the incident involves an illness or injury, the name of the practitioner/facility by whom the individual was treated initially, the date and time of the initial contact

<sup>1</sup> If the individual is not registered with a County MH/MR Program, the report is to list the county or state where the person is/was a resident.

<sup>2</sup> Providers may summarize the narrative description, but the written statements of the person(s) directly involved are to be available for review, if needed.

with a health-care/medical practitioner, the nature/content of the initial treatment/evaluation, and the nature of, date of, time of, and practitioner involved in any subsequent treatments, evaluations.

In the event of a death, indication if the individual was in hospice care, had a diagnosis of terminal illness, if a "Do Not Resuscitate" order was in effect, if the coroner was contacted, if an autopsy has been or will be performed.

Identification of all persons to whom the incident notification has been (or will be) submitted (i.e., family, law enforcement agency), the date the notification has been made, and the person who has/will notify the necessary parties.

Update of incident description, as needed.

Specific description of any injury received by the individual.

Present status of the individual in reference to the incident.

Identification of other persons who may have witnessed or been directly involved in the incident.

Specific signs and symptoms of any illness (acute or chronic) which may be contributory to the incident.

Any relevant background information on the individual, including medical history and diagnoses.

Date on which the investigation began, if required.

Summary of the investigator's findings and conclusions, if required.

If the incident involves an allegation of abuse or neglect, the conclusion reached on the basis of the investigation (i.e., the allegation is confirmed, not confirmed, inconclusive) and the status of the target.

Description of the steps taken by the provider in response to the conclusions reached as a result of the investigation.

If the incident involves an injury of unknown origin, confirmation of the cause (if one has been identified) and steps taken to prevent recurrence.

Description of any changes in the individual's plan of support necessitated by or in response to the incident.

Verification by the provider that all necessary corrective actions have been identified.

If any corrective action cannot/has not been completed by the time the Final Section is submitted, the expected date of completion must be provided along with the identity of the person responsible for carrying the extended action through to completion.

If the nature of the incident requires contact with local law enforcement, the name and department/office of the person(s) contacted, the date of the contact, the name of the person who initiated the contact, and a description of any steps taken by law enforcement officials.

If the individual has been hospitalized, the date of admission, name of the hospital, the admitting diagnosis(es), indication if the admission was from the emergency room, what occurred during the hospitalization, change in voluntary/involuntary status, the date of discharge, the discharge diagnosis(es), an indication that the Hospital Discharge Instructions were provided, what changed after discharge, current status and any plans for subsequent medical follow-up.

If the individual is deceased, the Final Section is to be supplemented by a hard copy of the following:<sup>3</sup>

- Lifetime medical history.
- Copy of the Death Certificate.
- Autopsy Report, if one has been completed.
- Discharge Summary from the final hospitalization, if the individual died while hospitalized.
- Results of the most recent physical examination.
- Most recent Health and Medical assessments.

<sup>3</sup> Documents, which are not immediately available, must be forwarded to the appropriate parties (county and/or OMR Regional Office) as they become available. If, after attempting to acquire the document, it is determined to be unobtainable, the expecting party will be notified.

Name of the family member notified of the results of the investigation, if required.

The incident classification the provider believes is most appropriate.

The date and time the provider believes is most appropriate.

After final submission by the provider, the county and OMR will perform a management review and close the incident.

[Pa.B. Doc. No. 04-330. Filed for public inspection February 27, 2004, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informational meeting and public hearing on Tuesday, March 2, 2004, and an informal conference followed by a public hearing on Wednesday, March 3, 2004. The subject of the informational meeting and hearing on March 2, 2004, will be a proposed Resolution to Establish an Experimental Augmented Conservation Release Program for the New York City Delaware Basin Reservoirs for the Period from May 1, 2004 through May 31, 2007 (resolution). The hearing on March 3, 2004, will be part of the Commission's regular business meeting. The meetings and hearings on March 2 and 3, 2004, are open to the public and will be held at the PPL Lake Wallenpaupack Environmental Learning Center, Hawley, PA.

The informational meeting and hearing on March 2, 2004, will begin at 2 p.m. The informational meeting will be devoted to a presentation and a question and answer session. This meeting will last no more than 1 1/2 hours and will not become a part of the Commission's decision making record. The hearing will begin by 3:30 p.m. and will consist of oral testimony for the record. No responses to the oral testimony will be offered at the hearing. Written comment on the proposed resolution will be accepted through March 19, 2004. Instructions for submitting written comments are provided at the end of this notice. The proposed resolution is posted on the Commission's website: [www.drbc.net](http://www.drbc.net).

The March 3, 2004, conference among the commissioners and staff will begin at 10 a.m. Topics of discussion will include: an update on development of the Water Resources Plan for the Delaware River Basin; an update on PCB TMDL matters, including activities of the TMDL Implementation Advisory Committee, development of a PCB minimization planning program and a report on the status of the budget for the Stage 2 TMDLs for PCBs in the Delaware Estuary; discussion about a proposal to modify provisions of Resolution No. 2002-33 relating to the operation of Lake Wallenpaupack during drought watch, drought warning and drought conditions; and proposed Commission rulemakings in 2004.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting on March 3, 2004, include the following dockets:

1. *Plumstead Township D-92-76 CP Renewal*. An application for the renewal of a ground water withdrawal project to continue withdrawal of 2.58 million gallons (mg)/30 days to supply the applicant's public water supply distribution system from existing wells nos. NB-2, NB-3 and DR-1 in the Stockton and Locketong Formations. The project is in the North Branch Neshaminy Creek and the Pine Run Watersheds, Plumstead Township, Bucks County, and in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Avondale Borough Sewer Authority D-2000-66 CP*. An application to upgrade and expand the applicant's 0.3 million gallons per day (mgd) secondary sewage treatment plant (STP) to provide advanced secondary treat-

ment of 0.5 mgd. Located on the east bank of Indian Run, approximately 300 feet upstream of its confluence with the East Branch White Clay Creek in the Borough of Avondale, Chester County, the STP will continue to serve the Borough of Avondale and portions of New Garden Township, both in Chester County. Treated effluent will continue to discharge to Indian Run in the Christina River Watershed.

3. *Upper Gwynedd-Towamencin Municipal Authority D-2002-29 CP*. An application to rerate a 6.5 mgd STP to 7.3 mgd while continuing to provide advanced secondary treatment. The plant is on Kriebel Road in Towamencin Township, Montgomery County, near the northern tip of Worcester Township. The existing plant will continue to serve portions of Upper Gwynedd, Hatfield and Towamencin Townships. No new development is proposed, but the increased flow will enable the applicant to meet discharge permit objectives, while an infiltration and inflow reduction program is being implemented. STP effluent will continue to be discharged to Towamencin Creek, a tributary of Skippack Creek in the Schuylkill River Watershed.

4. *Pennsylvania Suburban Water Company D-2003-33 CP*. An application to transfer up to 0.5 mgd (15 mg/30 days) of potable water from Downingtown Municipal Authority (DMUA) to the applicant's distribution system by means of a proposed interconnection. The DMUA has adequate capacity to meet the applicant's needs within their existing 2.5 mgd water allocation from the East Branch Brandywine Creek, as supported by releases from Marsh Creek Reservoir. The project 0.5 mgd water transfer represents an alternative to, and is proposed instead of, the use of water supply from the applicant's previously approved Cornog Quarry project (approved under DRBC Doc. No. D-98-11 CP on April 3, 2002). The proposed docket will consolidate all the applicant's sources in the UGS Northern Division distribution system, including those previously approved under Doc. Nos. D-98-11 CP and D-2002-5 CP, including the use of Kay Wells B and C on other than a seasonal basis. As a condition for approval of this docket, Doc. Nos. D-98-11 CP and D-2002-5 CP will be rescinded. The project will serve portions of East Brandywine, West Brandywine and Caln Townships, Chester County.

5. *East Rockhill Township D-2004-5 CP*. An application for approval of a ground water withdrawal project to supply up to 5.47 mg/30 days of water for supplemental irrigation of the applicant's proposed golf course from new wells nos. PW-1—PW-3 in the Brunswick and Locketong Formations, and to limit the existing withdrawal from all wells to 5.47 mg/30 days. The project is in the Tohickon-Three Mile Run Watershed in East Rockhill Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

The Commission's 1:30 p.m. business meeting on March 3, 2004, will also include: adoption of the minutes of the January 21, 2004, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; and a report by the Commission's general counsel.

Draft dockets scheduled for public hearing on March 3, 2004, are posted on the Commission's website, [www.drbc.net](http://www.drbc.net), where they can be accessed through the "Next DRBC Meeting." Additional documents relating to the dockets and other items may be examined at the

Commission's offices. Contact William Muszynski, (609) 883-9500, Ext. 221 with docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission may accommodate their needs.

Written comment on the proposed resolution will be accepted through March 19, 2004. Comment should be submitted to Fisheries Docket, Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360, FisheriesDocket@drbc.state.nj.us. Do not address comments for the record directly to staff members or commissioners.

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 04-331. Filed for public inspection February 27, 2004, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program

The Department of Agriculture (Department) revises the procedures and requirements under which it will award grants under the Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program (program). Although the original appropriation that funded the program expired on July 1, 2001, subsequent appropriations have provided the Department authority to continue the program. The original procedures and requirements were published at 30 Pa.B. 4737 (September 9, 2000), with updates and revisions published at 31 Pa.B. 6288 (November 17, 2001). This notice updates the procedures and requirements of the program to allow for the reimbursement of stone fruit nursery stock being prepared for marketing in 2004 and future years.

In summary, the program provides owners of commercial nurseries producing stone fruit trees reimbursement for 15% of the losses they will sustain as a result of the destruction of peach trees, nectarine trees and other stone fruit trees as part of the Department's Plum Pox Virus (PPV) eradication effort. The program compliments an ongoing United States Department of Agriculture (USDA) initiative to reimburse commercial stone fruit producers and commercial nurseries producing stone fruit trees for 85% of these losses.

The formula under which payments will be made under the program is identical to the formula to be employed by the USDA in making its payments. This notice restates statutory authority and provides background information.

#### *Authority and Funding*

The program is funded through annual appropriations of funds to the Department for fruit tree indemnity payments regarding PPV, as well as through authorizations to retain and spend previously appropriated funds for this same purpose.

#### *Background*

PPV, a plant pest indigenous to Europe, is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable. PPV has the potential to cause serious damage to the stone fruit production and stone fruit nursery industries in this Commonwealth. PPV is transmitted from infected trees by aphids and by budding or grafting with PPV infected plant material. The Department has used its authority under the Plant Pest Act (3 P. S. §§ 258.1—258.27) to establish a quarantine with respect to the townships and boroughs where PPV has been detected. To date, quarantines have been established with respect to the following locations:

<i>County</i>	<i>Township or Borough</i>
Adams	Borough of York Springs Butler Township (part) Huntington Township Latimore Township Menallen Township (part) Tyrone Township (part)
Cumberland	South Middleton Township Dickinson Township Borough of Mount Holly Springs Southampton Township
Franklin	Borough of Mont Alto Quincy Township
York	Conewago Township Franklin Township Monaghan Township Washington Township

Quarantine orders may be revised in the future as the Department's effort to contain and eradicate this plant pest moves forward. The quarantine orders prohibit the movement of stone fruit trees and stone fruit budwood within the quarantined areas, and prohibit the movement of stone fruit trees and stone fruit budwood out of the quarantined areas.

There is no known control for PPV other than the destruction of infected trees and the aphids that can carry the disease. The program is intended to implement the Department's statutory authority to compensate fruit tree owners for a portion of the losses they will experience as a result of having to destroy stone fruit trees at the order of the Department.

The Department has, with the assistance of agricultural economists from the Pennsylvania State University, worked with the USDA to develop a PPV loss reimbursement formula that is acceptable to both the Department and the USDA and that reasonably reflects the losses a commercial nursery producing stone fruit trees would sustain with respect to stone fruit nursery stock destroyed to combat PPV. The program addresses the formula for reimbursement of stone fruit nursery stock being prepared for market in 2004 and subsequent years. Since stone fruit nursery stock is typically sold as either "1-year old" or "2-year old" trees, this notice uses these terms to describe fruit tree nursery stock, rather than identifying the nursery stock by the calendar year in which it is sold. This is a change from previous procedures and requirements for the program. The formula for

reimbursing losses with respect to 1-year old stone fruit nursery stock destroyed by order of the Department also distinguishes between "peach and nectarine" trees and "apricot and plum" trees.

#### *1-Year Old Stone Fruit Nursery Stock*

With respect to 1-year old peach and nectarine nursery stock, the Department will calculate the number of trees in the referenced nursery stock, subtract 22% from this figure (to reflect that, on average, 22% of a given peach and nectarine stone fruit nursery crop of this age is either culled from the crop or fails to bud), multiply this number of trees by the net value of \$3.30 per tree and pay the owner 15% of that sum.

With respect to 1-year old apricot and plum nursery stock, the Department will calculate the number of trees in the referenced nursery stock, subtract 22% from this figure (to reflect that, on average, 22% of a given apricot and plum stone fruit nursery crop of this age is either culled from the crop or fails to bud), multiply this number of trees by the net value of \$4.65 per tree and pay the owner 15% of that sum.

#### *2-Year Old Stone Fruit Nursery Stock*

With respect to 2-year old peach, nectarine, apricot and plum nursery stock, the Department will calculate the number of trees in the referenced nursery stock, subtract 5% from this figure (to reflect that, on average, 5% of a given stone fruit nursery crop of this age is either culled from the crop or unsold), multiply this number of trees by the net value of \$4.55 per tree and pay the owner 15% of that sum.

#### *Relationship with the USDA*

The forgoing formulas are the same formulas that will be applied by the USDA, with the exception that the USDA will reimburse affected owners 85% of their losses, rather than 15%. The program will employ a grant application form to distribute grant funds. This procedure is substantively identical to that employed by the Department in awarding grants under its Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program and its Commercial Orchard and Fruit Tree Nursery Indemnity Program—related programs that reimburse certain individuals for lost profits and for the costs of removing infected trees or applying pesticides or herbicides at the order of the Department, respectively.

#### *Eligibility*

A person who is an owner of a commercial fruit tree nursery is eligible to apply for a grant under the program.

#### *Applications*

The Department will provide grant application forms upon request by contacting the Department of Agriculture, Attn: Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5226.

An application for a grant under the program will require the following information of an applicant:

1. The name and address of the applicant.
2. Verification that the applicant is an owner of a commercial stone fruit tree nursery.
3. A description of the location of the stone fruit nursery stock with respect to which a grant is sought.

4. Verification that the stone fruit nursery stock with respect to which a grant is sought was ordered destroyed by order of the Department or the USDA, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA-APHIS-PPQ) for purposes of controlling or containing PPV.

5. Verification that prior to the destruction of the stone fruit nursery stock the applicant and the Department conducted a physical inspection of the nursery stock to assess the number of stone fruit trees, by species and age, and had agreed upon the accuracy of this information, in writing.

6. A breakdown of the total numbers of stone fruit nursery stock, by species and age of trees.

7. Verification that the stone fruit nursery stock was, in fact, destroyed in accordance with the order of the Department or the USDA-APHIS-PPQ.

8. A signature acknowledging that representations made in the application are true, and further acknowledging that the criminal punishments and penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) apply to any false statement made in the application. An applicant shall submit a complete application form to the Department at the mailing address set forth earlier in this section.

#### *Review of Applications*

The Department will review and approve or disapprove complete, timely grant applications within 30 days of receipt. The Department will stamp or otherwise identify each grant application to record the date and the order in which these applications are received. The Department will consider grant applications in the order they are received. The Department will approve a grant application if all of the following criteria are met:

1. The application is complete and provides the Department all the information necessary to a reasoned review of the document.
2. There are sufficient unencumbered funds available for fruit tree indemnity payments relating to PPV to fund the grant amount sought in the reimbursement grant application.

#### *Notice of Decision*

The Department will, within 10 days of completing its review, mail a grant applicant written notice as to whether the grant application is approved. If the application is not approved, the written notice will specify the basis for disapproval.

#### *No Right or Entitlement to Funds*

The appropriation or availability of funds for fruit tree indemnity payments regarding PPV does not create in any person a right or entitlement to a grant from these funds. Departmental approval of a grant application is the event that establishes entitlement of the applicant to the grant funds sought, provided appropriated funds are available in an amount adequate to fund the grant.

#### *Additional Information*

Further information may be obtained by contacting the Department of Agriculture, Attn: Karl Valley, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5226.



*Effective Date*

This order is effective as of February 11, 2004.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-332. Filed for public inspection February 27, 2004, 9:00 a.m.]

### Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program

The Department of Agriculture (Department) revises the procedures and requirements under which it awards grants under the Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program (program). These procedures and requirements were originally established in a notice published at 30 Pa.B. 4014 (August 5, 2000). In summary, the original program provided a formula and mechanism by which the Department could award a reimbursement grant to compensate the owner of a commercial stone fruit orchard for a portion of the economic losses resulting from a Department-issued order to destroy and remove stone fruit trees from the orchard and refrain from replanting stone fruit trees for at least 3 years. The program was subsequently revised by a notice published at 33 Pa.B. 1949 (April 19, 2003). The revision: (1) acknowledged it may be necessary, in some instances, to maintain the current replanting ban for at least 2 additional years; and (2) established a formula and mechanism for providing partial compensation for economic losses attributable to the 4th and 5th years of this replanting ban. This notice repeats the provisions of the program, but provides a broader description of the funding sources for the program.

*Authority and Funding*

The program is funded through annual appropriations of funds to the Department for fruit tree indemnity payments related to the Plum Pox Virus (PPV) and costs related to disease eradication and other prevention and control measures, as well as through authorizations to retain and spend previously-appropriated funds for this same purpose.

*Background*

PPV is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, cherries, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable. PPV has the potential to cause serious damage to the stone fruit production and stone fruit nursery industries in this Commonwealth. PPV is transmitted from infected trees by aphids and by budding or grafting with PPV infected plant material. There is no known control for PPV other than the destruction of infected trees. PPV is not known to exist anywhere in the United States except for in parts Adams, Cumberland, Franklin and York Counties.

The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) provides the Department broad authority with respect to the identification, containment and eradication of plant pests in this Commonwealth. Under authority of the act, the Department has established PPV-related quarantines in parts of Adams, Cumberland, Franklin and York Counties. There are a number of commercial stone fruit production orchards within the quarantined area. Where PPV has been detected in a commercial stone fruit orchard or where the orchard is near a location where

PPV is known to be present, the Department has ordered the destruction and removal of the stone fruit trees and prohibited replanting of stone fruit trees until the quarantine is rescinded. Initially, both the Department and United States Department of Agriculture (USDA) felt the quarantine could be lifted following a 3-year stone fruit replanting ban within the quarantined area. It is now apparent the replanting ban needs to remain in effect for at least 2 additional years.

