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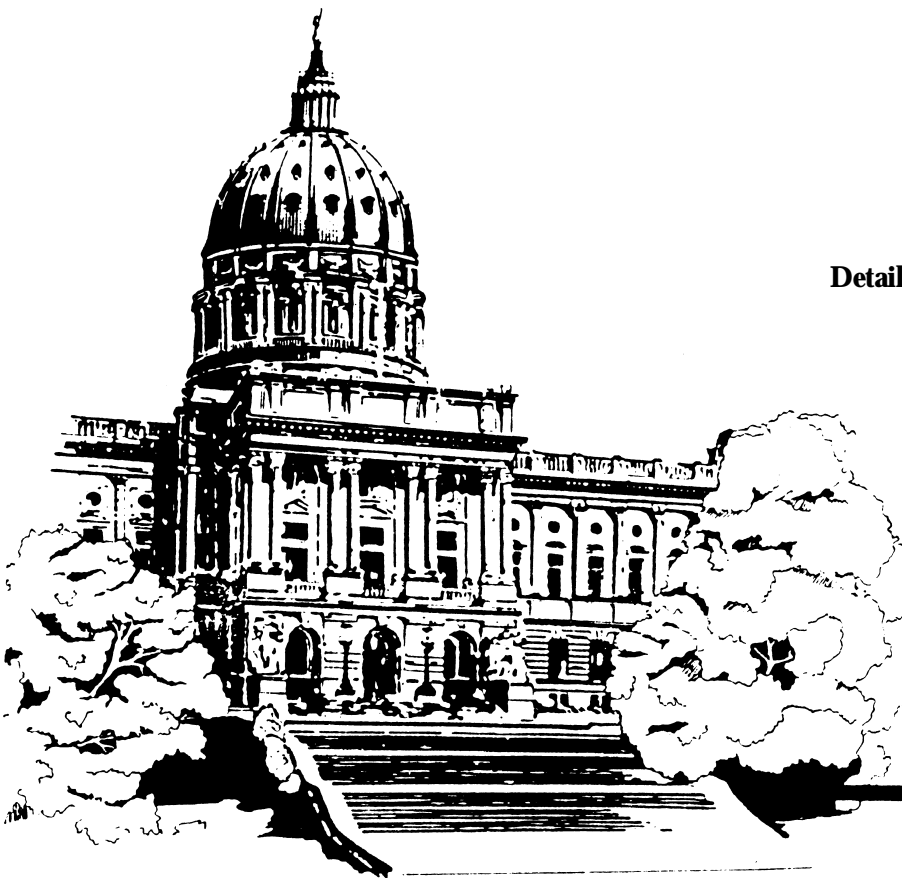
PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Courts
Center for Rural Pennsylvania
Department of Banking
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Transportation
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
State Board of Optometry
State Civil Service Commission

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(Master Transmittal Sheet):**

No. 352, March 2004

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. IX]

Order Adopting Amendment to Rule 902(12) and Comment Revision; No. 327 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 23rd day of February 2004, upon the recommendation of the Committee on Rules of Evidence, this proposal along with a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Evidence 902(12) and the revision of Comment is hereby amended in the following form.

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

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 902. Self-Authentication.

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

* * * * *

(12) Certified foreign records of regularly conducted activity. **[In a civil case, the]** The original or a duplicate of a foreign record of regularly conducted activity that would be admissible under Rule 803(6) if accompanied by a written declaration by its custodian or other qualified person certifying that the record—