The objective of the program is to provide owners of affected commercial stone fruit production orchards reimbursement grants of 15% of the economic losses they sustain as a result of the destruction of stone fruit trees as part of the Department's PPV eradication effort. The program compliments a similar initiative of the USDA to reimburse these owners 85% of these losses. The Department and the USDA use the same economic calculations in determining the value of destroyed trees and lost crop production. The following economic loss calculations are the same as shall be used in a forthcoming revision to the USDA's reimbursement criteria. In combination, the program and its Federal counterpart seek to reimburse affected commercial stone fruit orchard owners 100% of the calculated amount of economic losses resultant from the removal and destruction of affected stone fruit orchards.

The program's reimbursement formula assumes that affected commercial stone fruit orchards cannot be replanted with stone fruit trees for 3 years after destruction and removal of the trees at the order of the Department. When the Department detects PPV near a location where stone fruit trees have earlier been destroyed and removed by order of the Department, the starting point of the 3-year ban on replanting for both the site of the most recent detection and the site where stone fruit trees have already been removed must be reset. The initial destruction of PPV-infected orchards was in Spring 2000. The most recent detections were in 2003. This compels the Department to continue the current replanting ban for at least 2 additional years.

*Revised Reimbursement Formula*

The program's original reimbursement formula only allowed for reimbursement of 3 years' lost production. This revision supplements that formula by providing a calculation of the values of an additional 1 or 2 years of economic losses. The values are as follows:

1. If commercial stone fruit trees (any species, any age) are destroyed and removed by order of the Department, and stone fruit trees cannot be replanted for 4 years from removal, the value of economic loss between the 3rd and 4th years is \$974 per acre. The Department may pay up to \$146.10 (15% of the \$974 per acre sum) with respect to every acre of affected stone fruit production.
2. If commercial stone fruit trees (any species, any age) are destroyed and removed by order of the Department, and stone fruit trees cannot be replanted for 5 years from removal, the value of economic loss between the 3rd and 5th year is \$1,840 per acre (\$974 per acre between the 3rd and 4th years, plus \$866 per acre between the 4th and 5th years). The Department may pay up to \$276 (15% of the \$1,840 per acre sum) with respect to every acre of affected stone fruit production. Of this \$276 per acre cap, \$146.10 is 15% of economic loss between the 3rd and 4th years and \$129.90 is 15% of economic loss between the 4th and 5th years.

A person who has previously received partial reimbursement of economic losses from the Department under

the program, or a successor owner of the affected orchard, may apply to the Department for partial reimbursement of economic losses relating to the 4th and 5th years of the ban on the replanting of stone fruit trees in the quarantined area. As stated, the Department's maximum payment with respect to affected stone fruit acreage is \$146.10 per acre if replanting is prohibited for 4 years and \$276 per acre if replanting is prohibited for 5 years. An owner may elect to receive reimbursement 1 year at a time rather than applying to receive the entire 2-year reimbursement in a single payment.

*Obtaining an Application*

A person seeking a reimbursement grant under the program for economic losses sustained by virtue of the Department extending a stone fruit replanting ban from 3 years to 4 or 5 years shall apply for the grant using a reimbursement grant application/agreement form provided by the Department. The forms may be obtained through the following contact person.

*Contents of Application*

An application for a reimbursement grant for economic losses relating to the 4th or 5th years of a Department-ordered stone fruit replanting ban will require the following information of an applicant:

1. The name, address and Federal tax identification number (or Social Security number) of the applicant.
2. Verification that the applicant is an owner of the destroyed stone fruit orchard.
3. A listing of the block numbers of the destroyed stone fruit orchard with respect to which a grant is sought.
4. The stone fruit tree acreage figures described in paragraph 3.
5. A signature acknowledging that representations made in the application are true, and further acknowledging that the criminal punishments and penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) apply to any false statement made in the application.

*Review of Applications*

The Department will review and approve or disapprove complete, timely grant applications within 30 days of

receipt. The Department will stamp or otherwise identify each grant application to record the date and the order in which the applications are received. The Department will consider grant applications in the order they are received. The Department will approve a grant application if the following criteria are met:

1. The application is complete and provides the Department all the information necessary to a reasoned review of the document.
2. There are sufficient unencumbered funds available for fruit tree indemnity payments regarding PPV and costs related to disease eradication and other prevention and control measures to fund the grant amount sought in the reimbursement grant application.

*Notice of Decision*

The Department will, within 10 days of completing its review, inform (whether by mail or other means) a grant applicant of whether the grant application is approved or disapproved. If the application is disapproved, the written notice will specify the basis for disapproval.

*No Right or Entitlement to Funds*

The appropriation or availability of funds for fruit tree indemnity payments regarding PPV and costs regarding disease eradication and other prevention and control measures does not create in a person a right or entitlement to a grant from these funds. Departmental approval of a grant application is the event that establishes entitlement of the applicant to the grant funds sought, provided appropriated funds are available in an amount adequate to fund the grant.

*Additional Information/Contact Person*

Applications and further information can be obtained by contacting the Department of Agriculture, Attn: Karl Valley, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5226.

*Effective Date*

This order is effective as of February 11, 2004.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-333. Filed for public inspection February 27, 2004, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 17, 2004.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-10-04	Pitcairn Financial Group, Inc., Jenkintown, to acquire 100% of the shares of common stock of Pitcairn Trust Company, Jenkintown, under section 112 of the Banking Code of 1965	Jenkintown	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-11-04	East Penn Bank Emmaus Lehigh County	18 South Second Street Emmaus Lehigh County	Approved
2-11-04	Orrstown Bank Shippensburg Cumberland County	1 Giant Lane Carlisle Cumberland County	Approved
2-11-04	Keystone Nazareth Bank and Trust Bethlehem Northampton County	2641 MacArthur Road Whitehall Township Lehigh County	Authorization Rescinded
2-12-04	Fulton Bank Lancaster Lancaster County	950 Willow Valley Lakes Drive Willow Street West Lampeter Township Lancaster County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-6-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Consolidation of the following five branch offices:	Effective
	<i>Into:</i> 735 Church Lane Yeadon Delaware County	<i>Into:</i> 1515 Market Street Philadelphia Philadelphia County	
	<i>From:</i> 1024 Church Lane Yeadon Delaware County	<i>From:</i> 30 South 15th Street Philadelphia Philadelphia County	
	<i>Into:</i> 2nd and Olive Streets Media Delaware County	<i>Into:</i> 6503 Haverford Avenue Philadelphia Philadelphia County	
	<i>From:</i> 119 West State Street Media Delaware County	<i>From:</i> 427 North 63rd Street Philadelphia Philadelphia County	
	<i>Into:</i> 8345 Ridge Avenue Philadelphia Philadelphia County		
	<i>From:</i> 7568 Ridge Avenue Philadelphia Philadelphia County		

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-13-04	Farmers First Bank Lititz Lancaster County	985 Park Plaza Lancaster Lancaster County (Drive-Up Facility)	Filed

**SAVINGS INSTITUTIONS****Main Office Relocation**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
2-11-04	East Stroudsburg Savings Association Stroudsburg Monroe County	<i>To:</i> 200 Palmer Street Stroudsburg Monroe County  <i>From:</i> 744 Main Street Stroudsburg Monroe County	Filed

**CREDIT UNIONS**  
**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
2-13-04	Allentown Teachers Credit Union Allentown Lehigh County	Amendment to Article 1 of the Articles of Incorporation provides for a change in corporate name to Lehigh Valley Educators Credit Union.	Approved and Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-334. Filed for public inspection February 27, 2004, 9:00 a.m.]

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

**Elm Street Program Guidelines; New Communities Program Guidelines**

The Department of Community and Economic Development (Department), the Center for Community Building, Office of Community Development, announces the enactment of the Elm Street Program as authorized by the act of February 7, 2004 (P. L. 61, No. 7). The Department also announces the publication of the Elm Street Program guidelines and the publication of the revised New Communities Program guidelines.

The Elm Street Program is a component within the New Communities Appropriation. The Department has published separate Elm Street Program guidelines because it is a new program under the Governor's Stimulus Package. These guidelines will be utilized in the administration of the Elm Street Program.

The New Communities Program consists of three initiatives under the appropriation: the Main Street Program, the Enterprise Zone Program and the Elm Street Program. Changes have been made to the Main Street and Enterprise Zone Programs.

Applications must be submitted to the Department's Customer Service Center, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. For a copy of the guidelines, contact Aldona Kartorie, (717) 720-7409. The guidelines are also available on the Department's website: [www.inventpa.com](http://www.inventpa.com).

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 04-335. Filed for public inspection February 27, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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>
PA0070009	Leisure Equities Corporation R. R. 1, Box 3024 Zion Grove, PA 17985-9801	North Union Township Schuylkill County	Catawissa Creek 5E	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>
PA0051641 Sewage	Historical and Museum Commission Daniel Boone Homestead 400 Daniel Boone Road Birdsboro, PA 19508	Berks County Exeter Township	Owatin Creek 3C	Y
PA0083623 Industrial Waste	TB Woods, Inc. 440 North 5th Avenue Chambersburg, PA 17201	Franklin County Chambersburg Borough	UNT Falling Spring Branch 13C	Y
PA0037711 Sewage	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537-1177	Bedford County West Providence Township	Raystown Branch Juniata River 11C	Y
PA0247405 Sewage	David R. and Penny Stup 5394 Big Creek Road Clearville, PA 15535	Bedford County Monroe Township	Licking 13-B	Y

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

<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>
PA0060062 Sewerage	Red Rock Job Corp Center P. O. Box 218 Lopez, PA 18628-0218	Colley Township Sullivan County	Mehoopany Creek SWP 4G	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>
PA0004596	Ace Products, Inc.—Penn Industrial Products Division 1700 ORCO Drive Conneautville, PA 16406-0483	Conneautville Borough Crawford County	Conneaut Creek 15	Y
PA0101788	Eldred Division of Ethan Allen, Inc. 3289 Route 446 Eldred, PA 16731	Eldred Township McKean County	Unnamed tributary to Carpenter Creek 16-C	Y
PA0100625	TA Operating Corporation Travel Centers of America—Brookville 24601 Center Ridge Road Suite 200 Westlake, OH 44145-5634	Brookville Borough Jefferson County	Clement Run 17-C	Y

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

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

**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 is for the Steelton Municipal Waterworks 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:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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
Total Suspended Solids	30	60	75

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.

**PA0088897**, CAFO, **Hissong Farmstead, Inc. (Hissong Dairy Farm)**, 5492 Buchanan Trail West, Greencastle, PA 17225. Hissong Farmstead, Inc. has submitted an application for an individual NPDES permit for an existing CAFO known as Hissong Dairy Farm, 5492 Buchanan Trail West, Peters and Montgomery Townships, **Franklin County**.

The CAFO is situated near an unnamed tributary of West Branch Conococheague Creek in Watershed 13-C (TSF, MF). Following expansion, the CAFO proposes to maintain an animal population of approximately 1,334 AEUs consisting of 720 adult dairy cows, 350 heifers aged 1 to 2 years, 205 heifers aged 0 to 1 year and 4 bulls. The adult dairy cows are housed in two barns, while the heifers are housed separately in multiple barns onsite. Dairy barn manure and milk parlor wastewater is collected, treated through a sand separator system to recover sand bedding and pumped to a solids separator building. Filtrate from the solids separator is discharged into a three-stage settling cell system and then overflows into a two-stage clay-lined manure impoundment with a total capacity of approximately 7.6 million gallons. Heifer manure is scraped into concrete reception pits, which also receive runoff from feedlots in some cases. Young heifer manure is collected with bedding and is stacked onsite. An additional 1.3 million gallons of storage capacity is available onsite. Liquid manure is spray irrigated and solid manure is land applied in accordance with the operation's Nutrient Management Plan.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The EPA permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

**PAS804803**, Industrial Stormwater SIC 4922, **Dominion Transmission, Inc.**, 1001 Pleasant Valley Road, Harrison Valley, PA 16927. This existing facility is in Harrison Township, **Potter County**.

Description of Proposed Activity: Issuance of an NPDES permit for an existing discharge of industrial stormwater.

The receiving stream, North Branch Cowanesque River, is in the State Water Plan Lycoming watershed 10-A and is classified for CWF. The nearest downstream public water supply intake is the PA/NY border.

The proposed effluent limits are based on Best Management Practices.

Other Conditions: Monitoring for ethylene glycol.

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

**PA0093980**, Sewage, **Better Built Homes**, R. D. 1, Box 190, Irwin, PA 15642. This application is for renewal of an NPDES permit to discharge treated sewage from the Kimberly Estates MHP STP in Sewickley Township, **Westmoreland County**.

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

*Outfall 001:* existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
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	0.22			0.50
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216089**, Sewage, **Westmoreland County Industrial Park Authority**, 2 North Main Street, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the I-70 Industrial Park STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny 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 Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

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

The EPA waiver is in effect.

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

**PA0239429**, Sewage, **Mercer Baptist Church**, 3016 Valley Road, Mercer, PA 16137. This proposed facility is in Findley Township, **Mercer County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply considered during the evaluation is the nearest downstream potable water supply (public water supplier) is on the Beaver River (Beaver Falls Municipal Authority), approximately 40 miles below point of discharge.

The receiving stream, the unnamed tributary to Neshannock Creek, is in watershed 20-A and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Fecal Coliform (5-1 to 9-30)	200/100ml as a geometric average		
Total Residual Chlorine	XX		
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

**WQM Permit No. 3604406**, Sewerage, **Suburban Lancaster Sewer Authority**, 218 West Orange Street, P. O. Box 1271, Lancaster, PA 17603. This proposed facility is in West Lampeter Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of sewer extension and a pump station to serve the Hunters Glen development.

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

**WQM Permit No. 0304201**, Industrial Waste, **Allegheny Energy Supply Company LLC**, 4350 Northern Pike, Monroeville, PA 15146-2841. This proposed facility is in Washington Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of a wastewater treatment facility to serve the Armstrong Power Station—South Pond—CCB Landfill Facility.

**WQM Permit No. 6586407-A1**, Sewerage, **Hempfield Township Municipal Authority**, R. D. 6 Box 501, Greensburg, PA 15601. This proposed facility is in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the expansion and operation of the Darragh Sewerage Treatment Plant.

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



**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>
PAI132232	Dallas Township 601 Tunkhannock Highway Dallas, PA 18612	Luzerne	Dallas Township	Bowman's Creek HQ-CWF Toby's Creek CWF/TSF	Y

**V. Applications for NPDES Waiver Stormwater Discharges from MS4****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904005	Konstantinos and Barbara Tantaros 4200 Indian Creek Rd. Emmaus, PA 18049	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF
PAI023904006	CC ONE c/o Somerset Properties 768 N. Bethlehem Pike Suite 203 Lower Gwynedd, PA 19002	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804004	Victoria Calantoni Forks Village, L. P. 6065 William Penn Hwy. Easton, PA 18042	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030704001	Kenneth F. Burket 130 Lakeview Drive Hollidaysburg, PA 16648	Blair	Frankstown Township	Canoe Creek HQ-CWF
PAI030603007	Bear Creek Mountain Real Estate LLC 101 Doe Mountain Road Macungie, PA 18062	Berks	Longswamp township	Swabia Creek HQ-CWF

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

*Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050204001	Quaker Valley School District 203 Graham Street Sewickley, PA 15143	Allegheny	Leetsdale Borough	Little Sewickley Creek HQ-TSF

Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI056504002	Salem Crossroads Development, Inc. 53 Bel Aire Drive Delmont, PA 15626	Westmoreland	Salem Township	Unnamed tributary to Beaver Run HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**CAFO Notices of Intent Received**

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

**PAG124816**, Amendment, CAFO SIC 0213, **Robert C. Boyles, Sr.**, 258 Mountain Road, Muncy Valley, PA 17758. This proposal is for the addition of a third swine barn. The facility is in Penn and Franklin Townships, **Lycoming County**.

Description of Size and Scope of Proposed Operation/Activity: Total finishing swine—825.9 AEUs; total beef cattle—76.5 AEUs.

The receiving stream, Little Indian Run, is in the Muncy Watershed (10-D) and is classified for CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with the State narrative water quality standards.

**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. 4604503**, Public Water Supply.

Applicant	<b>Telford Borough Authority</b>
Township	West Rockhill
Responsible Official	Mark D. Fournier 122 Penn Avenue Telford, PA 18969
Type of Facility	PWS
Consulting Engineer	Spotts, Stevens & McCoy, Inc. 1047 North Park Road Reading, PA 19610
Application Received Date	February 10, 2004
Description of Action	Construction of a public water supply well, new pumping equipment and a chlorine disinfection system.

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

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

Applicant	<b>Williamsport Municipal Authority</b> 253 West Fourth Street Williamsport, PA 17701-6113
Township	Loyalsock, <b>Lycoming County</b>

Responsible Official LaRue S. VanZile, P. E., Director  
of Engineering  
Williamsport Municipal  
Authority  
253 West Fourth Street  
Williamsport, PA 17701-6113

Type of Facility PWS

Consulting Engineer LaRue S. VanZile, P. E.  
Director of Engineering  
Williamsport Municipal  
Authority  
253 West Fourth Street  
Williamsport, PA 17701-6113

Application Received  
Date February 3, 2004

Description of Action Sandblasting and painting the  
Loyalsock Water Storage Tank.

**Permit No. 6095501-T2.** Public Water Supply.

Applicant **Pine Valley Associates, L. P.  
Rachel A. Wachs**  
215 West Church Road, Suite  
105  
King of Prussia, PA 19406

Township West Buffalo

Responsible Official Rachel A. Wachs, General  
Partner  
Pine Valley Associates L. P.  
215 West Church Road, Suite  
105  
King of Prussia, PA 19406

Type of Facility PWS

Consulting Engineer Mike Molesevich  
Molesevich Environmental  
P. O. Box 654  
Lewisburg, PA 17837-0654

Application Received  
Date February 9, 2004

Description of Action Transfer of ownership of Pine  
Valley Mobile Home Park Water  
System, wells 1—3.

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

**Permit No. 0304502,** Public Water Supply.

Applicant **Kittanning Suburban Joint  
Water Authority**  
R. R. 1, Box 23  
Adrian, PA 16210-9712

Township or Borough East Franklin Township

Responsible Official Donald B. Norton, Chairperson  
Kittanning Suburban Joint  
Water Authority  
R. R. 1, Box 23  
Adrian, PA 16210-9712

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 February 4, 2004

Description of Action Construction of chlorine booster  
facilities at the Cowansville  
Pump Station.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

**Dillerville Rail Yard**, City of Lancaster, **Lancaster County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Norfolk Southern Railway Co., 110 Franklin Road, SE, Roanoke, VA 24042, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel and groundwater contaminated with diesel fuel and PAHs. 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 *Intelligencer Journal* on February 7, 2004.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**River Avenue Property**, City of Pittsburgh, **Allegheny County**. KU Resources Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCBs. The applicant proposes to remediate the site to meet the Special Industrial Area Requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on March 4, 2004.

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

**Redevelopment Authority of the City of Meadville (Former Talon Plant 7 Site)**, City of Meadville, **Crawford County**. Mark B. Miller, P.G., Moody & Assoc., 11548 Cotton Rd., Meadville, PA 16335 (on behalf of Andy Walker, Director of Community Development, Redevelopment Authority of the City of Meadville) has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics and other organics and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The applicant proposes to remediate the site to meet the Special Industrial Area Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Meadville Tribune* on February 14, 2004.

#### MUNICIPAL WASTE GENERAL PERMITS

**Application 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 municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM022. Kinsley Construction, Inc.**, 2700 Water Street, York, PA 17405-2886. The Bureau of Land Recycling and Waste Management has received an application for General

Permit Number WMGM022. The application is for: (1) processing and beneficial use of waste concrete (that is, waste concrete from roadways, curbs, sidewalks, building footers, bridge demolition, concrete masonry units, brick, crushed aggregate previously used as sub-grade or sub-base material in roadway construction, shot rock and roof ballast) as roadway construction material, parking lot construction material and as a substitute for AASHTO approved aggregate; (2) beneficial use of recycled asphalt pavement materials as the feedstock in a bituminous products plant; and (3) processing and beneficial use of timber waste (that is, tree stumps, limbs, clean pallets, clean wood, untreated and unpainted lumber, shrubs, clean skids, packing crates) leaf and yard waste (that is, source segregated leaf and yard waste, grass clippings, clean wood chips from processing facility) to produce bedding material for the livestock. The Department determined the application to be administratively complete on February 10, 2004.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at (717) 787-7381. 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.

#### RESIDUAL WASTE GENERAL PERMITS

**Application 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 municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGR099. Lehigh County**, 7676 Industrial Boulevard, Allentown, PA 18106. The Bureau of Land Recycling and Waste Management received an application, under General Permit WMGM022, for the processing and beneficial use of treated wastewater solids generated at the Lehigh County Pretreatment Facility, for agricultural utilization and mine reclamation, as a soil conditioner and a fertilizer. This general permit application was originally published at 32 Pa.B. 5907 (November 30, 2002), initially determined as a municipal waste general permit.

After carefully reviewing the sludge operation and waste types received at the facility, the Department determined that the processing and beneficial use of various industrial wastewaters including residential septage, at the Lehigh County Pretreatment Facility, is best regulated using standard conditions and in accordance with 25 Pa. Code Chapter 287, Subchapter H. Therefore, if the final general permit is issued for the Lehigh County Pretreatment Facility, it will be assigned number WMGR099.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at (717) 787-7381. 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 within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

## PLAN APPROVALS

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

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

**05-03010B: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) to install a limestone crushing plant at their Ashcom Quarry in Snake Spring Township, **Bedford County**. Electricity to operate the plant will be supplied by two 350 hp diesel engine/generator sets. Particulate emissions will be controlled by appropriately placed water sprays.

**67-05103A: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612-6001) for the construction of eight 2,000 kW diesel-fired electrical generating units at their Menges Mills Substation in Jackson Township, **York County**.

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

**55-399-006: Apex Homes, Inc.** (247 US Highway 522 North, Middleburg, PA 17842) for construction of a modular home manufacturing operation in Middlecreek Township, **Snyder County**.

**41-318-047A: Reynolds Iron Works, Inc.** (157 Palmer Industrial Road, Williamsport, PA 17701) for modification of a steel parts surface coating operation by increasing the allowable VOC emission rate from 6.0 tons in any 12 consecutive month period to 10.0 tons in any 12 consecutive month period in Woodward Township, **Lycoming County**.

**41-310-001H: Hanson Aggregates Pennsylvania, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) for construction of an impact crusher in a stone crushing, screening, and the like, plant at their Pine Creek Quarry in Limestone Township, **Lycoming County**.

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

**10-340B: Eagle Printing Co., Inc.** (114 West Diamond Street, Butler, PA 16001) for plan approval for a web-offset lithography printing press with an integrated dryer/oxidizer at 514 West Wayne Street, City of Butler, **Butler County**.

**42-158I: Temple-Inland Forest Products Corp.** (147 Temple Drive, Mount Jewett, PA 16740) to establish a Plantwide Applicability Limit for VOC, NOx and CO and request approval for the MDF operation to return to burning sanderdust at the Mount Jewett Complex in Mount Jewett, **McKean County**. The facility is a Title V Facility.

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**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.**

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

**46-0161B: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) for construction of a batch asphalt plant in Lower Pottsgrove Township, **Montgomery County**. The batch asphalt plant will have a rated capacity of 350 tons per hour and an annual production limit of 300,000 tons per year. The aggregate dryer burner is allowed to use on-specification waste derived liquid fuel (WDLF), LPG and no. 2 fuel oil. PM emissions from the batch asphalt plant will be controlled by a knockout box and a baghouse. This installation will not change the natural minor status of the facility. The Plan Approval will require the company to perform stack tests for all the criteria pollutants. Every shipment of WDLF will be analyzed and it must meet the on-specification requirement.

**46-0243: Upper Montgomery Joint Authority** (1100 Mensch Dam Road, Upper Hanover Township, PA) for installation of a thermal fluid dryer venturi scrubber/condenser and biofilter in Upper Hanover Township, **Montgomery County**.

Notice is given, under 25 Pa. Code §§ 127.44(a) and 127.424(b), that the Department intends to issue a Plan Approval to Upper Montgomery Joint Authority (Authority), Pennsburg, PA 18703 for the Authority's wastewater treatment plant at 1100 Mensch Dam Road, Upper Hanover Township, Montgomery County, to install a thermal fluid dryer, as described in the applicant's application of October 14, 2003. The Plan Approval will subsequently be incorporated into the company's facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval PA-46-0243 is for the installation of a thermal fluid dryer, venturi scrubber/condenser and biofilter. The thermal fluid dryer will be used to produce Class A sewage sludge. The emissions of air contaminants from the thermal fluid dryer will be controlled by a venturi scrubber/condenser and an engineered biofilter. The installation of the thermal fluid dryer will result in the emissions of: 1.7 tons per year of NO<sub>x</sub>; 0.2 ton per year of PM; and, 0.22 ton per year of CO. The Plan Approval and Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements. Further details on the conditions and reasons for their inclusion are available upon request.

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.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m., weekdays. To make an appointment, contact Records Management at (484) 250-5900 for an appointment.

**15-0078B: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) for major modification of two existing boilers rated at 16.74 mmBtu/hr and 20.92 mmBtu/hr (boilers) at their Centocor pharmaceutical research and development/manufacturing/biotechnological facility at 90 Great Valley Parkway, East Whiteland Township, **Chester County**. The major modification of the boilers will result in the emissions increases of: 4.32 tons per year of NO<sub>x</sub>; 11.44 tons per year of CO; 15.1 tons per year of SO<sub>x</sub>; 0.69 ton per year of PM; and 0.02 ton per year of

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; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-305-023: Northampton Fuel Supply Co., Inc.** (7500 Old Georgetown Road, Suite 13, Bethesda, MD 20814) for installation and operation of a portable anthracite coal refuse screening plant at their facility in Plains Township, **Luzerne County**. The operation involves processing the culm material, disposal of the reject material onsite for final reclamation and revegetation of all disturbed areas. This facility is a non-Title V facility. Fugitive dust will be controlled by the water spray system to the extent that the operation will have no fugitive dust. The company will monitor and visually inspect the process daily during operating hours to ensure all wet suppression equipment is working properly. Any defects will be corrected immediately and the equipment will be operated as per vendor's specifications to assure the compliance with Department regulations.

**48-328-004A: Lower Mount Bethel Energy, LLC** for construction of a 600 megawatt gas-fired, combined cycle electric generating turbine plant at their facility at Martins Creek in Lower Mount Bethel Township, **Northampton County**. This is a public notification to solicit comments on the plan approval.

The Commonwealth, through the Department, issued Plan Approval 48-328-004 on October 29, 2001, to Lower Mount Bethel Energy, LLC for construction of a 600 megawatt gas-fired, combined cycle electric generating turbine plant adjacent to the existing Martins Creek electric generating facility, operated by PPL Martins Creek, LLC in Lower Mount Bethel Township, Northampton County. The New Jersey Department of Environmental Protection (NJDEP) filed an appeal to the issuance of the Plan Approval on November 29, 2001.

The NJDEP, the Commonwealth, the Department and Lower Mount Bethel Energy, LLC have agreed to a settlement on October 10, 2003, of the appeal. PPL Generation, LLC and its subsidiaries, PPL Martins Creek, LLC and PPL Interstate Energy, LLC, have joined in the settlement to the extent that the terms are applicable to each. As a result, modifications will be made to the Lower Mount Bethel Energy, LLC Plan Approval 48-328-004 and the PPL Martins Creek Title V Operating Permit 48-00011.

To assure compliance with the settlement, the Department will place the following revised and/or additional conditions on the Plan Approval. These conditions will modify the existing conditions of the previously issued Lower Mount Bethel Energy, LLC Plan Approval 48-328-004.

Condition No. 41 shall be modified to read as follows:

A. Prior to the commencement and operation of the combustion turbines covered by this Plan Approval, the permittee shall submit the appropriate information to modify Title V Operating Permit 48-00011 concerning the Martins Creek Steam Electric Station which indicates that a daily PM<sub>10</sub> emission limit of 918 pounds per day shall not be exceeded for the auxiliary boiler 4B. Appropriate monitoring and recordkeeping shall also be modified for the said Title V operating permit.

B. Section (E) Group 1 (Units 1 and 2), I. Restrictions, Condition No. 005 elective restriction of Title V Operating Permit No. 48-00011 is revised to add the following limit:

Commencing on May 1, 2004, the permittee may not permit the emission into the atmosphere of SO<sub>x</sub>, expressed as SO<sub>2</sub>, from either Unit 1 or 2 fired by solid fossil fuel in excess of the following:

(1) 3.3 pounds SO<sub>2</sub> per million Btu heat input, on a 24-hour daily basis, not to be exceeded at any time.

(2) 3.1 pounds SO<sub>2</sub> per million Btu heat input, on a 24-hour daily basis, not to be exceeded more than 14 24-hour daily periods per 12-month rolling period.

C. Section E Group 1, VII. Additional requirements of Title V Operating Permit 48-00011 is amended to add the following requirement:

By September 15, 2007, PPL Martins Creek shall permanently cease operations of the boilers serving Units 1 and 2. Nothing herein precludes PPL Martins Creek from: (i) replacing Unit 1, Unit 2, or both units in their entirety; or (ii) repowering the Unit 1 boiler, Unit 2 boiler or both Units' boilers. Under options (i) or (ii), PPL Martins Creek shall satisfy all applicable Federal and State control requirements including Department Best Available Technology requirements.

D. Section E Group 2 (Units 3 and 4) I. Restrictions, Condition No. 002 of Title V Operating Permit 48-00011 is amended to add the following limits:

(3)(a) Commencing on May 1, 2004, the 1.0% sulfur oil fuel limit stated in subsection (1)(a) and (c) shall be reduced to 0.70% sulfur oil and subcondition (1)(d) shall be eliminated.

(3)(b) Notwithstanding any provision to the contrary in this Title V Permit or any other air quality permit issued by the Department, commencing on May 1, 2004, in no event shall PPL Martins Creek burn oil with a sulfur content greater than 0.70%.

(3)(c) PPL Martins Creek's compliance with the requirements of (a) and (b) shall be determined as follows:

(1) Fuel oil samples shall be taken from each tank at the PPL Interstate Energy Company's Martins Creek tank farm after completion of each pump cycle (or from the Marcus Hook shore tanks as provided in Appendix 1) and tested for sulfur content. Prior to transfer of the oil from any tank to the Martins Creek day tank, the oil shall be confirmed to have a sulfur content of 0.70% or lower consistent with Appendix 1.

(2) Monthly samples of the fuel oil in the Martins Creek day tank shall be taken to confirm that the sulfur content of the fuel oil is 0.70% or lower.

(3) Within 60 days following the end of the second calendar quarter in 2004 and within 60 days following each subsequent calendar quarter, PPL Martins Creek shall submit to the Department documentation of the results of the sampling taken during that calendar quarter under this section.

E. Section E Group 5, VII. Additional requirements of Title V Operating Permit 48-00011 is amended to add the following requirement:

On and after December 31, 2003, PPL Martins Creek shall not combust any fuel other than natural gas in Auxiliary Boiler 4B.

F. Section E Group 1, II. Testing Requirements of the Title V Operating Permit No. 48-00011 is amended to add the following requirement:

By May 31, 2004, and by May 31st of each successive calendar year and continuing until PPL Martins Creek complies with Condition 41C, PPL Martins Creek shall conduct annual source testing of total particulate emissions for Units 1 and 2 under a protocol approved by the Department. For the first annual source test PPL Martins Creek shall test for both PM<sub>10</sub> and total particulate emissions in accordance with this paragraph. Thereafter, PPL Martins Creek shall not be required to test for PM<sub>10</sub> emissions during annual source tests required by this Settlement Agreement. Source tests conducted by PPL Martins Creek as required by its Title V Operating Permit may be used to satisfy this paragraph to the extent those source tests include results for total particulate and/or total PM<sub>10</sub> emissions, as applicable, and only for the annual testing periods during which the Title V Operating Permit source tests are conducted. PPL Martins Creek shall file the results of its source tests with the Department within 60 days following the completion of the source test unless the Department agrees to additional time in which to submit test results.

G. Section E Group 1, VI. Work practice standards of Title V Operating Permit 48-00011 is amended to add the following requirement:

Within 30 days after the effective date of the Settlement Agreement at EHB Docket No. 2001-280-C, that is, October 10, 2003, PPL Martins Creek shall submit to the Department for approval a precipitator maintenance plan for the electrostatic precipitators on Units 1 and 2. PPL Martins Creek shall maintain those electrostatic precipitators in accordance with the Department-approved precipitator maintenance plan and good engineering practice.

Condition No. 45 shall be added to read as follows: This Plan Approval No. 48-328-004A supersedes the Plan Approval No. 48-328-004 issued by the Department on October 29, 2001.

Copies of the application, the Department's technical review and other supporting documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. at the Department's Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA. Appointments for scheduling a review may be made by calling (610) 861-2070.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the following address. The Department will consider written comments received within 30 days of the publication of this notice. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of proposed Plan Approval 48-328-004A and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. All 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 from the public will be addressed by the Department during the review process before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan

Approval. Written comments or requests for a public hearing should be sent to Thomas A. DiLazaro, Regional Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2435.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact the Department at the previous address or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

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

**01-03016A: Dal-Tile Corp.** (2938 York Road, Gettysburg, PA 17325) to install six trim presses and one associated baghouse at their existing facility in Straban Township, **Adams County**. This installation will increase the press capacity at this facility. The increase in emissions as a result of the increased press capacity will be less than 0.1 ton per year of PM. The emissions will be controlled through the use of the baghouse that is being installed. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**06-05037E: McConway and Torley Corp.** (230 Railroad Street, Kutztown, PA 19530) for installation of a fabric filter control device at their Kutztown Foundry in Kutztown Borough, **Berks County**. This foundry is a non-Title V State-only facility. This installation will increase potential PM emissions by 2.44 tons per year after control. The facility has emission caps to limit the actual emissions to below 100 tons per year of PM<sub>10</sub>. The plan approval shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**06-05069D: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for installation of fabric collectors and HEPA filters to control two lead oxide storage silos (industrial plant); modification of their no. 2 industrial plant pasting line controlled by a fabric collector; construction of a COS machine and modification of six Dynamac machines all controlled by a fabric collector and HEPA filter; and the relocation of a concasting machine and lead pot controlled by a fabric collector in Richmond Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The sources will be required to be tested to show compliance. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The facility is presently covered by Operating Permit 06-01069 and Title V Application 06-05069. This plan approval will be incorporated into the Title V operating permit in accordance with 25 Pa. Code § 127.450.

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

**04-00044: Horsehead Corp.** (300 Frankfort Road, Monaca, PA 15061) for change of ownership from Zinc Corporation of America to Horsehead Corporation.

**63-00014F: Reliant Resources, Inc.—Orion Power Mid-West** (121 Champion Way, Suite 200, Canonsburg, PA 15317) for use of a selective noncatalytic reduction system at their Elrama Power Plant in Union Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department intends to issue an air quality Plan Approval to allow the use of a selective noncatalytic reduction system on Unit 4 at the Elrama Power Plant in Union Township, Washington County. This is a Title V facility.

The proposed project is subject to the applicable requirements of 25 Pa. Code Chapter 127. 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 authorizes the use of a selective noncatalytic reduction (SNCR) system on Unit 4 at Orion Power MidWest, L. P.'s Elrama Power Plant in Union Township, Washington County. SNCR installation and operation on Unit 4 is a voluntary pollution control project and is not required by regulation for operation of the subject source (25 Pa. Code § 127.11).

4. The emission of ammonia from the SNCR system shall not exceed 3 ppmv at stack conditions during normal operation, as determined using EPA Conditional Test Method (CTM-027), Procedure for Collection and Analysis of Ammonia in Stationary Sources or other procedure approved by the Department (25 Pa. Code § 127.12b).

5. Stack testing to determine the emission rate of ammonia (as NH<sub>3</sub>) and CO shall be conducted during the next operational period and at least once during the term of the Title V Operating Permit thereafter (25 Pa. Code § 127.12b).

a) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

b) At least 60 days prior to the test, the owner/operator shall submit to the Department two copies of the procedures for the stack test and drawings with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

c) At least 15 days prior to the test, the regional air quality manager shall be informed of the date and time of the test.

d) All relevant operating parameters (for example, boiler steam flow, air flow, gross megawatts and O<sub>2</sub>; scrubber trains in service; CEMS heat input and stack flue gas volumetric flow rate; and SNCR ammonia feed flow rate) shall be recorded during the duration of the stack tests.

e) Within 60 days after the stack test, two copies of the complete test report, including all recorded operating parameters, shall be submitted to the regional air quality manager for approval.



6. Owner/operator shall keep a monthly record of all ammonia shipments delivered to this facility. These records shall be kept onsite for a period of 5 years and be made available to the Department upon request (25 Pa. Code § 127.12b).

7. In accordance with 25 Pa. Code § 123.31, there shall be no malodors detectable beyond the owner/operator's property line.

8. It is not an enforceable condition that the SNCR unit operates at any given time (25 Pa. Code § 127.12b).

9. This approval to construct shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or (2) if construction is discontinued for a period of 18 months or more (25 Pa. Code § 127.13(b)).