* * * * *

Comment

* * * * *

Paragraphs (11) and (12), which were added in 2001, permit the authentication of domestic and foreign records of regularly conducted activity by certification. This is new to Pennsylvania law for records of regularly conducted activity, but is consistent with Pa.R.E. 902(2), (3), and (4) which permit authentication of various kinds of public documents and records by certification. **[These paragraphs are similar to F.R.E. 902(11) and (12) that were adopted effective December 1, 2000. The language of Pa.R.E. 902(11) differs from F.R.E. 902(11) in that it refers to Pa.R.C.P. 76 rather than to Federal law. The amendment is intended to implement the amendment to Pa.R.E. 803(6).] Pa.R.E. 902(11) is similar to F.R.E. 902(11). The language of Pa.R.E. 902(11) differs from F.R.E. 902(11) in that it refers to Pa.R.C.P. 76 rather than**

to federal law. Pa.R.E. 902(12) differs from F.R.E. 902(12) in that the words “in a civil case” are deleted. The words “in a civil case” appear in F.R.E. 902(12) because certification of foreign business records in federal criminal cases is allowed by 18 U.S.C. § 3505. Pennsylvania has no comparable statute. Instead, Pa.R.E. 902(12), as amended, allows certification of foreign business records in Pennsylvania criminal cases, as well as civil cases. The addition of paragraphs (11) and (12) is intended to implement the amendment of Pa.R.E. 803(6).

* * * * *

FINAL REPORT

Amendment of Pa.R.E. 902(12) and Comment Revision

On February 17, 2004, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted the changes to Pa.R.E. 902(12) and comment effective May 1, 2004. These changes are made to correct an anomaly in the Rule. In its present form, in a criminal case, a foreign business record cannot be qualified by certification. A custodian or otherwise qualified witness must be produced. However, in a civil case, a foreign business record may be qualified as such by certification. In both civil and criminal cases, a domestic business record may be qualified by certification. The amended rule and comment revision correct this anomaly in the Rule and permit qualification of foreign business records in criminal cases by certification.

[Pa.B. Doc. No. 04-418. Filed for public inspection March 12, 2004, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Procedures When Bench Warrant is Issued

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Pa.R.Crim.P. 150 (Bench Warrants) that will provide the procedures to be followed when a bench warrant is issued. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed new rule precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel.

Anne T. Panfil, Chief Staff Counsel
 Supreme Court of Pennsylvania
 Criminal Procedural Rules Committee
 5035 Ritter Road, Suite 800
 Mechanicsburg, PA 17055
 fax: (717) 795-2106
 e-mail: criminal.rules@pacourts.us

no later than Wednesday, April 7, 2004.

By the Criminal Procedural Rules Committee

JOHN J. DRISCOLL,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART E. Miscellaneous Warrants

Rule 150. Bench Warrants.

(A) In a court case when a bench warrant is issued, the case is to proceed in accordance with the following procedures.

(1) When a defendant or witness is arrested pursuant to a bench warrant, he or she shall be taken without unnecessary delay for a hearing on the bench warrant. The hearing shall be conducted by the judicial officer who issued the bench warrant, or, if the judicial officer is unavailable, another judicial officer designated by the president judge or by the president judge's designee to conduct bench warrant hearings.

(2) In the discretion of the judicial officer, the bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.

(3) If the bench warrant hearing cannot be conducted promptly after the arrest:

(a) the defendant or witness shall be lodged in the county jail pending the hearing;

(b) the authority in charge of the county jail promptly shall notify the court that the individual is being held pursuant to the bench warrant; and

(c) the bench warrant hearing shall be conducted without unnecessary delay. Under no circumstances shall the individual be detained without a bench warrant hearing

(i) longer than 72 hours when the bench warrant is executed in the judicial district of issuance, or,

(ii) longer than 144 hours when the bench warrant is executed outside the judicial district of issuance. When the subject of the bench warrant is in custody on another matter in the judicial district in which the bench warrant is executed, the 144-hour time limit begins to run upon notice to the judicial district of issuance that the proceeding for which the individual is in custody is concluded.

(4) At the conclusion of the bench warrant hearing following the disposition of the matter, the judicial officer immediately shall vacate the bench warrant and order that notice of the vacated warrant promptly be given to all computer networks into which the bench warrant has been entered.

(5) If a bench warrant hearing is not held within the time limits in paragraph (A)(3)(c),

(a) the bench warrant shall expire by operation of law, and the individual promptly shall be released from custody; and

(b) notice of the expired warrant promptly shall be given to all computer networks into which the bench warrant has been entered.