10. This Plan Approval authorizes temporary operation of the sources and/or control devices covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b(d)).

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 working days prior to the commencement of next period of operation. The notice should state when the operator expects to commence operation.

b) Operation is permitted only to facilitate the start-up and shake-down of the air cleaning devices, to permit operations pending the issuance or amendment of an Operating Permit or to permit the evaluation of the control devices for compliance with all applicable regulations and requirements.

c) This condition authorizes temporary operation of the control devices for a period of 180 days from the date of next 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 this period of temporary operation and shall provide a description of the compliance status of the control devices, 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 expiration date shall be 180 days from the date of the written notice.

Persons wishing to either object to issuance of the plan approval or a proposed condition thereof, to provide the Department with additional information that they believe should be considered prior to the issuance of the plan approval or to request a hearing may submit the information to the Department should send comments to Barbara Hatch, Air Pollution Control Engineer, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000. Comments must be received within 30 days of the appearance of this public notice. Comments must include the name, address and telephone number of the person filing the comment, identification of the proposed plan approval issuance being addressed and a concise statement of the comments relative to the proposed plan approval and the relevant facts upon which the comments are based.

## OPERATING PERMITS

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

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

**16-00035: The Commodore Corp.—Commodore/Colony Factory Crafted Homes** (20898 Paint Boulevard, Clarion, PA 16743) for a Title V Permit to operate a mobile/modular home manufacturing facility in Shippenville Borough, **Clarion County**. This is a major facility due to its potential to emit VOC emissions from the surface coating and adhesive application operations.

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

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

**25-00995: Alliance Plastics, Inc.** (3123 Station Road, Erie, PA 16510) for a Natural Minor Permit to operate their plastisol dip molding facility in Erie, **Erie County**.

**10-00107: NAPCO, Inc.** (125 McFann Road, Valencia, PA 16059) to reissue the Synthetic Minor Operating Permit for metal coil coating operations at their facility in Middlesex Township, **Butler County**. As a part of this reissuance, the facility is accepting emission limitations on the facility's emission of HAPs to less than the major source thresholds (10 tons for any single HAP and 25 tons for all HAPs). The facility will not be subject to Subpart SSSS of the Federal National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days

after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**33813012 and NPDES Permit No. PA0603210. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Gaskill Township, **Jefferson County**, affecting 598.0 acres. Receiving streams: unnamed tributary to Clover Run and unnamed tributaries to East Branch Mahoning Creek and Lost Run to Clover Run (HQ, CWF). The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company. Application for reclamation only. Application received February 9, 2004.

**16980105 and NPDES Permit No. PA0227749. Milestone Crushed, Inc.** (P. O. Box 644, 521 South Street, Clarion, PA 16214). Renewal of an existing bituminous surface strip operation in Perry Township, **Clarion County**, affecting 60.0 acres. Receiving streams: Dunlap Creek, one unnamed tributary to the Allegheny River, Allegheny River (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received February 10, 2004.

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

**17950102 and NPDES Permit No. PA0220001. Hill-top Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Revision to an existing bituminous surface mine permit for a change in permit acreage from 25.0 to 27.8 acres. Receiving streams: Alexander Run, Japling Run, Upper Morgan Run (CWF). Application received January 8, 2004.

**17960122 and NPDES Permit No. PA0220493. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Revision to an existing bituminous surface mine-auger permit to include the placement of coal ash for beneficial use within a portion of the existing permit boundary. The permit is in Bigler Township, **Clearfield County** and affects 118 acres. Receiving streams: Banian Run and Muddy Run. Application received December 18, 2003.

**17-01-01. A. W. Long Coal Co.** (1203 Presqueisle Street, Philipsburg, PA 16866). Revision to an existing Government Financed Construction Contract to authorize land application of biosolids. Treated wastewater biosolids will be used as a soil amendment on the Long Reclamation Job to enhance establishment and growth of vegetation on an abandoned surface mine site in Morris Township, **Clearfield County**. Application received December 26, 2003.

#### *Noncoal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35mg/l	70mg/l	90mg/l
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**58040301. L & D Stoneworks, Inc.** (R. R. 5, Box 112M, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County**, affecting 46.5 acres. Receiving streams: none. Application received January 28, 2004.

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

**25950304. Troyer Sand & Gravel, LTD** (13021 Flatts Road, Waterford, PA 16441). Revision for a physical change in the mine configuration to increase the approved pit depth from 1,190-foot elevation to 1,140-foot elevation in LeBoeuf Township, **Erie County**, affecting 146.9 acres. Receiving streams: unnamed tributaries to Wheeler Creek (WWF). There are no potable surface water supply intakes within 10 miles downstream. Revision to include a land use change to unmanaged water impoundment on lands of Ronald G. Troyer. Application received February 6, 2004.

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

**26990301 and NPDES Permit No. PA0202584. Carbon Fuel Resources, Inc.** (200 College Drive, Suite 300, Lemont Furnace, PA 15456). NPDES renewal application for continued operation and reclamation of a noncoal surface mine in Dunbar Township and Vanderbilt Borough, **Fayette County**, affecting 297 acres. Receiving streams: unnamed tributaries to Dickerson Run (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received February 13, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**E02-1452. Belton Hill Development Company**, 315 Paydays Drive, Elizabeth, PA 15037. Wylie Run Stream crossings in Elizabeth Township, **Allegheny County**, Pittsburgh ACOE District (McKeesport, PA Quadrangle N: 6.0 inches; W: 12.7 inches) (Latitude: 40° 17' 00"—Longitude: 79° 50' 24"). The applicant proposes to construct and maintain two stream enclosures (one consisting of a 7.0-foot diameter culvert 105.0 feet in length and one consisting of a 7.0-foot diameter culvert 123.0 feet in length) in Wylie Run and associated wetlands (0.17 acre PEM) for the purpose of providing access to the proposed Belton Hill Development. The project is on the south side of Lovedale Road near the intersection of Lovedale Road and Pierce Road and will impact a total of 325.0 linear feet of stream channel and 0.17 acre of PEM wetlands. The applicant proposes to contribute to the Wetland Replacement Fund.

**E04-301. Department of Transportation, Engineering District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017-2853. Replace the existing bridge over Jordan Run in Big Beaver Borough, **Beaver County**, Pittsburgh ACOE District (New Galilee, PA Quadrangle N: 17.1 inches; W: 1.7 inches) (Latitude: 40° 50' 39"—Longitude: 80° 23' 14"). The applicant proposes to replace the existing bridge with a 29-foot long, 18.0-inch by 5.0-foot precast concrete box culvert that is depressed 1 foot in Jordan Run (HQ-CWF). The project is 800 feet north of

SR 351 on SR 4003 Section B01 in Big Beaver Borough. The project will directly affect 60 feet of perennial stream.

**E11-303. Joseph G. Poborsky, J. M. A. Auto Sales,** 758 Lake Street, South Fork, PA 15956-1412. J. M. A. Auto Sales access bridge in Adams Township, **Cambria County**, Pittsburgh ACOE District (Geistown, PA Quadrangle N: 17.40 inches; W: 4.65 inches) (Latitude: 40° 20' 45"—Longitude: 78° 47' 0"). The applicant proposes to construct and maintain a single-span bridge having a clear span of 45 feet and an underclearance of 9 feet across Sandy Run (CWF) for the purpose of access to the property. The project is at a point approximately 200 feet south of SR 869.

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

**E10-392, Butler County,** P. O. Box 1208, Butler, PA 16003-1208. Snake Road Bridge Replacement Project in Parker Township, **Butler County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 6.33 inches; W: 16.9 inches).

To remove the existing steel girder bridge with concrete deck having a clear span of 18 feet 2 inches, an instream length of 14 feet and an under clearance of approximately 8 feet and to construct and maintain a steel girder bridge with concrete deck having a clear span of 22 feet, an instream length of 25 feet and an approximate under clearance of 8 feet at a point along Snake Road (T-638) spanning Silver Creek (HQ-CWF).

**ENVIRONMENTAL ASSESSMENTS**

*Cambria District: Environmental Program Manager, 286 Industrial Pk. Rd., Ebensburg, PA 15931-4119.*

**EA1109-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office,** 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned mine land reclamation project in Barr Township, **Cambria County**, Baltimore ACOE District (Colver Quadrangle N: 21.62 inches, W: 1.62 inches).

The applicant proposes to remove an abandoned 17.4-acre refuse pile adjacent to the West Branch Susquehanna River. The project will include encroachment along 1,700 feet of stream channel during removal of refuse from the floodplain. The project will encroach upon 1,700 feet of the West Branch Susquehanna River. The project will restore a 50-foot floodplain along 1,700 feet of the West Branch Susquehanna River. Completion of the project will also stop the ongoing discharge of refuse into the river and stop the production and subsequent discharge of acid mine drainage from the site into the river.

**DAM SAFETY**

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

**D46-341. East Greenville Borough,** P. O. Box 128, East Greenville, PA 18041-0128. To construct, operate and maintain East Greenville Waterworks Dam across Perkiomen Creek (TSF), for the purpose of rehabilitation of the water supply facility. Work includes removal and replacement of the existing dam, dredging of the impoundment area and installation of a dry hydrant along the stream bank (East Greenville, PA Quadrangle N: 5.7 inches; W: 3.1 inches) in Upper Hanover Township, **Montgomery County**.

**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>
PA0042048 Sewage	Conyngham Borough Authority 90 Butler Avenue Conyngham, PA 18219	Luzerne County Sugarloaf Township	Little Nescopeck Creek 5D	Y
PA0060852	St. Michael's School P. O. Box 370 Tunkhannock, PA 18657-0370	Falls Township Wyoming County	N. Branch Susquehanna River 4G/WWF	Y
PA0060895 Sewage	Pocono Mountain Industries, Inc. 556 Main Street Stroudsburg, PA 18360	Monroe County Coolbaugh Township	Unnamed tributary to Red Run 2A	Y
PA0062448	James C. Williams 104 Florence Drive Shohola, PA 18458-3511	Dingman Township Pike County	Nitche Pond 1D	N

*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>
PA0020613	Waynesburg Borough 90 East High Street Waynesburg, PA 15370	Greene County Franklin Township	South Fork Tenmile Creek	Y
PA0022306	Brownsville Municipal Authority P. O. Box 330 Brownsville, PA 15417-0330	Fayette County Brownsville Borough	Dunlap Creek	Y
PA0203700	Bruderhof Communities in PA, Inc. Route 381 North P. O. Box 260 Farmington, PA 15437	Fayette County Wharton township	Deadman Run	Y

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

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

**NPDES Permit No. PA0036285**, Sewage, **ATG Properties, LLC, Brookhaven Mobile Home Park**, P. O. Box 677, Morgantown, PA 19543. This proposed facility is in Hellam Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Dee Run in Watershed 7-H.

**NPDES Permit No. PA0031534**, Sewage, **Chestnut Ridge School District, New Paris Elementary School**, P. O. Box 80, Fishertown, PA 15539. This proposed facility is in Napier Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Dunning Creek in Watershed 11-C.

**NPDES Permit No. PA0028975**, Sewage, **Womelsdorf Sewer Authority**, 101 West High Street, Womelsdorf, PA 19567-1108. This proposed facility is in Heidelberg Township, **Berks County**.

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

**NPDES Permit No. PA0086550 Amendment No. 1**, Sewage, **Jeffrey and Rose A. Siddens**, 65 Stonewall Lane, Alburdis, PA 18011. This proposed facility is in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving water of an unnamed tributary to Swabia Creek in Watershed 2-C.

**NPDES Permit No. PA0085880**, Sewage, **Albert and Christina Hafer**, 127 Lee Spring Road, Blandon, PA 19510. This proposed facility is in Ruscombmanor Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to a dry trench on the Tranquillo property in Watershed 3-B.

**NPDES Permit No. PA0247162**, Industrial Waste, **Pennsylvania American Water Company, West Shore Regional Water Plant**, 852 Wesley Drive, Mechanicsburg, PA 17055-4475. This proposed facility is in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Yellow Breeches Creek in Watershed 7-E.

**NPDES Permit No. PA0088242 Amendment 1**, CAFO, **Country View Family Farms, Huston Hollow Farm**, 436 South Angle Street, Mount Joy, PA 17552. This proposed facility is in Taylor Township, **Fulton County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,269-AEU swine CAFO in Watershed 12-C.

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

**Permit No. PA0020613**, Sewage, **Waynesburg Borough**, 90 East High Street, Waynesburg, PA 15370.

This notice reflects changes from the notice published at 33 Pa.B. 6236 (December 20, 2003).

<i>Parameter</i>	<i>Avg. Mon.</i>	<i>Max. Daily</i>	<i>Avg. Mon.</i>	<i>Avg. Weekly</i>	<i>Max. Daily</i>	<i>Instantaneous Maximum</i>
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The lead limit shall be deleted in the final permit.

**NPDES Permit No. PA0217271-A1**, Sewage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This proposed facility is in Sewickley Hills Borough, **Allegheny County**.

Description of Proposed Action/Activity: Amendment to discharge treated sewage from Kilbuck Run STP to Kilbuck Run.

**NPDES Permit No. PA0252531**, Sewage, **Independence-Cross Creek Joint Sewer Authority**, 34 Campbell Street, P. O. Box 156, Avella, PA 15312. This proposed facility is in Cross Creek Township, **Washington County**.

Description of Proposed Action/Activity: Discharge of treated sewage from Independence-Cross Creek Joint Sewer Authority wastewater treatment plant in Cross Creek Township, Washington County.

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

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

**WQM Permit No. 0694409 Transfer 1**, Sewerage, **Albert and Christina Hafer**, 127 Lee Spring Road, Blandon, PA 19510. This proposed facility is in Ruscombmanor Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage treatment facilities.

**WQM Permit No. 0694420 Transfer 1**, Sewerage, **Jeffrey and Rose A. Siddens**, 65 Stonewall Lane, Alburdis, PA 18011. This proposed facility is in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage treatment facilities.

**WQM Permit No. 6703203**, Industrial Waste, **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4475. This proposed facility is in Fairview Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction of industrial wastewater facilities consisting of two transfer basins with duplex pumps, two HDPE lined lagoons and outfall.

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

**WQM Permit No. 0803405**, Sewage 4952, **Towanda Municipal Authority**, 724 Main St., Towanda, PA 18848. This proposed facility is in Towanda Borough, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate sewer extensions to Monroeton Borough and North Towanda Township.

**WQM Permit No. 1401403-A1**, Sewage, **Pennsylvania State University**, Physical Plant Building, State College, PA 16802. This proposed facility is in State College Borough, **Centre County**.

Description of Proposed Action/Activity: The applicant will construct and operate a new East Campus steam plant pump station. The Station will be a duplex suction lift station.

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

**WQM Permit No. 0203409**, Sewerage, **Bethel Park Municipal Authority**, 5100 West Library Avenue, Bethel Park, PA 15102-2754. This proposed facility is in Bethel Park Borough, **Allegheny County**.

Description of Proposed Action/Activity: Replacement of existing sanitary sewers and appurtenances.

**WQM Permit No. 1197403-A1**, Sewerage, **Forest Hills Municipal Authority**, P. O. Box 111, South Fork, PA 15956. This proposed facility is in Conemaugh Township, **Cambria County**.

Description of Proposed Action/Activity: Construction and operation of aerobic digester and blower additions to the South Fork Treatment Plant.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 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>
PAG133641	Borough of Royalton 101 Northumberland St. Royalton-Middletown, PA 17057-1608	Dauphin	Royalton Borough	Swatara Creek WWF Susquehanna River WWF	Y

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

#### 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
<i>General Permit Type—PAG-2</i>	

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lehigh County North Whitehall Township	PAG2003903028	Martin Nothstein 3862 Jordan Rd. Orefield, PA 18069	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Hazel Township	PAG2004003041	Reverend Eleanor DeBalso P. O. Box 126 Harleigh, PA 18255	UNT to Cranberry Creek CWF	Luzerne County Conservation District (570) 674-7991

<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>
Luzerne County Sugarloaf Township	PAG2004004003	Donald Karpowich Tracy Gallagher 175 Alvin St. Freeland, PA 18224	Little Nescopeck Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Lower Saucon Township	PAG2004803046	Ashley Development Corp. 559 Main St., 3rd Floor Bethlehem, PA 18018	Saucon Creek (source to Black River) CWF	Northampton County Conservation District (610) 746-1971
Northampton County Lehigh Township	PAG2004803047	Debra and William III Jones 4186 Cashew Dr. Walnutport, PA 18088	Bertsch Creek CWF	Northampton County Conservation District (610) 746-1971
Lackawanna County Dickson City Borough	PAG2003503013	Thomas Noto 215 Hickory St. Scranton, PA 18505	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
South Middleton Township Cumberland County	PAR10H306-1	South Middleton Township Municipal Authority P. O. Box 8 Boiling Springs, PA 17007	Alexander Spring Creek CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
West Hanover Township Dauphin County	PAG2002203048	Richard Yingst 4712 Smith St. Harrisburg, PA 17109	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
City of Harrisburg Dauphin County	PAG2002204004	Harrisburg Area Community College 1 HACC Dr. Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Allegheny County Ross Township	PAG2000203096	Allegheny County Department of Public Works 501 County Office Building 542 Forbes Avenue Pittsburgh, PA 15219	Girtys Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Neville Township	PAG2000203109	Robert Morris University 6001 University Blvd. Coraopolis, PA 15108	Ohio River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAG2000203110	Carnegie Presbyterian Church 1100 Washington Rd. Carnegie, PA 15106	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Kennedy Township	PAG2000203112	Maronda Homes, Inc. 202 Park West Dr. Pittsburgh, PA 15275	Moon Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Bethel Park and Upper St. Clair Township	PAG2000203120	Port Authority of Allegheny County 345 Sixth Avenue, 3rd Floor Pittsburgh, PA 15222-2527	McLaughlin Run WWF	Allegheny County Conservation District (412) 241-7645



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Beaver County Center Township	PAG2000404003	Robert Zupsic Center Township Sewer Authority 224 Center Grange Rd. Aliquippa, PA 15001	Elkhorn Run WWF	Beaver County Conservation District (724) 774-7090
Beaver County Economy Borough	PAG2000404006	Randy Kunkle Economy Borough Manager 2856 Conway Walrose Road Baden, PA 15005	North Fork of Big Sewickley Creek TSF	Beaver County Conservation District (724) 774-7090
Somerset County Quemahoning Township	PAG2005603008	Stonybrook Park, Inc. P. O. Box 337 Stoystown, PA 15563	Stonycreek River CWF	Somerset County Conservation District (814) 445-4652
Westmoreland County Rostraver Township	PAG2006503053	Casey Harper P. O. Box 748 Belle Vernon, PA 15012	Cedar Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006503054	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15260	Slate Run WWF	Westmoreland County Conservation District (724) 837-5271
Armstrong County East Franklin Township	PAG2000303012	Armstrong School District 410 Main Street Ford City, PA 16226	Glade Run TSF	Armstrong County Conservation District (724) 548-3425
Cambria County Patton Borough Clearfield, Elder and East Carroll Townships	PAG2001103019	Patton Municipal Authority P. O. Box 175 Patton, PA 16668	Little Chest Creek CWF Chest Creek CWF	Cambria County Conservation District (814) 472-2120
Indiana County White Township	PAG2003203006-1	David Bork Ottelia Associates 537 Neal Road Homer City, PA 15748	Stoney Run and unnamed tributary to Two Lick Creek CWF	Indiana County Conservation District (724) 463-8547
Indiana County Young Township	PAG2003203009	Jack Lentz 12554 Rt. 286 W Clarksburg, PA 15725	Reeds Run TSF Aultsman Run WS	Indiana County Conservation District (724) 463-8547
Indiana County Center Township	PAG2003203010	John Armstrong Mystic Brooke Dev. 2450 Philadelphia St. Indiana, PA 15701	Unnamed tributary to Tearing Creek CWF Unnamed tributary to Yellow Creek CWF	Indiana County Conservation District (724) 463-8547
Washington County North Strabane Township	PAR10W145R	Waterford Villas, LLP 382 W. Chestnut St. Washington, PA 15301	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Butler County Connoquenessing Township	PAG2001003035	William Weaver P. O. Box 449 Mars, PA 16046	Little Connoquenessing Creek CWF	Butler County Conservation District (724) 285-5515

NOTICES

1283

<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>
Clarion County Monroe Township	PAG2061603005	Monroe Township 17956 Route 68 Sligo, PA 16255-4442	Tributary to Brush Run CWF	NWRO (814) 332-6942
		Francis J. Palo, Inc. 309 South 4th Avenue Clarion, PA 16214		
		Clarion Trinity Development Co., LP P. O. Box 445 Clarion, PA 16214		
Warren County Warren City	PAG2006204001	Robert Yoder 590 Susquehanna Trail Turbotville, PA 17772	Allegheny River WWF	Warren County Conservation District (814) 563-3412

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Catasauqua Borough Lehigh County	PAR212215	Rock Hill Concrete, Inc. Catasauqua Plant 339 School Street Catasauqua, PA 18032-1832	Catasauqua Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Tamaqua Borough Schuylkill County	PAR212214	Rock Hill Concrete, Inc. Tamaqua Plant 339 School Street Catasauqua, PA 18032-1832	Panther Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Adams County Oxford Township	PAR203580 Transfer	New Oxford Aluminum LLC 10350 Ormsby Park Place Suite 601 Louisville, KY 40223	S. Branch Conewago Creek 7F	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lincoln Township Somerset County	PAG046276	Deborah J. Miller 878 Husband Road Somerset, PA 15501	Horner Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*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>
Huntingdon County Tell Township	PAG053527	Laurel Pipe Line Company, L. P. P. O. Box 368 Emmaus, PA 18049-0368	UNT to Georges Run Creek CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lititz Borough Lancaster County	PAG083535	Lititz Wastewater Treatment Plant 50 Lititz Run Road Lititz, PA 17543	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Huntingdon Borough Huntingdon County	PAG083536	Huntingdon Wastewater Treatment Plant 530 Washington Street P. O. Box 592 Huntingdon, PA 16652	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Winburne Wastewater Treatment Plant Cooper Township Clearfield County	PAG084835	Cooper Township Municipal Authority P. O. Box 446 Winburne, PA 16879	William Hanczar NCRO (570) 327-3655
Grassflat Wastewater Treatment Plant Cooper Township Clearfield County	PAG084834	Cooper Township Municipal Authority P. O. Box 446 Winburne, PA 16879	William Hanczar NCRO (570) 327-3655

*General Permit Type—PAG-12*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Franklin County Lurgan Township	PAG123542 Transfer	Country View Family Farms McClays Farm 120 Lake Street Ephrata, PA 17522-0526	Paxton Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Jackson Township	PAG123562	Noah Sauder, Jr. 401 Elco Drive Myerstown, PA 17067	UNT to Tulpehocken CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-13*

<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>
PAG136275	Mt. Lebanon Township 710 Washington Road Pittsburgh, PA 15228	Allegheny	Mt. Lebanon Township	Painters Run WWF Scrubgrass Run WWF Georges Run WWF Saw Mill 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.**

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

**Permit No. Minor Amendment—Construction.** Public Water Supply.

Applicant **Porter Township Municipal Authority**  
**Karl Walizer, President**  
26 Spring Run Road  
Mill Hall, PA 17751

Township Porter

County **Clinton**

Type of Facility PWS—Construction of a raw water intake on Sink Run approximately 500 feet upstream from the existing intake.

Consulting Engineer Richard W. Marcinkevage, P. E.  
431 South Jones Street  
Lock Haven, PA 17745

Permit to Construct February 11, 2004  
Issued

**Permit No. 5998501—Operation.** Public Water Supply.

Applicant **Wellsboro Municipal Authority**  
**Thomas Rudy, Chairperson**  
28 Crafton Street  
Wellsboro, PA 16901

Borough Wellsboro

County **Tioga**

Type of Facility PWS—Sources Wooden Shanty Well, World's End Well and Rock Run.

Permit to Construct February 13, 2004  
Issued

**Permit No. Minor Amendment—Operation.** Public Water Supply.

Applicant **Wellsboro Municipal Authority**  
**Thomas Rudy, Chairperson**  
28 Crafton Street  
Wellsboro, PA 16901

Borough Wellsboro

County **Tioga**

Type of Facility PWS—Operation of the HDPE geomembrane liner-Brown Lee-Well Field Hamilton Lake.

Permit to Construct February 13, 2004  
Issued

**Permit No. Minor Amendment—Operation.** Public Water Supply.

Applicant **Wellsboro Municipal Authority**  
**Thomas Rudy, Chairperson**  
28 Crafton Street  
Wellsboro, PA 16901

Borough Wellsboro

County **Tioga**

Type of Facility PWS—Operation of the metering devices for Willis Run, Charleston Creek and Hamilton Lake.

Permit to Construct February 13, 2004  
Issued

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

**Operations Permit** issued to **Pennsylvania American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317, PWS ID 5020039, North Fayette Township, **Allegheny County** on February 3, 2004, for the operation of facilities approved under Construction Permit No. 0203503.

**Permit No. 0203502, Minor Amendment.** Public Water Supply.

Applicant **Borough of Sewickley Water Authority**  
P. O. Box 190  
Sewickley, PA 15143

Borough or Township Sewickley Borough

County **Allegheny**

Type of Facility Water system improvements

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Operate February 9, 2004  
Issued

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

**Operations Permit** issued to **Pennsylvania American Water Company**, 300 Galley Rd., McMurray, PA 25317, PWS ID 6620020, City of Warren, **Warren County**, on February 12, 2004, for the operation of the Bent Twig Booster Station and new waterlines in the immediate area of the pump station. This action provides service to 22 additional customers in the Connecticut Ave.-Hill Street area of the city, as approved under Construction Permit No. 6203501.

**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.**

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

**WA2-1006**, Water Allocations, **Western Allegheny County Municipal Authority, Allegheny County**. The right to purchase up to 1.6 million gallons per day (MGD) as a 30-day average from the Pennsylvania American Water Company. Purchases from all sources are limited to 2.5 MGD, as a daily maximum.

**WA2-1006A.** Water Allocations, **Western Allegheny County Municipal Authority, Allegheny County.** The right to purchase up to 1.0 MGD as a 30-day average from the Municipal Authority of the Township of Robinson. Purchases from all sources are limited to 2.5 MGD, as a daily maximum.

**WA2-1006B.** Water Allocations, **Western Allegheny County Municipal Authority, Allegheny County.** The right to purchase up to 500,000 gallons per day (GPD) as a 30-day average from the Moon Township Municipal Authority. The allowable purchase shall increase to 1.0 MGD during emergency conditions. Purchases from all sources are limited to 2.5 MGD, as a daily maximum.

**WA2-1006C.** Water Allocations, **Western Allegheny County Municipal Authority, Allegheny County.** The right to purchase up to 200,000 GPD as a 30-day average from the Findlay Township Water Authority. Purchases from all sources are limited to 2.5 MGD, as a daily maximum.

**WA2-1006D.** Water Allocations, **Western Allegheny County Municipal Authority, Allegheny County.** The right to purchase up to 1,500 GPD as a 30-day average from the Borough of Oakdale. Purchases from all sources are limited to 2.5 MGD, as a daily maximum.

**WA2-200D.** Water Allocations, **Pennsylvania American Water Company, Washington County.** A Modification Order for the addition of Permit Condition 24.

**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:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Codorus Township	4631 Shaffers Church Road Glenville, PA 17329	York

Plan Description: The approved plan, Codorus Estates Phase II, provides for a 138-lot single family residential subdivision on 78.1 acres with 134 proposed building lots and 4 open space lots. The total proposed sewage flows are 40,200 gpd, which will be tributary to the Graystone Wastewater Treatment Plant. The proposed development is on the south side of Green Valley Road, approximately 1,500 feet west of Buffalo Valley Road in Codorus Township, York County. Any required NPDES permits or WQM permits must be obtained in the name of the Codorus Sewer Service LLC or a municipal entity as appropriate.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Paradise Township	82 Beaver Creek Road Abbottstown, PA 17301	York

Plan Description: Lake Point Associates, A3-67949-161-2. The proposed plan is for a four-lot single family

residential subdivision on 51.7102 acres with total proposed sewage flows of 1,600 gpd to be treated by individual on-lot disposal systems. The proposed subdivision is on the south side of East Berlin Road (SR 234), the east and west sides of Lake Road and the west side of Canal Road in Paradise Township, York County. The plan was disapproved because a response was not received to the Department's "incomplete" letter dated October 11, 2002, requesting additional project information and establishing a 60-day response time period prior to mandatory disapproval action.

**HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988**

**Proposed Interim Response**

**Vandor Manufacturing Site, Doylestown Township, Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), is proposing an interim response at the Vandor Manufacturing Site (Site), Doylestown Township, Bucks County. This response will be undertaken under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site is on the border of Doylestown and Buckingham Townships in Bucks County. The Site is comprised of two properties at 740 and 760 Edison Furlong Road and an associated plume of contaminated groundwater. Edison Furlong Road constitutes the boundary between the two townships; both properties are in Doylestown Township. The Site consists of a plume of groundwater contaminated with VOCs, most notably trichloroethylene (TCE) and perchloroethylene (PCE).

The Department has completed an investigation into the extent and source of groundwater contamination. Samples were collected from private supply wells in the area, as well as several groundwater monitoring wells that the Department installed throughout the Site area. Among the key findings: (1) elevated levels of TCE, PCE and several breakdown products remain in the groundwater at the Site; (2) several private water supply wells contain levels of contaminants in excess of the drinking water standards; and (3) an area of soil near the loading dock of the former Neshaminy Transformer Corporation facility at 740 Edison Furlong Road is contaminated with PCE. Concentrations were detected as high as 4,700 ppb. The Statewide Health Standard in the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) for PCE is 500 ppb. This has been and continues to be a source area of PCE in groundwater.

Based on these findings, the Department has determined that further response action is justified at the Site, under sections 501 and 505 of the HSCA. Since there are two media of concern, soil and groundwater, the Department has divided its Analysis of Alternatives into two sections, or Operable Units.

Operable Unit One addresses the contaminated soil acting as a source of PCE contamination in groundwater. The Department is considering four alternatives. The first alternative, no action, is used as a baseline by which to judge the other alternatives. While this alternative would incur no costs, it does not protect human health or the environment. The second alternative includes installation of an impermeable asphalt cap over the area containing

soil contamination above the applicable cleanup levels. The objective of the cap proposed under this alternative is not to prevent direct exposure to contamination, but rather to address contaminant migration to groundwater. The estimated cost of this alternative is \$356,000. The third alternative includes soil excavation and removal. Contaminated soil would be shipped to a lawful, permitted disposal facility and the area would be backfilled with clean soil. The estimated cost of this alternative is \$1.751 million. The fourth alternative includes in situ treatment of the contaminated soil. There are several ways to approach this alternative, including bioremediation, soil vapor extraction and chemical oxidation/reduction. The estimated cost of this alternative is \$752,000.

Operable Unit Two addresses contaminated groundwater. The Department is considering four alternatives. The first alternative, no action, incurs no costs but does not protect human health and the environment. The second alternative includes installation, monitoring and maintenance of whole house carbon filtration systems for as long as groundwater remains contaminated. The estimated cost of this alternative is \$450,000. The third alternative includes connection to a public water supply system. A municipal water supply system would be extended to the affected area and contaminated wells would be permanently closed. The estimated cost of this alternative is \$1.5 million. The fourth alternative involves installation of a groundwater treatment system. Carbon filters would also be required on each affected well until the contamination levels decrease to safe levels. The estimated cost of this alternative is \$5 million.

The Department is proposing Alternative 2, an impermeable asphalt cap, for Operable Unit One and Alternative 2, whole house carbon filtration systems, for Operable Unit Two. These are the most cost-effective methods of addressing the threats to human health and the environment posed by the contamination.

The Department is providing this notice under sections 505(b) and 506(b) of the HSCA and the publication of this notice starts the Administrative Record public comment period under the HSCA. The Administrative Record, which contains information about this Site and which supports the Department's decision to perform these actions at the Site, is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 by contacting Grant Morehead, (484) 250-5727 for an appointment. The Administrative Record may also be reviewed at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901. Telephone (215) 348-9915 to schedule an appointment at the township building.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding these actions to the Department until May 27, 2004, by mailing them to Grant Morehead, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401, gmorehead@state.pa.us. If submitting comments by e-mail, type "Comment on Administrative Record for Vandor Manufacturing HSCA Site" in the subject line.

The public will have an opportunity to present oral comments at a public hearing regarding the proposed actions. The hearing will take place on Tuesday, March 30, 2004, at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901. There will be a question and answer session at 6 p.m. and the formal hearing will start

at 7 p.m. Persons wishing to present formal oral comment at the hearing should register on or before 4 p.m. on March 30, 2004, by calling Lynda Rebarchak, Community Relations Coordinator, (484) 250-5820.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should call Lynda Rebarchak at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Westinghouse Facility—Lot 1B (Soils Only), Borough of Trafford, Allegheny and Westmore-**

**land Counties.** Richard K. Smith (on behalf of CBS Corporation, 11 Stanwix Street, Pittsburgh, PA 15222) has submitted a Cleanup Plan concerning remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and cyanide. The report is intended to document remediation of the site to meet the Site Specific Standard.

**American Refining Group—Indianola Plant,** Indiana Township, **Allegheny County.** Key Environmental Inc., Don Blackert, 1200 Arch Street, Suite 200, Carnegie, PA 15106 and American Refining Group, Inc., 3240 William Pitt Way, Pittsburgh, PA 15238 (on behalf of Kinder Morgan Inc., 2010 William Pitt Way, Pittsburgh, PA 15238) has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with BTEX, PAHs and MTBE. The Risk Assessment Report is intended to document remediation of the site to meet the Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Coyne Textile Services,** West Manchester Township, **York County.** Dolphin Environmental, 3319 Hartwell Court, Falls Church, VA 22042, on behalf of Coyne Textile Services, 140 Cortland Avenue, Syracuse, NY 13221, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with perchloroethylene. The final report demonstrated attainment of the Site-Specific Standard and the combined Remedial Investigation and Final Report was approved by the Department on February 9, 2004.

**Sunoco Inc., Walters Farm,** West Cocalico Township, **Lancaster County.** Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381, on behalf of Sunoco, Inc., P. O. Box 1135, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 12, 2004.

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

**Pennsylvania State University—Eastview Terrace Housing Complex—Soil,** State College Borough, **Centre County.** Meiser & Earl, Inc., on behalf of the Pennsylvania State University, Office of Physical Plant, University Park, PA 16802, has submitted a Final Report concerning soil contaminated with fuel oil no. 2. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 12, 2004.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**River Avenue Property,** City of Pittsburgh, **Allegheny County.** KU Resources Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCBs. The Baseline Environmental Report was submitted to identify contamination that will be remediated using the Special Industrial Area Requirements and was approved by the Department on December 3, 2003.

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

**Scofield Lick Site,** Liberty Township, **McKean County.** Environmental Resources Management, 855 Springdale Dr., Exton, PA 19341 (on behalf of Ten Point Hunting Club, 731 Frost Hollow Rd., Easton, PA 18040) has submitted a Remedial Investigation, Risk Assessment

and Cleanup Plan concerning the remediation of soil contaminated with lead, other organics, inorganics, PAHs and PCBs; groundwater contaminated with lead, other organics, inorganics, PAHs, PCBs and chlorinated solvents. The Plan was approved, demonstrated attainment of the Site Specific Standards and was approved by the Department on February 9, 2004.

**Pew 4 in. to Clarion 6 in. (V-60)**, Elk Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 11, 2004.

**Perryville and Clarion 6 (V-78)**, Richland Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 12, 2004.

**Pew 4 in. Check—Millerstown (V-54)**, City of Knox, Elk Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 12, 2004.

**Bryner Station (V-58)**, Elk Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 12, 2004.

**Mechanicsville Check (V-72)**, Clarion Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 12, 2004.

**Fryburg Station (V-44)**, Washington Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 12, 2004.

**Marienville Check (V-2)**, Jenks Township, **Forest County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 12, 2004.

**Challensburg Check (V-77)**, Beaver Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has

submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Report was approved. The Final Report demonstrated attainment of the Residential Statewide Health Standards and was approved by the Department on February 12, 2004.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit Revoked 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. WMGR037. C & K Coal Co.**, P. O. Box 69, Clarion, PA 16214-0069. The beneficial use of coal and petroleum coke ash for use in reclamation activities on disturbed land at permitted mine sites regulated under the Department's Bureau of Mining and Reclamation and at abandoned mine sites regulated under the Department's Bureau of Abandoned Mine Reclamation or with another governmental agency. The permittee's authorization to operate under the permit was revoked at the permittee's request by the Division the Municipal and Residual Waste on February 11, 2004.

Persons interested in reviewing the general permit may contact the Division of Municipal and Residual Waste, 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.

#### 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; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-310-057GP3: Barletta Materials and Construction, Inc.** (P. O. Box 550, Tamaqua, PA 18252) on February 11, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their Harwood Asphalt Plant in Hazle Township, **Luzerne County**.

**48-310-050GP3: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 11, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their facility at 5137 Lower Mud Run Road, Lower Mount Bethel Township, **Northampton County**.

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

**10-343: Sharkskin Finishings** (670 Mercer Road, Butler, PA 16001) on February 6, 2004, to install a burn off oven in Butler, **Butler 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.*

**09-0122A: ATOFINA Chemicals, Inc.** (100 SR 413, Bristol, PA 19007) on February 3, 2004, to operate a B66 thermal oxidizer in Bristol Township, **Bucks County**.