(B) As used in this rule, "judicial officer" is limited to the district justice or judge who issued the bench warrant, or the district justice or judge designated by the president judge or the president judge's designee to conduct bench warrant hearings when the issuing district justice or judge is unavailable.

Comment

This rule addresses only the procedures to be followed after a bench warrant is issued, and does not apply to execution of bench warrants outside the Commonwealth, which are governed by the extradition procedures in 42 Pa.C.S. § 9101 et seq., or to warrants issued in connection with probation or parole proceedings.

Paragraph (A)(2) permits the bench warrant hearing to be conducted using two-way simultaneous audio-visual communication, which is a form of advanced communication technology. See Rule 103. Utilizing this technology will aid the court in complying with this rule, and in ensuring individuals arrested on bench warrants are not detained unnecessarily.

Pursuant to paragraph (A)(3)(c)(ii), when the subject of the bench warrant is being held in another case in the judicial district in which the bench warrant is executed, an official in that judicial district promptly upon the conclusion of the proceeding for which the individual is in custody must notify the judicial district of issuance that the proceeding is concluded, and the bench warrant hearing must be conducted as soon as possible.

Once a bench warrant is executed and the defendant is taken into custody, the bench warrant no longer is valid, and paragraphs (A)(4) and (A)(5)(b) ensure the warrant is removed from the all computer networks into which the warrant has been entered.

To ensure compliance with the prompt bench warrant hearing requirement, the president judge or the president judge's designee is required to designate a district justice to cover for unavailable district justices or a judge to cover for unavailable judges. The designated judicial officers will conduct bench warrant hearings only when the judicial officer will be unavailable to conduct the bench warrant hearing within the time requirements of this rule. See also Rule 132 for the temporary assignment of district justices. It is expected that the practice in some judicial districts of a judge who knows he or she will be unavailable asking another judge to handle his or her cases during the judge's absence would continue.

Paragraph (A)(4) requires the judicial officer to vacate the bench warrant at the conclusion of the bench warrant hearing. The current practice in some judicial districts of having the clerk of courts cancel the bench warrant on the computer system upon receipt of a return of service is consistent with this paragraph, as long as the clerk of courts promptly provides notice of the return of service to the issuing judge.

It is incumbent upon the court to monitor the time individuals are detained pending their bench warrant hearing and to ensure compliance with the immediate release requirements of paragraph (A)(5) when the detained individual has not had a bench warrant hearing within the time limits of this rule.

For the procedures concerning violation of the conditions of bail, see Chapter 5 Part B.

As used in this rule, "court" includes district justice courts.

For the arrest warrants that initiate proceedings in court cases, see Chapter 5, Part B(3)(a), Rules 513, 514, 515, 516, 517, and 518. For the arrest warrants that initiate proceedings in summary cases, see Chapter 4, Part D(1), Rules 430 and 431.

Official Note: Adopted _____, 2004, effective _____, 2004.

Committee Explanatory Reports:

Report explaining proposed new Rule 150 providing procedures for bench warrants published at 34 Pa.B. 1429 (March 13, 2004).

REPORT

Proposed New Pa.R.Crim.P. 150

PROCEDURES WHEN BENCH WARRANT IS ISSUED

I. INTRODUCTION

The Criminal Procedural Rules Committee is proposing new Pa.R.Crim.P. 150 (Bench Warrants), which sets forth the procedures to be followed when a bench warrant is issued. This rule was developed (1) as the result of the Committee's review of the bench warrant and arrest warrant forms being developed for use by the Common Pleas Criminal Court Case Management System (CPCMS) and consideration of some questions from the CPCMS staff concerning bench warrants and whether there should be a time limit on how long a defendant may be confined after being arrested on the bench warrant before being brought before a judge for a bench warrant hearing, and (2) from the members' own experiences representing clients who have been the subject of bench warrants. The members opined that bench warrant practice is one area of criminal practice that is fraught with abuses, particularly with regard to the time the arrested individual spends in custody pending a bench warrant hearing. They have found that frequently the judge who issues the bench warrant is not given notice that the individual has been arrested on that bench warrant, there does not appear to be a procedure for scheduling the bench warrant hearing, and if there is a scheduling procedure, rarely does it provide for a prompt hearing. The members also noted the lack of a statewide bench warrant rule has led to many local rules for bench warrants.¹

The Committee researched other states' rules and statutes to see whether there are any "model" bench warrant rules and what provisions these rules or statutes include. We found very few rules or statutes governing bench warrants specifically, with most only providing procedures for arrest warrants in general. The Committee also reviewed Pennsylvania's Rules of Procedure and found that only Pa.R.C.P. 1910.13-1 (Failure or Refusal to Appear Pursuant to Order of Court. Bench Warrant) sets forth procedures following the issuance of a bench warrant.²

¹ In many of these cases, in implementing the local rules, the judicial districts have not complied with Rule 105 (Local Rules) making the local rules difficult to find and monitor.

² Rule 1910.13-1 provides, *inter alia*,

(c) Upon appearance in court by a party on the matter underlying the bench warrant, the bench warrant shall be vacated forthwith and the notice shall be given to all computer networks into which the bench warrant has been entered.

(d) The bench warrant shall direct that if the court is unavailable at the time of the party's arrest, the party shall be lodged in the county jail until such time as court is opened for business. The authority in charge of the county jail must promptly notify the sheriff's office and the director of the domestic

relations section that defendant is being held pursuant to the bench warrant. Under no circumstances shall the party remain in the county jail longer than seventy-two hours prior to hearing.

- apply both to defendants and witnesses, including investigating grand jury witnesses
- make it clear that district justices would proceed under this new rule only when handling court cases, otherwise they would proceed under the summary case arrest warrant rules, Rules 430 and 431
- ensure the court receives notice when an individual is arrested on a bench warrant
- require that the district justice or judge who issued the bench warrant is the judicial officer before whom the defendant or witness should be taken when arrested
- provide a procedure for coverage when these "issuing authorities" are unavailable, and that should be accomplished by the president judge designating another district justice or judge to provide coverage
- make it clear only another district justice may cover for a district justice and only another judge may cover for a judge
- require that individuals arrested on a bench warrant must be brought before the issuing district justice or judge or designated district justice or judge as soon as reasonably possible following the arrest and in no case may the arrested individual be detained longer than 72 hours without a hearing, or 144 hours when the bench warrant is executed outside the judicial district from where it was issued
- encourage the use of advanced communication technology for the bench warrant hearing, a tool that will be helpful in ensuring prompt bench warrant hearings
- provide that the bench warrant be vacated at the conclusion of the bench warrant hearing and removed from the computer systems
- not address when bench warrants may be issued³

With these points in mind, the Committee developed new Pa.R.Crim.P. 150 (Bench Warrants) as more fully explained below.

II. DISCUSSION

A. Placement

The Committee is proposing the new bench warrant rule go in the general provisions section of the rules, Chapter 1, since the rule will apply to bench warrants issued by (1) the common pleas court in court cases and (2) the minor judiciary when handling a court case. In order to accommodate warrants in this Chapter, the Committee is proposing that a new subsection, Part E, be created. This new subsection would be titled "Miscellaneous Warrants." The Committee reasoned the new section should not be limited to bench warrants, but should be broad enough in scope to address procedures related to other types of warrants that are not for instituting

³ In discussing this issue, the members noted there are so many instances when the judiciary issue bench warrants that it would be impossible to adequately address this in a rule. At the same time, some members expressed concerns that in some cases, bench warrants are being issued in inappropriate situations. Ultimately, after concluding that with the time limits being built into the new rule, judges will pay more attention to when they issue bench warrants, the Committee agreed the new rule should cover only the procedures once a bench warrant has been issued.

proceedings,⁴ if such other rule procedures become necessary or desirable. The new bench warrant rule would be the first rule in this new subsection, numbered Rule 150.