**09-0122: ATOFINA Chemicals, Inc.** (100 SR 413, Bristol, PA 19007) on February 3, 2004, to operate a thermal oxidizer in Bristol Township, **Bucks County**.

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

**48-306-008D: Northampton Generating Co. LP** (1 Horwith Drive, Northampton, PA 18067) on February 11, 2004, to modify a fluidized bed boiler and associated air cleaning devices (utilization of alternate fuel) at their facility in Northampton Borough, **Northampton County**.

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

**06-05037D: McConway and Torley Corp.** (109 48th Street, Pittsburgh, PA 15201) on February 12, 2004, to modify production restrictions in the current operating permit due to revised emission factors for the Kutztown Foundry in Kutztown Borough, **Berks County**.

**36-03135B: Shared Mail Acquisitions, LLC** (72 Industrial Circle, Lancaster, PA 17601-5928) on February 12, 2004, to construct a new heatset press at their KAR Printing—East Division facility in Upper Leacock Township, **Lancaster County**.

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

**32-00330A: AMFIRE Mining Co., LLC** (One Energy Place, Suite 5100, Latrobe, PA 15650) on February 9, 2004, for coal processing at Ondo Mine in Brushvalley Township, **Indiana County**.

**65-00792A: AMI Doduco, Inc.** (1003 Corporate Drive, Corporate Park, Export, PA 15632) on February 11, 2004, for powder metal operation at plant no. 5 in Murrysville, **Westmoreland County**.

**56-00264B: Svonavec, Inc.** (150 West Union Street, Suite 201, Somerset, PA 15501) on February 11, 2004, for stone crushing operation at Milford Mine in Milford Township, **Somerset County**.

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

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

**23-0056: Honeywell International, Inc.** (6100 Philadelphia Pike, Claymont, PA 19703) on February 3, 2004,

plan approval modification to operate a fluosulfonic acid manufacturing in Marcus Hook Borough, **Delaware County**.

**46-313-147: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on February 6, 2004, to operate a refrigerated condenser in Douglass Township, **Montgomery County**.

**PA-46-0037M: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on February 6, 2004, to operate a large scrubber in Douglass Township, **Montgomery County**.

**PA-46-0037G: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on February 6, 2004, to operate a boiler house in Douglass Township, **Montgomery County**.

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

**40-303-021: Reading Materials, Inc.** (P. O. Box 79, Skippack, PA 19474) on February 6, 2004, to modify a batch hot mix asphalt plant and associated air cleaning device at their facility in Foster Township, **Luzerne County**. The Plan Approval has been extended.

**40-320-016: Quebecor World Hazleton, Inc.** (Route 924, Humboldt Industrial Park, R.R. 1, Box 409Z, Hazleton, PA 18201) on February 6, 2004, to modify a lithographic printing operation and associated air cleaning device at their facility in Hazleton, **Luzerne County**. The Plan Approval has been extended.

**35-318-086: McGregor Industries, Inc.** (46 Line Street, Dunmore, PA 18512) on February 10, 2004, to construct a paint spray booth and associated air cleaning device at their facility in Dunmore Borough, **Lackawanna County**. The Plan Approval has been extended.

**48-315-004: Newstech PA LP** (6 Horwith Drive, Northampton, PA 18067) on February 10, 2004, to modify a pulping process and associated air cleaning device at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

**48-328-006: Conectiv Bethlehem LLC** (P. O. Box 6066, Newark, DE 19714) on February 10, 2004, to facilitate the shake down of Unit 6 at their facility in Bethlehem and Lower Saucon Township, **Northampton County**. The Plan Approval has been extended.

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

**21-05005B: Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001) on July 30, 2003, for new boiler no. 4 in Lower Allen Township, **Cumberland County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This plan approval was extended.

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

**41-399-026: Penn Recycling, Inc.** (2525 Trenton Avenue, Williamsport, PA 17701) on February 12, 2004, to operate an automobile/metal shredding system and associated air cleaning devices (a foam injection system and a cyclone collector) on a temporary basis, until June 11, 2004, in the City of Williamsport, **Lycoming County**. The plan approval and authorization have been extended.

**41-0008A: Koppers Industries, Inc.** (P. O. Box 189, Montgomery, PA 17752) on February 13, 2004, to operate a wood-fired boiler fuel feeding system and associated air cleaning device (a fabric collector) on a temporary basis, to June 12, 2004, in Clinton Township, **Lycoming County**. The plan approval and authorization have been extended.

**53-0009D: National Fuel Gas Supply Corp.** (P. O. Box 2081, Erie, PA 16512) on February 13, 2004, to operate a 4,445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis, until June 12, 2004, at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The plan approval and authorization have been extended.

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

**63-307-027: American Iron Oxide Co.** (Foster Plaza, No. 7, 661 Andersen Drive, Pittsburgh, PA 15220) on February 12, 2004, to install a baghouse and scrubbers in Allenport Borough, **Washington County**. This plan approval was extended.

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

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

**46-00003: Stroehmann Bakeries, Inc.** (1810 E. Ridge Pike, Norristown, PA 19404) on February 2, 2004, to operate their Facility Title V Operating Permit in Plymouth Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**05-05022: Bedford Reinforced Plastics, Inc.** (264 Reynoldsdale Road, Bedford, PA 15522-7401) on February 10, 2004, for a Title V Operating Permit renewal to operate their fiberglass reinforced plastic pultrusion operation in East Saint Clair Township, **Bedford County**. This is a renewal of the operating permit.

**22-05013: M. I. Metals, Inc.** (P. O. Box 4490, Clearwater, FL 33758-4490) on February 13, 2004, to operate a surface coating facility in Upper Paxton Township, **Dauphin County**. This is a renewal of the operating permit.

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

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

**09-00165: Boekel Industries, Inc.** (855 Pennsylvania Boulevard, Feasterville, PA 19053) on February 3, 2004, to operate a Natural Minor Operating Permit in Lower Southampton Township, **Bucks County**.

**15-00057: Coatesville Hospital Corp.** (201 Reeceville Road, Coatesville, PA 19320) on February 2, 2004, to operate a Synthetic Minor Operating Permit in Caln Township, **Chester County**.

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

**36-03046: Packaging Corp. of America** (1530 Fruitville Pike, Lancaster, PA 17601) on February 9, 2004, to operate their manufacturing facility in the City of Lancaster, **Lancaster County**.

**36-05077: Beck Industries, LP** (P. O. Box 244, 74 Newport Road, Leola, PA 17540) on February 10, 2004, for production of mobile home frames and construction equipment trailers at their Upper Leacock Township, **Lancaster County**.

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

**63-00525: Washington Cemetery** (498 Park Avenue, Washington, PA 15301) on February 13, 2004, to cover the operation of a crematory (incinerator) that was installed in 1985. The burning capacity is limited to 150 lbs/hr, two chambers and a maximum heat input of 1.5 million Btus/hr. The facility is operated on the property of the Washington Cemetery in North Franklin Township, **Washington County**.

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

**42-00197: M and M Royalty, Ltd.** (Route 307, Lewis Run, PA 16738) on February 12, 2004, for a Natural Minor Permit to operate a natural gas processing plant at their Irishtown Plant in Lafayette Township, McKean, **Elk County**.

**24-00158: Rosebud Mining Co.** (SR 219, Helen Mills, PA 15823) on February 11, 2004, for a Natural Minor Permit to operate a coal processing plant at their Little Toby Mine in Horton Township, **Elk County**.

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**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.**

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

**09-00073: Clearview Structural Steel** (1946 Cherry Lane, Souderton, PA 18964) on February 3, 2004, an administrative amendment for a Facility Title V Operating Permit in Hilltown Township, **Bucks County**.

**46-00047: Mueller Streamline Co.** (287 Wissahickon Avenue, North Wales, PA 19454) on February 2, 2004, a minor modification for a Facility Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**.

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

**59-304-008B: ACP Manufacturing Co. LLC** (P. O. Box 9, Blossburg, PA 16912) on February 5, 2004, to authorize the use of an existing fabric collector to control the air contaminant emissions from an existing slag transfer operation in their iron foundry in Lawrence Township, **Tioga County**.

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

**04-00446: AES Beaver Valley, LLC** (394 Frankfort Road, Monaca, PA 15061) on February 17, 2004, TV Operating Permit has been administratively amended to incorporate the requirements of Plan Approval 04-00446D. PA-04-00446D was issued on May 28, 2002, to allow the modification of unit no. 5 with low NOx burners and low NOx secondary air swirlers, low NOx coal nozzles and coal flow distributors at the AES-Beaver Valley facility in Monaca Borough, **Beaver County**.

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

**10-00335: Penn United Technologies, Inc.—Carbide Group Plant** (196 Alwine Road, Saxonburg, PA 16056) on February 11, 2004, for an Administratively Amended State-only Operating Permit to incorporate the provisions from Plan Approval Number 10-335B.

## 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.*

**54813009R4. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in East Norwegian Township, **Schuylkill County**, affecting 57.7 acres. Receiving streams: none. Application received November 18, 2003. Renewal issued February 11, 2004.

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

**26030102 and NPDES Permit No. PA0250457. Steve Patterson Excavating** (170 Yasenosky Road, Smithfield, PA 15478). Permit issued for commencement, operation and reclamation of a bituminous surface mining site in Dunbar Township, **Fayette County**, affecting 75.5 acres. Receiving streams: unnamed tributary to Gist Run, to Dunbar Creek, to the Youghiogheny River and to the Monongahela River. Application received July 29, 2003. Permit issued February 9, 2004.

**03880122 and NPDES Permit No. PA0591742. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Transfer of permit formerly issued to M. B. Energy, Inc., for continued operation and reclamation of a bituminous surface mining site in Cowanshannock and

South Mahoning Townships, **Armstrong and Indiana Counties**, affecting 488 acres. Receiving streams: unnamed tributaries to North Branch Plum Creek and Plum Creek. Application received November 12, 2002. Transfer permit issued February 10, 2004.

**26020104 and NPDES Permit No. PA0250201. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit revised for a land use change from forestland and wildlife habitat to unmanaged natural habitation at a bituminous surface mine in Springfield Township, **Fayette County**, affecting 43.4 acres. Receiving streams: unnamed tributaries to Poplar Run to Indian Creek. Application received December 11, 2003. Revision issued February 13, 2004.

**03890116 and NPDES Permit No. PA0200603. Rosebud Mining Company** (R. R. 9, Box 379A, Kittanning, PA 16201-9642). Permit renewed for continued reclamation only of a bituminous surface/auger mine in Perry Township, **Armstrong County**, affecting 174.5 acres. Receiving streams: unnamed tributaries to the Allegheny River. Application received December 15, 2003. Renewal issued February 13, 2004.

**03990101 and NPDES Permit No. PA0202436. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Permit renewed for continued reclamation only of a bituminous surface mine in Redbank Township, **Armstrong County**, affecting 91.5 acres. Receiving streams: unnamed tributary to Nolf Run. Application received December 8, 2003. Renewal issued February 13, 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.*

**67044007. Explosives Experts, Inc.** (P. O. Box 879, Sparks, MD 21152), construction blasting at Logan's Reserve Phase I in Loganville Borough, **York County**, with an expiration date of April 30, 2004. Permit issued February 10, 2004.

**22044005. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Stone Creek Phase 4 in Derry Township, **Dauphin County**, with an expiration date of August 2, 2004. Permit issued February 10, 2004.

**67044008. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Farmbrook Lane in Manchester Township, **York County**, with an expiration date of February 28, 2005. Permit issued February 10, 2004.

**46044005. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Belle Meade Sanitary Sewer Line in Limerick Township, **Montgomery County**, with an expiration date of March 2, 2005. Permit issued February 10, 2004.

**06044002. Schlouch Incorporated** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at High Meadows Housing in Amity Township, **Berks County**, with an expiration date of March 2, 2006. Permit issued February 10, 2004.

**21044003. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting at D. W. Kosser (Single Dwelling Basement) in Southampton Township, **Cumberland County**, with an expiration date of September 2, 2004. Permit issued February 10, 2004.

**67094009. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Leon Denlinger Sewer Trenches in Springettsbury Township, **York County**, with an expiration date of February 28, 2005. Permit issued February 10, 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

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

**E40-351A. Joseph Paglianite**, 105 Country Club Road, Dallas, PA 18612. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To maintain an existing dock and boat slip complex in Harveys Lake (HQ-CWF), consisting of seven pile-supported boat slip fingers and connecting walkways extending from a 50-foot wide dock. The fingers are approximately 2.0 to 2.5 feet wide each, with lengths varying from approximately 18 to 20 feet. The project is within an overall area of approximately 100 feet by 25 feet, west of the Laumeyer's Landing building in the Sunset section of Harveys Lake (Harveys Lake, PA Quadrangle N: 18.3 inches; W: 4.6 inches) (Subbasin: 5B).

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

**E36-770: Robert C. Wenger**, 402 South State Street, Ephrata, PA 17522 in Warwick Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain two reception pits and a circular concrete manure pit, a 6-inch utility line crossing and a 4-inch footer drain outfall within the 100-year floodway and channel of an unnamed tributary to Lititz Run in Warwick Township, Lancaster County (Lititz, PA Quadrangle N: 0.3 inch; W: 1.2 inches).

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

**E04-294. Norfolk Southern Corporation**, 99 Spring Street, Atlanta, GA 30303-0142. Norfolk Southern Bridge YG-92.81 in Daugherty Township, **Beaver County**, Pittsburgh ACOE District (Beaver Falls, PA Quadrangle N: 0.2 inch; W: 8.1 inches) (Latitude: 40° 45' 4"—Longitude: 50° 18' 31"). To remove the existing 30-foot steel open deck railroad bridge, to construct and maintain a new concrete ballast deck railroad bridge on the

existing abutments, to repair the existing concrete of the abutments and to construct and maintain a 6-inch concrete encasement on the face of both abutment walls, to construct and maintain a stream channel realignment for approximately 95 feet. The channel will start just above the bridge and extend through the bridge. The bridge will have a span of approximately 23.9 feet and underclearance of approximately 12.1 feet, after the 6-inch concrete encasements are constructed. The bridge spans over a tributary to the Beaver River (WWF) locally known as Trough Run. The bridge is along the left bank side of the Beaver River, approximately 3,000 feet north of the railroad crossing of the 10th Street Bridge.

**E63-524. W.C.W., Inc.**, 300 Weyman Plaza, Suite 210, Pittsburgh, PA 15236. Cameron Estates Plan of Lots in South Strabane Township, **Washington County**, Pittsburgh ACOE District (Washington East, PA Quadrangle N: 10.8 inches; W: 12.0 inches) (Latitude: 40° 11' 03"—Longitude: 80° 12' 39"). To construct and maintain twin 48-inch diameter culverts 72.0 feet in length in an unnamed tributary to Chartiers Creek (WWF) and associated wetlands, to construct and maintain a 96-inch diameter stream enclosure 120.0 feet in length in an unnamed tributary to Chartiers Creek and associated wetlands, to construct and maintain a detention pond in an unnamed tributary to Chartiers Creek and associated wetlands, to relocate and maintain 260.0 linear feet of unnamed tributary to Chartiers Creek and to construct and maintain a 42-inch diameter CMP stream enclosure 140.0 feet in length in an unnamed tributary to Chartiers Creek for the purpose of constructing the Cameron Estates Plan of Lots. The project is on the south side of Cameron Road, approximately 2,600 feet south from the intersection of Cameron Road and Washington Road (SR 19). The project will impact 0.73 acre of wetlands and 900.0 linear feet of stream channel. To compensate for the wetland impacts the applicant proposes to construct and maintain 0.9 acre of wetlands.

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

**E10-366, Middlesex Township Board of Supervisors**, 133 Browns Hill Road, Valencia, PA 16059-3101. Middlesex Township sewerage system and facilities project in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 14.8 inches; W: 11.9 inches).

The applicant proposes to construct and maintain a 500,000 gpd extended aeration sewage treatment plant and approximately 229,000 lineal feet of 0.67-foot, 0.83-foot, 1-foot and 1.5-foot ductile iron and PVC collector sewers, trunk sewers and force main to provide public sewage treatment in areas of Middlesex Township, Butler County where malfunctioning on-lot systems are prevalent. The project includes the following: (1) to construct and maintain a sewage treatment plant effluent outfall having a 1.25-foot diameter PVC plastic pipe and discharging to the S. Branch of Glade Run (Valencia, PA Quadrangle N: 14.7 inches; W: 12.2 inches); (2) to construct and maintain a sewage treatment plant stormwater effluent outfall having a 2.0-foot diameter HDPE plastic pipe and discharging to an unnamed tributary of the S. Branch of Glade Run (Valencia, PA Quadrangle N: 14.7 inches; W: 11.8 inches); (3) to place approximately 865 cubic yards of fill on the left floodway and floodplain of Glade Run to construct a pump station (Valencia, PA Quadrangle N: 18.0 inches; W: 8.6 inches); (4) to temporarily affect 3.07 acres of wetland including 0.33 acre of PEM and 2.71 acres of PSS with 24 crossings

by sewer lines as described in the specifications submitted with the Joint Application; and (5) to temporarily affect Glade Run, the S. Branch of Glade Run, unnamed tributaries to Glade Run and unnamed tributaries to the S. Branch of Glade Run which are streams classified as WWF with 102 crossings by sewer lines as described in the specifications submitted with the Joint Application. This project proposes to directly affect approximately 0.03 acre of floodway and 0.1 acre of floodplain and to temporarily affect a total of 3.07 acres of wetland and to cross streams in 102 locations.

**E37-149, Plain Grove Township Supervisors, R. D. 3, Slippery Rock, PA 16057.** Rodgers Road Bridge Replacement in Plain Grove Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 9.7 inches; W: 0.8 inch).

The applicant proposes to remove the existing structure and to construct and maintain a 30-foot long, 26.08-foot wide by 7.75-foot high steel pipe arch culvert in Jamison Run on Rodgers Road approximately 1.1 miles northwest of the intersection of U. S. Interstate 79 and SR 108. Jamison Run is a perennial stream classified as a CWF. The project proposes to directly affect a total of 40 linear feet of stream channel.

**E42-298, Richard H. Cannon and Gail A. Cannon.** SFSTF in Corydon Township, **McKean County**, ACOE Pittsburgh District (Stickney, PA Quadrangle N: 15.5 inches; W: 6.8 inches).

The applicant proposes to construct and maintain an outfall, having a 0.33-foot diameter plastic pipe, to Willow Creek (HQ CWF, perennial) approximately 0.4 mile east of the intersection of SR 346 and T-455 (Forest Highway 173). The project is in support of a SFSTF to abate a sewage malfunction at an existing residence.