B. *New Pa.R.Crim.P. 150*

1. *Scope*

New Rule 150 applies to warrants that do not institute proceedings, denoted "bench warrants," and sets forth the procedures to follow after a bench warrant is issued. In addition, the rule applies to bench warrants issued for a defendant in a case and for witnesses, including investigating grand jury witnesses. The rule, however, does not apply to bench warrants executed outside the Commonwealth, which are covered by the extradition procedures in 42 Pa.C.S. § 9101 et seq., or to warrants issued in probation and parole proceedings.

2. *Terminology*

The Committee discussed, in the context of a bench warrant proceeding, how to refer to the district justices and judges who would issue bench warrants and preside at bench warrant hearings. We considered and rejected using "issuing authority," because this term has a long history in the rules as being applicable to the judicial officer who issues process to institute proceedings or for search warrants or to preside over summary proceedings. Because some members expressed concern about the potential confusion using "issuing authority" in this context would have, the Committee agreed instead to use "judicial officer" to encompass the presiding district justice or judge who issued the bench warrant or the district justice or judge designated by the president judge to conduct the bench warrant hearings when the presiding district justice or judge are unavailable. The use of "judicial officer" in Rule 150 is explained in paragraph (B).

3. *Paragraph (A)*

Paragraph (A)(1) requires that the individual arrested on a bench warrant be taken without unnecessary delay for a bench warrant hearing before the judicial officer who issued the bench warrant. To ensure there are prompt bench warrant hearings, paragraph (A)(1) also includes the requirement that the president judge, or the president judge's designee, designate a "replacement" judicial officer to conduct the hearing if the issuing judicial officer is unavailable. The fifth paragraph of the Comment elaborates on these requirements, making it clear that the "replacement" judicial officer only presides when the presiding judicial officer is unavailable. This paragraph also favorably acknowledges the practice in some judicial districts of permitting a judge who will be unavailable to make arrangements with another judge to handle his or her cases while the judge is unavailable.

Paragraph (A)(2) provides for the use of "two-way simultaneous audio-visual communication" to conduct the bench warrant hearing as another means of ensuring prompt bench warrant hearings. This provision addresses the availability of the judicial officer, including an investigating grand jury supervising judge, as well as the situation in which an individual is arrested on a bench warrant in another county. The correlative Comment provision explains the two-way simultaneous audio-visual communication is a form of "advanced communication technology" as defined in Rule 103.

Paragraph (A)(3) addresses the procedures when no judicial officer is available to conduct the bench warrant

hearing "promptly after the arrest," and is similar to the notice provisions in Civil Rule 1910.13-1(d). In the case when the judicial officer is unavailable, (1) the arrested individual must be lodged in the county jail pending the hearing, paragraph (A)(3)(a); (2) the authority in charge of the jail promptly must notify the court of the arrest and detention, paragraph (A)(3)(b); and (3) the hearing must be held without unnecessary delay and under no circumstances may the individual be detained without a bench warrant hearing longer than 72 hours after an arrest within the county of issuance, paragraph (A)(3)(c)(i). The Committee discussed at length the time limitation to impose for the detention of individuals arrested on bench warrants held without a bench warrant hearing. Recognizing the scheduling demands in the judicial districts, as well as the fact that the 72-hour time limit in Pa.R.C.P. 1910.13-1(d) has not created an undue burden on the judicial districts, the Committee agreed this time limit is reasonable.

A more complicated issue concerned the situation when the individual is arrested outside the judicial district of issuance. The members expressed concern that the 72-hour time limit was unrealistic when, given the difficulties in some cases of retrieving an individual from another judicial district, particularly when the judicial district of arrest is a great distance away from the judicial district of issuance. Ultimately, the Committee concluded a 144-hour outside time limit was reasonable, providing sufficient time for the judicial district of issuance to make arrangements for the individual's return without unnecessarily prolonging the individual's detention. The Committee also discussed at length a related issue concerning when the time limit would begin to run when the individual arrested on the bench warrant is in custody on another matter in the judicial district in which the bench warrant was executed. The members agreed the disposition of the matter pending in the other judicial district would take precedence over the bench warrant so the time limit for detention on the bench warrant should not run until the other matter is concluded. Paragraph (A)(3)(c)(ii) sets forth the 144-hour time limit and provides in cases in which there is a pending case, the 144-hour time limit does not begin to run until notice of the conclusion of the pending proceeding is provided to the judicial district of issuance. The timing and the importance of proceeding as soon as possible after the conclusion of the pending case are further explained in the third paragraph of the Comment.

Paragraph (A)(4) is taken from Civil Rule 1910.13-1(c), and requires that the bench warrant is to be vacated at the conclusion of the bench warrant hearing following the disposition of the matter. The Committee agreed a comparable provision in the Criminal Rules' bench warrant rules that requires the judicial officer to dispose of the bench warrant proceeding as well as vacate the warrant makes sense in view of the ongoing problems concerning adequate warrant controls and ensuring defunct warrants are removed from the national computer systems. This requirement will ensure the warrant is removed from all computer networks into which the bench warrant has been entered to prevent the individual from being re-arrested on the invalid warrant. The Comment reiterates that once the bench warrant is executed and the individual is taken into custody, the bench warrant is no longer valid. In addition, the Comment recognizes the existing practice in some judicial districts of having the clerk of courts cancel the bench warrant on the court's computer system when he or she receives a return of service, but cautions in these circumstances, the clerk

⁴ The procedures for instituting criminal proceedings by arrest warrant are governed by Rules 430 and 431 in summary cases and Rules 513-518 in court cases.

promptly must provide notice of the return of service to the judge who issued the warrant.

Another issue the Committee had some difficulty with concerned what should occur when the time limits in paragraph (A)(3)(c) expire. The Committee majority agreed there should be an automatic release from custody at the expiration of the time limit, and to accomplish this, the rule should provide that the bench warrant expires by operation of law. See paragraph (A)(5). A related issue that concerned the members was how to ensure the court knows the individual is eligible for release and is released promptly when the time limit expires. The Committee agreed it is the responsibility of someone in the court system—judge, court administrator, clerk of courts, or even counsel—to monitor the time and make sure the jail is told to release the individual. This point is emphasized in the seventh paragraph of the Comment.

Finally, the Comment also includes (1) cross-references to the summary case and court case rules governing arrest warrants that initiate proceedings to clearly distinguish those procedures from the new bench warrant procedures, and to Chapter 5 Part B concerning violation of the conditions of bail; and (2) an explanation that “court” as used in Rule 150 is not limited to courts of record but also includes district justice courts.

[Pa.B. Doc. No. 04-419. Filed for public inspection March 12, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Intermediate Punishment Plan; No. 057 MI 93

Administrative Order 7-2004

And Now, this 25th day of February, 2004, in order to modify policy and procedure for the Carbon County Intermediate Punishment Plan, it is hereby

Ordered and Decreed that, effective thirty days after publication in the *Pennsylvania Bulletin*, the Court hereby *Revises* its Intermediate Punishment Plan that follows.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

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

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

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

Purpose

To establish policy and procedure governing the administration of Carbon County's Intermediate Punishment Programs of Intensive Supervision Services, House Arrest/Home Electronic Monitoring and Residential Inpatient Treatment; and to establish a process whereby the intermediate punishment officer and/or presentence investigator can recommend innovative sentencing alternatives to the court that may permit a better balance between the dual needs of community protection and the welfare of the defendant.

Applicability

To the Carbon County Court of Common Pleas, Carbon County's Criminal Justice Advisory Board, all adult probation staff and all offenders under the jurisdiction of the department.

Definitions

As utilized in this document, the following definitions shall apply:

1. *Collateral Contact*: Communication with another person having regular contact with the offender, such as law enforcement personnel or treatment specialists.