[Pa.B. Doc. No. 04-336. Filed for public inspection February 27, 2004, 9:00 a.m.]

### Storage Tank Advisory Committee Meeting Cancellation

The March 2, 2004, meeting of the Storage Tank Advisory Committee has been cancelled. The next scheduled meeting will be held on June 1, 2004, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the June 1, 2004, meeting should be directed to James Adair, (717) 772-5551, jadair@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ruth Carmen at (717) 772-5831 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-337. Filed for public inspection February 27, 2004, 9:00 a.m.]

### Water Resources Advisory Committee Meeting Cancellation

The March 10, 2004, meeting of the Water Resources Advisory Committee has been cancelled. The next scheduled meeting will be held on May 12, 2004, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the May 12, 2004, meeting should be directed to Carol Young, (717) 787-9637, cayoung@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-338. Filed for public inspection February 27, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research Act (35 P.S. § 5633), will hold a meeting on Wednesday, March 17, 2004, from 8 a.m. to 12 p.m. at the Department of Health, Bureau of Chronic Diseases and Injury Prevention, Room 508, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120.

For additional information, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5251.

Persons who wish to attend this meeting or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kathleen A. Zitka at (717) 787-5251, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-339. Filed for public inspection February 27, 2004, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

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

Brethren Village  
3001 Lititz Pike  
P. O. Box 5093  
Lancaster, PA 17606-5093

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

Overlook Medical Clinic  
520 New Castle Street  
New Wilmington, PA 16142

Preston Residence  
1011 West Baltimore Pike  
West Grove, PA 19390

Park Lane at Bellingham, Inc.  
1615 East Boot Road, East Goshen  
West Chester, PA 19380

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

Overlook Medical Clinic  
520 New Castle Street  
New Wilmington, PA 16142

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

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address or phone number, 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. 04-340. Filed for public inspection February 27, 2004, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 33 Pa.B. 6469 (December 27, 2003) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

*Addition*

As an addendum to the list of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the addition, as a speedometer inspection station, of the following station:

Y.I.S./Cowden Group Inc., 1049 North Hartley Street, York, York County, PA 17404. The station number will be S9.

Comments, suggestions or questions should be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 04-341. Filed for public inspection February 27, 2004, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, March 3, 2004, Data Systems Committee meeting—10 a.m., Education Committee meeting—1 p.m.; Thursday, March 4, 2004, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Individuals in need accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 04-342. Filed for public inspection February 27, 2004, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on March 16, 2004, at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

### Ridge and Valley

1. *Lewisburg Historic District*, roughly bounded by U. S. 15, Beck Street, Susquehanna River and borough boundary, Lewisburg, Union County, but including the Pennsylvania Railroad bridge spanning the West Branch of the Susquehanna River including the abutments and portion of the bridge falling within West Chillisquaque Township, Northumberland County.

### Allegheny Plateau

2. *Athens Historic District*, roughly bounded by Elm and Locust Streets, 772 South Main Street, the Chemung and Susquehanna Rivers, Athens, Bradford County.

3. *Shenango Land Plan Historic District*, Shenango Boulevard and Park Avenue intersected by Buhl Terrace, Roemer Street and Farrell Terrace, Farrell, Mercer County.

### Southwestern Pennsylvania

4. *Teutonia Maennerchor Hall*, 857 Phineas Street, Pittsburgh, Allegheny County.

### Anthracite Region and Poconos

5. *Allentown Masonic Temple*, 1524 West Linden Street, Allentown, Lehigh County.

6. *Bethlehem Steel Lehigh Plant Mill #2 Annex*, 11 West 2nd Street, Bethlehem, Northampton County.

### Great Valley and Piedmont Region

7. *West Side Sanitarium*, 1253—1261 West Market Street, West York Borough, York County.

8. *Pennsylvania Railroad GG1 Streamlined Electric Locomotive #4859*, Track 5, Harrisburg Transportation Center, Aberdeen Street, Harrisburg, Dauphin County.

9. *Thomas Mill and Miller's House*, 130 West Lincoln Highway (Exton), West Whiteland Township, Chester County.

BARBARA FRANCO,  
*Executive Director*

[Pa.B. Doc. No. 04-343. Filed for public inspection February 27, 2004, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Request for Proposals; Financial Audit for the Homeowners' Emergency Mortgage Assistance Program

The Housing Finance Agency (Agency) is issuing a Request for Proposals (RFP) to obtain the services of a certified public accounting firm to conduct a financial audit for the Homeowners' Emergency Mortgage Assistance Program (HEMAP) for the fiscal years ending 2004 through 2006.

Interested firms must submit three copies of the proposal. The proposals will become a part of official Agency files with no further obligation on the Agency's part. Proposals must be submitted to Larry Jackson, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105 or hand delivered to 211 North Front Street, Harrisburg, PA 17101. Proposals must be received at this address by 4 p.m. on March 5, 2004. No late proposals will be accepted.

The cost and price portion of the proposals must be bound and sealed separately from the remainder of the RFP.

BRIAN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 04-344. Filed for public inspection February 27, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, February 12, 2004, and announced the following:

#### *Regulations Approved*

State Civil Service Commission #61-5: Act 140 of 2002 Implementation (amends numerous sections of 4 Pa. Code Chapters 91, 93, 95, 97, 99, 101, 105 and 110)

State Board of Barber Examiners #16A-425: Deletion of Examination Fees (amends 49 Pa. Code Chapter 3)

State Board of Optometry #16A-529: Continuing Education (amends 49 Pa. Code Chapter 23)

### Approval Order

Public Meeting held  
February 12, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Civil Service Commission—Act 140 of 2002 Implementation; Regulation No. 61-5*

On December 22, 2003, the Independent Regulatory Review Commission (Commission) received this regulation from the State Civil Service Commission (SCSC). This rulemaking amends numerous sections of 4 Pa. Code Chapters 91, 93, 95, 97, 99, 101, 105 and 110. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On January 16, 2004, the SCSC tolled the review of this regulation and simultaneously submitted revisions to add language and to correct typographical errors.

This final-omitted regulation aligns the SCSC's existing rules with Act 140 of 2002. It also clarifies existing regulations and establishes the rules for prehearing conferences.

We have determined this regulation is consistent with the statutory authority of the SCSC (71 P. S. § 741.203(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
February 12, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Barber Examiners—Deletion of Examination Fees; Regulation No. 16A-425*

On October 17, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Barber Examiners (Board). This rulemaking amends 49 Pa. Code Chapter 3. The proposed regulation was published in the November 2, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. Under section 5(e) of the Regulatory Review Act (71 P. S. § 745.5(e)), the Board resubmitted the proposed regulation on February 4, 2003. The final-form regulation was submitted to the Commission on January 6, 2004.

The regulation deletes references to eight examination fees. The fees are being deleted because they are set by the professional testing organization that offers the exams. It also deletes the requirement that an application for examination include a notarized statement from a physician indicating that the student is free from contagious and infectious diseases.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 553 and 556(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
February 12, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*State Board of Optometry—Continuing Education; Regulation No. 16A-529*

On February 12, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Optometry (Board). This rulemaking amends 49 Pa. Code Chapter 23. The proposed regulation was published in the March 1, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 6, 2004.

This regulation updates existing continuing education requirements and adds continuing education requirements for optometrists certified to treat glaucoma.



We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 244.3(b)(12) and (14)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-345. Filed for public inspection February 27, 2004, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-138	Department of Agriculture Agricultural Area Security Program; Agricultural Conservation Easement Purchase Program; Agricultural Security Area Program	2/13/04

6-287	State Board of Education Special Education Services and Programs	2/13/04
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*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5510	State Board of Accountancy CPA Examination	2/17/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-346. Filed for public inspection February 27, 2004, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Insurance Services Office, Inc.; Homeowners Loss Cost Level Revision; Rate Filing**

On February 5, 2004, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 1.8% decrease in loss cost effective October 1, 2004.

Unless formal administrative action is taken prior to April 5, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under the "General Information" heading, click on "Notices." The PDF copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-347. Filed for public inspection February 27, 2004, 9:00 a.m.]

**Insurance Services Office, Inc.; Personal Auto Prospective Loss Cost Revision; Rate Filing**

On February 9, 2004, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a loss cost level change for private passenger automobile insurance.

The rating organization requests an overall 1.8% decrease to be effective December 1, 2004.

Unless formal administrative action is taken prior to April 9, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under the "General Information" heading, click on "Notices." The PDF copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mburkett@state.pa.us](mailto:mburkett@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-348. Filed for public inspection February 27, 2004, 9:00 a.m.]

### Keystone Health Plan East; Community Medical; Rate Filing

On February 17, 2004, Keystone Health Plan East submitted a filing to increase its commercial HMO rates in its five-county southeastern Pennsylvania service area. The requested rate increase is 14.4% and the additional annual income generated from the increase is estimated to be \$216 million. This filing will affect approximately 318,000 contracts. An effective date of April 1, 2004, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-349. Filed for public inspection February 27, 2004, 9:00 a.m.]

### Notice to Workers' Compensation Insurance Carriers

Insurance companies that write workers' compensation are required to report workers' compensation premium, loss and claim count information using 2003 Special Schedule "W." Authority for this call is in section 655 of the Insurance Company Law of 1921 (40 P. S. § 815).

Information to be reported by April 15, 2004, includes the following:

For calendar year 2003:

- Premiums—Written, unearned, earned.
- Losses—Indemnity vs. medical for paid, reserves (case vs. bulk and IBNR), incurred.
- Amounts added to premium to yield standard earned premium at designated statistical reporting level.
- Deductible adjustments to yield first dollar premiums and losses.

For evaluations as of December 31, 2002, and December 31, 2003, policy year information for large deductible (that is, deductible more than \$100,000) policies vs. all other policies including small deductible policies on a first dollar basis:

- Premiums—Earned.
- Losses—Indemnity vs. medical for paid, reserves (case vs. bulk and IBNR), incurred.
- Claim counts—Indemnity vs. medical for incurred, closed with and without payments.

Information regarding the submission of 2003 Special Schedule "W" has been sent to carriers and has also been posted on the Insurance Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us).

Persons who have not received this information or have questions concerning information contained in this notice

should contact Brenna Murphy, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2114, [brmurphy@state.pa.us](mailto:brmurphy@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-350. Filed for public inspection February 27, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe #5109, 1100 S. Delaware Avenue, Philadelphia, PA 19147-5501.

*Lease Expiration Date:* May 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Delaware (Columbus Blvd.) and Washington Avenue, Philadelphia.

*Proposals due:* March 19, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert J. Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5122, 1628 J. F. Kennedy Blvd., 8 Penn Center Plaza, Philadelphia, PA 19103.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of J. F. Kennedy Blvd. and Market Street, Philadelphia.

*Proposals due:* March 19, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert J. Jolly, (215) 482-9671

The Liquor Control Board seeks the following new sites:

Bucks County, Wine & Spirits Shoppe #0907, Yardley, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 5,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of Oxford Valley and Heacock Roads, Lower Makefield.

*Proposals due:* March 19, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert J. Jolly, (215) 482-9671

Bucks County, Wine & Spirits Shoppe #0936, New Britain, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new

or existing retail commercial space within a 1-mile radius of the intersection of Lenape and Butler (Route 202) Roads, New Britain Borough.

*Proposals due:* March 19, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert J. Jolly, (215) 482-9671

Philadelphia County, Cost Center #8327, Philadelphia, PA 19128.

Lease storage space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing storage space within a 1-mile radius of the intersection of Ridge Avenue and Port Royal Street, Philadelphia.

*Proposals due:* March 19, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert J. Jolly, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-351. Filed for public inspection February 27, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Delegation of Authority to the Bureau of Fixed Utility Services to Extend the 30-Day Consideration Period for Registering Securities Certificates; Doc. No. M-00970915

The Pennsylvania Public Utility Commission (Commission), at its February 12, 2004, public meeting, delegated the following routine, ministerial and nonpolicymaking public meeting agenda item to the Bureau of Fixed Utility Services for disposition:

- Extending the 30-day consideration period for registering securities certificates.

The extensions will now be addressed by Secretarial letter and may be appealed to the Commission by filing a petition within 10 days after service of notice of the action, unless a different time period is specified. See 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of the staff).

The contact persons for this matter are Terrence J. Buda, Law Bureau, (717) 787-5755 (delegation issues) and Douglas T. Beebe, Bureau of Fixed Utility Services (717) 787-7237 (technical).

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-352. Filed for public inspection February 27, 2004, 9:00 a.m.]

## Railroad With Hearing

**A-00119804. Department of Transportation.** Application of the Department of Transportation for approval of the alteration of the crossing where Findley Road crosses, at grade, the tracks operated by Wheeling & Lake Erie Railway Company (DOT 472 726 L) in Rostraver Township, Westmoreland County, and the allocation of costs incident thereto.

An initial hearing on this matter will be held on Tuesday, May 4, 2004, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, 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. 04-353. Filed for public inspection February 27, 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, on or before March 22, 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-00120453. Melvin Martin and Norene H. Martin, Husband and Wife** (383 Farmersville Road, Leola, Lancaster County, PA 17540)—persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

### Application of the following for the approval of the *transfer of stock* as described under the application.

**A-00110190, F.5000. Limousine Services Transportation, Inc.** (104 Mill Road, Sellersville, Bucks County, PA 18960), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of all of the issued and outstanding shares (10,000) of stock from Linda Nace (8,000 shares) and Maria Lapio (2,000 shares) to David S. Landes and Sheryl M. Landes, husband and wife (10,000 shares). *Attorney:* Derek J. Reid, P. O. Box 1389, Doylestown, PA 18901-0137

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Affordable Limousine, Inc.; Doc. No. A-00113633C; A-00113633*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Affordable Limousine, Inc., respondent, maintains its principal place of business at 845 Sir Thomas Court, Suite D-1, Harrisburg, PA 17112.
2. That respondent was issued a certificate of public convenience by this Commission on December 30, 1998, at Application Docket No. A-00113633.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2001, 2002 and 2003.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00113633.

Respectfully submitted,  
 Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal

arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Rodney Simmons t/a Econo Transportation; Doc. No. A-00109625C; A-00109625; Fs. 1 & 2*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Rodney Simmons, t/a Econo Transportation, respondent, maintains its principal place of business at 431 Third Street, Steelton, PA 17113.
2. That respondent was issued a certificate of public convenience by this Commission on December 2, 1992, at Application Docket No. A-00109625.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2001, 2002 and 2003.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Com-

mission revoke respondent's Certificate of Public Convenience at A-00109625 Fs. 1 & 2.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Walter G. Berger t/a Bergers Towing & Salvage; Doc. No. A-00115392C; A-00115392*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Walter G. Berger, t/a Bergers Towing & Salvage, respondent, maintains his principal place of business at 6861 Blue Ridge Avenue, Harrisburg, PA 17112.

2. That respondent was issued a certificate of public convenience by this Commission on February 10, 1999, at Application Docket No. A-00115392.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2001, 2002 and 2003.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00115392.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue

an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-354. Filed for public inspection February 27, 2004, 9:00 a.m.]

### Telecommunications

**A-311315F7003. Commonwealth Telephone Company and Endless Mountains Wireless, LLC.** Joint petition of Commonwealth Telephone Company and Endless Mountains Wireless, LLC for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Endless Mountains Wireless, LLC, by its counsel, filed on February 12, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Endless Mountains Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-355. Filed for public inspection February 27, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-201.1, Window Replacement, Tioga Administration Building (TAB), until 2 p.m. on Thursday, March 18, 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 March 2, 2004. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer.

Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on March 11, 2004, at 10 a.m. at the Port of Philadelphia Administration Building (TAB), 3460 N. Delaware Ave., 2nd Floor (corner of Tioga St. and Delaware Ave.), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-356. Filed for public inspection February 27, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

March 24, 2004	Linda Ratliff Champion (Purchase of Service)	1 p.m.
	Thelma Jenkins (Premium Assistance)	2:30 p.m.
March 31, 2004	Grace D'Alo (Purchase of Service)	1 p.m.
	Ann Marie Steele (COLA)	2:30 p.m.

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 Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Interim Executive Director*

[Pa.B. Doc. No. 04-357. Filed for public inspection February 27, 2004, 9:00 a.m.]

# STATE EMPLOYEES' RETIREMENT BOARD

## Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

March 24, 2004	Janet M. Kuhns (Purchase of Leave Without Pay Time)	1 p.m.
March 31, 2004	Sally D. Davison (D) (Change Date of Disability Retirement)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 04-358. Filed for public inspection February 27, 2004, 9:00 a.m.]

# STATE POLICE

## Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems

The State Police, under the authority of 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), has approved, until the next comprehensive list is published, subject to interim amendment, the following equipment standards for electronic, mechanical or other devices (mobile video recording systems) which may be used by law enforcement officers for the purpose of interception as authorized under 18 Pa.C.S. § 5704(16). Mobile video recording systems must consist of the following components.

### Overview

The design of the mobile video recording system must use technology, which includes a camera, monitor, wireless voice transmitter/receiver and a recording device with a secure protective enclosure for the recording device, electronics and receiver components. The mobile video recording system must be powered from a standard automotive vehicle operating at 11 to 16.5 volts DC, negative ground. Current drain on the vehicle electrical

system must not exceed 3.0 amps. The system must operate over the following temperature range: -4°F to 130°F (-20°C to 55°C).

### Camera

The camera component must have the following features:

- A. Auto focus and auto iris.
- B. Flexible mounting bracket to allow manual aiming controls.
- C. Auto zoom (automatic zoom in then back out to normal distance).
- D. Minimum sensitivity rating of 2.0 lux.
- E. Minimum horizontal resolution of 330 TV lines.

### Monitor

The monitor component must have the following features:

- A. Controls for picture brightness and contrast.
- B. Capability of being switched off without affecting recording.

C. A speaker and volume control system.

The monitor must be capable of displaying:

- A. Camera image (live).
- B. Previously recorded information from the recording unit.
- C. Date and time.
- D. Recording index indicator.
- F. In-car/wireless microphone activity indicator.

### Wireless Voice Transmitter/Receiver

The wireless voice transmitter/receiver must have the following features:

- A. Battery powered wireless microphone transmitter.
- B. Antenna incorporated into the microphone.
- C. A plug-in connector and a clothing clip on the microphone.
- D. FCC: Type acceptable under 47 CFR Part 74H.
- E. The transmitter must not have recording capabilities.

F. The wireless audio system must be equipped with either a digital coded squelch or a PL tone squelch circuit to prevent accidental activation of the record mode in stray RF fields.

### Recording Device

The recording device must be capable of recording onto tape or other comparable media and have the following features:

- A. Enclosed in a secure housing protected from physical damage and unauthorized access.
- B. Capable of recording audio and video for a minimum of 2 hours.
- C. Record time/date, recording index and remote microphone indicator.
- D. Record over protection.