2. *Criminal Justice Advisory Board*: A collective body of County officials that is responsible for the oversight of the County's Intermediate Punishment Plan and Programs.

3. *Home*: The actual living area of the temporary or permanent residence of an offender, which will only include “inside the confines” of the established home or apartment.

4. *Home Electronic Monitoring Program*: A sentence in which the offender is required to wear or carry an electronic device which transmits the offender's location to a receiver maintained by criminal justice personnel.

5. *House Arrest Program*: A sentence which orders offenders confined to their own residence except for preapproved excursions for medical treatment, employment, performance of community service work, drug/alcohol treatment or counseling and religious functions. House arrest may be combined with electronic monitoring to detect violations.

6. *Ignition Interlock System*: A system approved by the Department of Transportation which prevents a vehicle from being started or operated unless the operator first provides a breath sample indicating that the operator has an alcohol level less than .025%.

7. *Intensive Supervision Services*: A sentence with increased supervision, surveillance and control; reduced caseloads for probation officers; increased number of contacts per month; and mandated activities for the offender, including work or vocational training, community service work or drug/alcohol treatment.

8. *Intermediate Punishment Investigation*: An investigation completed by the intermediate punishment officer, which is provided to the court, that recommends whether an offender is eligible for participation in an intermediate punishment program.

9. *Intermediate Punishment Plan*: A document, which describes a proposed intermediate punishment program.

10. *Intermediate Punishment Programs*: A punishment option that is considered on a continuum to fall between traditional probation and traditional incarceration.

11. *Presentence Investigation*: A concise document provided to the sentencing court that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

12. *Residential Rehabilitative Center*: A community-based facility to which offenders can be sentenced directly where a range of rehabilitative services is available, including drug and alcohol treatment and counseling.

Authority and Policy Statement

Authority: This policy statement has been developed pursuant to and in accordance with statutory requirements, local rules established by the Carbon County Adult Probation/Parole Department and the formal adoption by the Carbon County Court of Common Pleas through administrative court order.

Policy Statement: The Carbon County Adult Probation/Parole Department and Carbon County Court of Common Pleas recognizes that "innovative sentencing" or "alternatives to incarceration" for low-risk, non-violent offenders is essential as a legitimate sentencing option available to the court. Offenders that demonstrate "special needs" or exhibit "low-risk, non-violent" tendencies shall be considered for diversion from exposure to confinement and placement in an intermediate punishment program. This approach will permit offenders to remain in the community to support themselves and their legal dependents. Certain restrictions shall be placed on the defendant that will ensure a better balance between the punishment and rehabilitation of the offender, which approach will not compromise the safety and the security of the community.

Criminal Justice Advisory Board

In accordance with 42 Pa.C.S.A. § 9802, the Criminal Justice Advisory Board shall oversee the functions of the County's Intermediate Punishment Board. The Criminal Justice Advisory Board meets monthly and shall periodically assess available county-wide correctional services and future needs; shall work with the county office of probation and parole in developing the Intermediate Punishment Plan; shall adopt a county intermediate punishment plan, including program policies for administration; shall monitor the effectiveness of county correctional services and shall identify needed modifications.

Primary Goals and Objectives

The County's Intermediate Punishment Programs shall embrace the primary purposes for the development of Intermediate Punishment Programs established by the Pennsylvania Commission on Crime and Delinquency, which are as follows:

1. To protect society and promote efficiency and economy in the delivery of corrections services.
2. To promote accountability of offenders to the community.
3. To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the Court, and,
4. To provide opportunities for offenders who demonstrate special needs to receive services, which enhance their ability to become contributing members of the community.