### System Control

The control console must be mounted within easy reach of the operator. The control console must contain the controls to operate the following functions:

- A. Power.
- B. Record.
- C. Play.
- D. Rewind.
- E. Fast forward.
- F. Pause.

The State Police, under the authority of 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following list of approved mobile video recording systems which meet the minimum equipment standards in this notice.

System 7, Mobile Vision, Boonton, NJ  
 Eyewitness, Kustom Signals, Lenexa, KS  
 Patrol Cam, Kustom Signals, Lenexa, KS  
 Motor Eye, Kustom Signals, Lenexa, KS  
 Cruise Cam, The Cruisers Division, Mamaroneck NY  
 I Track, McCoy's Law Line, Chanute, KS  
 Docucam, MPH Industries Inc., Owensboro, KY  
 Digital Mobile Witness, T.A.W. Security Concepts, Wheat Ridge, CO  
 Car Camera AV360, A.S.S.I.S.T. International, New York, NY  
 OPV, On Patrol Video, Ontario, OH  
 Gemini System, Decatur Electronics, Decatur, IL  
 SVS-500, ID Control Inc., Derry, NH  
 PAVE System, Video Systems Plus, Bryan, TX  
 InCharge 5555, Applied Integration, Tucson, AZ  
 VMDT, Coban Research and Technology, Houston, TX  
 Mobile Vision 5-C Video Recording System, Mobile Vision, Boonton, NJ  
 Stalker Vision VHS, Applied Concepts Inc., Plano, TX  
 Stalker Vision HI8, Applied Concepts Inc., Plano, TX  
 Digital Eyewitness, Kustom Signals, Lenexa, KS  
 Eagleye Model 800, Eagleye Technologies, Inc., Rome, GA  
 Eagleye Model 900, Eagleye Technologies, Inc., Rome, GA

Nothing in this notice prohibits the authorized use of a mobile video recording system that is not specifically identified if the mobile video recording system otherwise meets the equipment standards in this notice. Moreover, mobile video recording systems that are not activated to record oral communications or do not have an oral recording capability need not meet the equipment standards in this notice. Manufacturers may submit equipment to be added to the list by contacting the State

Police, Bureau of Patrol (Bureau). New units must be in full commercial production. No prototype models will be considered. Proof of current sales and delivery of the specified equipment over the past 6 months must be provided, in writing, referencing current customers with contacts and phone numbers for verification. When requested by the Bureau, the manufacturer/bidder must furnish a complete working system installed in a vehicle for inspection within 30 days.

Comments, suggestions or questions should be directed to the State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COL. JEFFREY B. MILLER,  
*Commissioner*

[Pa.B. Doc. No. 04-359. Filed for public inspection February 27, 2004, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of a Design Advisory Team/Facilitation Firm

#### Mon/Fayette Transportation Project State Route 51 to I-376 Allegheny County

#### Reference No. E-037

The Turnpike Commission (Commission) will retain a firm to provide facilitation services for several design advisory teams (DATs) to be established for the Mon/Fayette State Route 51 to I-376 Project. It is anticipated that five separate DATs will be formed for the project.

Firms interested in providing the work and services are invited to submit a statement of interest with the required information. Further details regarding this solicitation are available on the Commission's website: [www.paturnpike.com](http://www.paturnpike.com). Select the button on the left side for "Doing Business with PTC," "Request For Proposals," "Engineering" and "E-037."

MITCHELL RUBIN,  
*Chairperson*

[Pa.B. Doc. No. 04-360. Filed for public inspection February 27, 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



26

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

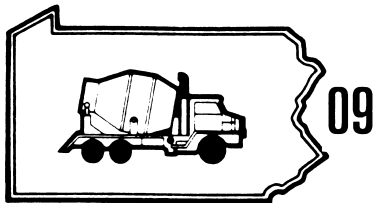
## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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*

## SERVICES



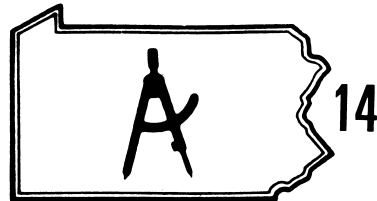
### Construction & Construction Maintenance

**W-0583-0304** Replace roofing on building #5 - Laurel Learning Center at the Ebensburg Center, per work project specifications.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Department of Public Welfare, Rt. West, P. O. Box 600, Ebensburg, PA 15931.  
**Duration:** Estimate 90 calendar days from effective date of contract.  
**Contact:** Nannette McCreary, Purchasing Agent, (814) 472-0290

**SU-2002/18.1** Huber Arts Center Annex Exterior/Interior Restorations. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes selective demolition, sitework, paving, lawn restoration, masonry restoration, door and window installation, finishes, plumbing, electrical and incidental related construction at Huber Arts Center Annex. Prospective Bidders may obtain project plans for a non-refundable deposit of \$50.00, plus \$10.00 shipping if applicable, by contacting W2A Design Group, Wallace & Watson - Associates, PC, 609 Hamilton Street, Suite 200, Allentown, PA 18101. Phone: 610-437-4450 Fax: 610-437-2817. Pre-Bid Meeting with site visit immediately to follow will be held on March 15, 2004 in Reed Operations Center. Bids due: March 30, 2004 at 4 p.m., Old Main Room 300. Public Bid Opening: March 31, 2004 at 2 p.m., Old Main Room 203B. Contracts, MBE/WBE and Prevailing Wages apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

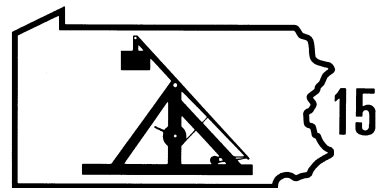
**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Work to be completed NLT August 13, 2004  
**Contact:** Deborah K. Martin, (717) 477-1121



### 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](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**BOGM 02-27R** Cleaning Out and Plugging Fourteen (14) Abandoned Oil Wells, (Oil Creek State Park Property). The principal items of work include cleaning out and plugging fourteen (14) abandoned oil wells, estimated to be between 800-1,000 feet in depth, to Department specifications, preparing and restoring wells sites and mobilizing and demobilizing plugging equipment. Please note that if it is determined that the wells had been previously plugged; it is only necessary to top-hole the abandoned wells. This project issues on February 27, 2004 and bids will be opened on March 23, 2004 at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project is planned but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid conference.

**Department:** Environmental Protection  
**Location:** Oil Creek Township, Venango County, PA  
**Duration:** 70 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 91-101.1** Abandoned Mine Land Reclamation Project, Glosek Brothers Coal Company, Mining Permit No. 4969322. The principal items of work and approximate quantities include 470,000 cubic yards of grading and 40 acres of seeding. This project issues on February 27, 2004 and bids will be opened on March 25, 2004 at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

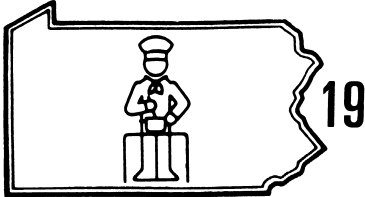
**Department:** Environmental Protection  
**Location:** West Cameron and Zerbe Townships, Northumberland County, PA  
**Duration:** 300 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**AMD 14(6816)101.1** Acid Mine Drainage Abatement Project, Pine Glen East. The principal items of work and approximate quantities include 24,400 cubic yards of grading, 8 acres of selective grading, 5,825 cubic yards of channel excavation, 75 square yards of erosion matting, 4,675 square yards of rock lining with filter material, 1,575 linear feet of subsurface drain, 6,175 square yards of UV protected polyvinyl chloride (PVC) impervious lining, 7,150 linear feet of piping, 2 ten inch gate valves and access boxes, 12,300 tons AASHTO No. 1, 435 tons of R-5 stone, 75 square yards of concrete block revetment, 4,810 linear feet of fencing, implementation of an erosion and sediment pollution control plan, and 13 acres of seeding. This job also includes the installation of an electrical supply and meter pedestal that includes 450 linear feet of conduit, installation of a valve vault, motorized pinch valve and accessories, and installing a collection pond headwall. Also needed is a water level control structure that includes an in-line level control structure, an inlet level control structure, a pressure treated timber structure, r-3 stone, a skimmer and 140 linear feet of corrugated polyethylene pipe. Tree planting is also a part of this project and includes the following: 15 turkey oak, 15 sawtooth oak, 15 walnut, 15 butternut, 15 chinese chestnut, 37 crab apple, 33 flowering dogwood, 24 bay berry, 24 elder berry, 48 silky dogwood and 32 hemlock. This project issues on February 27, 2004 and bids will be opened on March 23, 2004 at 2 p.m. Payment in the amount of \$15.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$24.7 million 2002 Pennsylvania AML Grant.

**Department:** Environmental Protection  
**Location:** Burnside Township, Centre County, PA  
**Duration:** 365 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 463-101.1** Abandoned Mine Land Reclamation Project, Avery Coal Company, Inc., Mining Permit No. 4375SM8. The principal items of work and approximate quantities include backfilling ponds and 10.5 acres of seeding. This project issues on February 27, 2004 and bids will be opened on March 23, 2004 at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

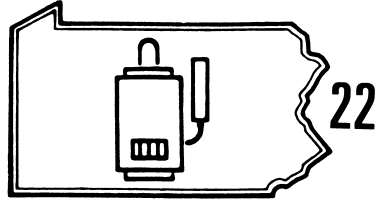
**Department:** Environmental Protection  
**Location:** Chest Township, Clearfield County, PA  
**Duration:** 150 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Food

**CN 00007250** Fresh/frozen/chilled meat and meat products; poultry and poultry products; fish; and cheeses to be delivered only at request of facility.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher St., Johnstown, PA 15905  
**Duration:** April, May, June, 2004  
**Contact:** Christine A. Sloan, (814) 255-8228



### HVAC Services

**IN-857 New Electrical Feeder** Project Title is: New Electrical Feeder to the Robertshaw Building. Project consists of extending the 12,470V Feeder #1205 from existing manhole EMH-#14 on Maple St. to a new transformer at Robertshaw Bldg; of extending Feeder 1205 to two new pad mounted transformers, one for the R&P Bldg and R&P Lab and one for the Tennis Courts; and of replacing the existing indoor power center at Gordon Hall with a new outdoor pad mounted transformer and new indoor switchboard. 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.

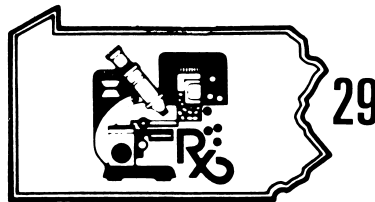
**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Robertshaw Building, 650 South 13th Street, Indiana, PA 15705  
**Duration:** Bids due March 16, 2004 at 2 p.m. IUP anticipates award Mid-April. No physical work can begin before May 10, 2004, 150 days given to complete project.  
**Contact:** Ronald E. Wolf, (724) 357-2289



### Janitorial Services

**FM 8711** Furnish materials, equipment, and labor to perform janitorial services three (3) visits per week at the Troop F, Stonington Station. The detailed work schedule and bid specifications will be forwarded upon notification of request to quote from the Facility Management Division.

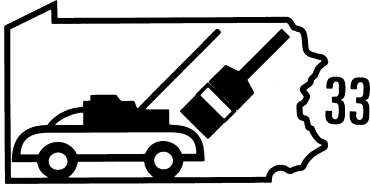
**Department:** State Police  
**Location:** Troop F, Stonington Station, R. D. #2, Box 83, Sunbury, PA 17801  
**Duration:** May 1, 2004 through June 30, 2007  
**Contact:** Helen Fuhrman, (717) 705-5952



### Medical Services

**CN00007306** Furnish and Maintain Oxygen Units for the Polk Center.

**Department:** Public Welfare  
**Location:** Polk Center, P. O. Box 94, Polk, PA 16342  
**Duration:** May 1, 2004 through June 30, 2008  
**Contact:** Amy Tatarek, Purchasing Agent, (814) 432-0229



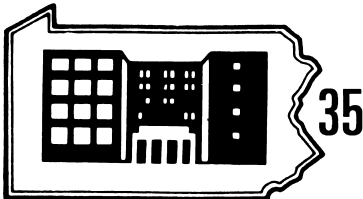
### Property Maintenance

**CPC 03.080** North Light Court Restoration: This project includes, but is not limited to, cleaning, repair, preparation and refinishing of historic plaster ceilings, walls, beam drops, soffits, moldings and railings. Plaster and wood repair. Collection and Laboratory analysis required for historic finish identification. Cleaning, repair and polishing of marble walls, columns, railings, rail walls and selected area of marble terrazzo flooring. Cleaning and touch-in of gilded surfaces. Cleaning and restoration of leaded glass panels. Provision and installation of new leaded glass panel lighting. A mandatory Preproposal Conference and detailed site review is scheduled for March 3, 2004 at 10 a.m. in Room 630, Main Capitol Building, Harrisburg, PA. Proposals are due on March 30, 2004 at 2 p.m. prevailing time.

**Department:** PA Capitol Preservation Committee  
**Location:** Main Capitol Building, Harrisburg, PA.  
**Duration:** July 2004–December 2004  
**Contact:** David L. Craig, (717) 783-6484

**SB #209-83104** Cheyney University of Pennsylvania located at 1837 University Circle, Cheyney, PA 19319, Chester County, intends to solicit bids in the near future for restoration of office space - walls, trim and ceiling - on the first floor interior of Biddle Hall located on the university's main campus. Interested bidders are asked to send a letter expressing their interest in CU Biddle Hall and SB #209-83104 to the following: Walter Livingston, III, Office of Contract Administration, 1837 University Circle, Box 337, Cheyney, PA 19319, 610/399-2128 (fax). Please include your company's Name, Mailing Address, Phone and Fax Numbers, E-mail and/or WEB Site Address, Salesperson and President/Owner.

**Department:** State System of Higher Education  
**Location:** Biddle Hall, Cheyney University, Cheyney, PA 19319  
**Contact:** Walter Livingston, III, (610) 399-2128 (Fax)



### Real Estate Services

**93577** LEASE OFFICE/BARRACKS SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA State Police with 9,367 useable square feet of office/barracks space in Carbon County, PA with a minimum parking requirement for 61 vehicles. The boundaries for this facility are along Route 209 beginning at a point two (2) miles South of the present location of the State Police to a point two (2) miles North, Lehighon, Carbon County. For more information on SFP #93577, which is due on April 11, 2004, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-4396.

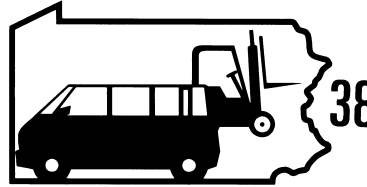
**Department:** State Police  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396

**93653** LAND SALE/LEASE OPPORTUNITY FOR A HOTEL DEVELOPMENT AT THE PENNSYLVANIA FARM SHOW COMPLEX. The Commonwealth of Pennsylvania, Department of General Services has issued Solicitation For Proposals #93653 for the development of a first-class hotel on the grounds of the Pennsylvania Farm Show Complex, located in the City of Harrisburg, Dauphin County. To view and download the SFP, go to [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on the "Real Estate" link. Please contact Erin Murphy at (717) 783-5028 or [ermurphy@state.pa.us](mailto:ermurphy@state.pa.us) for more information. NOTE: Interested proposers are encouraged to attend a pre-proposal conference on March 17, 2004, and proposals are due on May 26, 2004.

**Department:** General Services  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Erin Murphy, (717) 783-5028

**93648** LEASE HANGER/OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA State Police with 5,551 useable square feet of hanger/office space within the Altoona-Blair County Airport, Blair County, PA, with a minimum parking for 10 vehicles. For more information on SFP #93648 which is due on March 22, 2004 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-4396.

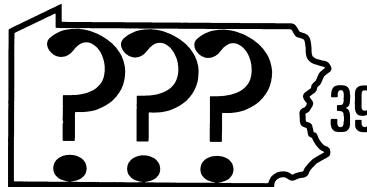
**Department:** State Police  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396



### Vehicle, Heavy Equipment and Powered Machinery Services

**ADV #204** Indiana University of Pennsylvania, a member of the Pennsylvania State System of Higher Education, is seeking qualified vendors to respond to a Request for Quotation to provide an experienced service representative to advise and assist IUP personnel in the removal/installation of Ideal Electric "M" frame generators and major LSBV engine repairs. Vendor to also provide experienced service technician(s) to assist with performing services. Requests for copies of the bid package should be made in writing referencing ADV #204 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670; e-mail [cerovich@iup.edu](mailto:cerovich@iup.edu). Interested vendors must submit their requests to be placed on the bidders' list no later than Friday, March 5, 2004. The University encourages responses from small and disadvantaged, minority and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania  
**Duration:** 5 years  
**Contact:** Barbara Cerovich, (724) 357-2301



### Miscellaneous

**HUN-GENERATORS** Contractor to provide preventative maintenance for (2) 1000 KW diesel generators located at the State Correctional Institution at Huntingdon. Bid specifications and equipment data is available from the requesting Agency. Please provide a PA vendor number when requesting bid information.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654  
**Duration:** 7/01/04 to 6/30/07  
**Contact:** Robert Jessell, Pur Agt, (814) 643-2400 x 304

**353R12** The Department of Transportation (PENNDOT) is issuing a Request for Proposal (RFP) to select current On-line Messengers to provide and be financially responsible for facility space, maintenance, utilities, furnishings, and security for a Photo License Center. This is a no-cost contract for the Commonwealth. To be considered for this project, On-line Messengers will be required to meet specific criteria. For details and a copy of the RFP, On-line Messengers may request a copy of the RFP by FAXING their name, company name, address, telephone number, and FAX number to Vikki Mahoney at (717) 783-7971. Please reference 351R12 on your request.

**Department:** Transportation  
**Location:** Commonwealth of Pennsylvania  
**Duration:** Multiple year with possibility of renewal.  
**Contact:** Bill Gipe, (717) 783-8906

**SO-296** The State Correctional Institution at Somerset will be soliciting bids for repairs and repair parts for the centauris/computer power uninterruptible emergency power system at the institution. Interested vendors must be registered to do business with the Commonwealth of Pennsylvania and should contact the institution directly for a bid package.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** 7/01/04 through 6/30/05  
**Contact:** Jackie Albright, Purchasing Agent I, (814) 443-8100 X313

**CN00007305** Rebid of CN00006114. Parts, repair and maintenance of FM radio communications system at Polk Center

**Department:** Public Welfare  
**Location:** Polk Center, P. O. Box 94, Polk, PA 16342  
**Duration:** July 1, 2004 through June 30, 2008  
**Contact:** Amy Tatarek, Purchasing Agent, (814) 432-0229

[Pa.B. Doc. No. 04-361. Filed for public inspection February 27, 2004, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*