Secondary Goals and Objectives

Secondary objectives established and adopted by the Carbon County Criminal Justice Advisory Board, the Carbon County Court of Common Pleas and the Carbon County Adult Probation/Parole Department are as follows:

1. To divert low risk, non-violent and special need offenders from exposure to incarceration and to provide a degree of punishment to an offender, which is less severe than incarceration, yet more punitive than existing probation.
2. To establish viable sentencing alternatives for the Court.
3. To reduce the incidence of criminal behavior through increased surveillance and to promote a more structured environment conducive to fostering improved work habits, family life and treatment of social or behavioral problems.
4. To provide counseling, education and treatment for targeted offenders.

Minimum Guidelines for Intermediate Punishment Programs

The Pennsylvania Commission on Crime and Delinquency has adopted the following minimum guidelines. These guidelines shall be incorporated into the County's Intermediate Punishment Programs as follows:

1. *Intensive Supervision Services*: The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Intensive Supervision Services Program (See 37 Pa. Code § 451.119). This program shall include the following elements:
 - a. A drug testing capability for appropriate offenders.
 - b. A monitoring component, which defines the frequency and method of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.
 - c. Limitation of caseloads of program supervising officers consistent with the supervisory component as described in this policy statement.
 - d. A minimum requirement that eight (8) to twelve (12) face-to-face and four (4) to six (6) collateral contacts be made by the supervising officer each month.
 - e. A requirement that face-to-face and telephone contacts with offenders be made at all hours, seven (7) days per week.
 - f. A requirement that there be additional qualifications for participating offenders, such as work or vocational training, community service, drug treatment, and, in appropriate cases, a curfew.
 - g. Policy and procedure for responding to major and minor violations of the program.
2. *House Arrest Program*: The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the House Arrest Program (See 37 Pa. Code § 451.117). This program shall include the following elements:
 - a. A drug testing capability for appropriate offenders.
 - b. A requirement that offenders be employed or actively seeking employment or enrolled in educational program/vocational training or participating in community service, unless an offender is physically or mentally incapable of performing the same, and have fixed residences.

c. A monitoring component, which defines the frequency of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.

d. Limitation of the caseloads of program supervising officers consistent with the supervisory plan as described in this policy statement.

e. A requirement that a minimum of two (2) face-to-face and three (3) collateral contacts be made by the supervising officers each month.

f. A policy and procedure for responding to major and minor violations of program conditions.

g. If utilized in conjunction with the home electronic monitoring program, the minimum standards relating to home electronic monitoring shall be met.

h. A program for eligible DUI offenders shall be combined with an electronic monitoring program in accordance with the statutory requirements relating to sentencing restrictions.

3. *Home Electronic Monitoring:* The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Home Electronic Monitoring program (See 37 Pa. Code § 451.114). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. The timely detection of violations.
- c. The maintenance of a 24-hour-per-day response to detected violations.
- d. A monitoring component to ensure offender's compliance with the conditions of the program.
- e. A policy and procedure for responding to major and minor violations of program conditions.

4. *Residential Inpatient Drug and Alcohol Program:* The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Residential Inpatient Drug and Alcohol Program. The board shall document that the services are provided by a licensee of the Department of Health, Office of Drug and Alcohol Programs (ODAP) for residential inpatient drug and alcohol treatment (See 37 Pa. Code § 451.121). This program shall include the following elements:

- a. A drug testing capability.
- b. Establishment of services based on an assessment of the offender's needs and available community resources.
- c. Establishment of aftercare and follow-up services involving sustained and frequent interaction with recovering individuals who have progressed from the intensive or primary phase of treatment.
- d. Efforts to recruit, screen and select service providers.
- e. Guidelines to monitor the purchase of services for offenders.
- f. A monitoring component to ensure the offender's compliance with the conditions of the residential inpatient drug and alcohol program.
- g. Policy and procedure for responding to major and minor violations of residential inpatient drug and alcohol program conditions.

Method of Supervision

Generally, an offender sentenced to an intermediate punishment sanction shall be supervised in the community. However, office contacts will be permitted, but should not be relied upon by the officer. Supervision of program participants shall occur as follows:

1. *Intensive Supervision Program:* Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

a. *Community Supervisor:* The officer shall maintain two (2) face-to-face contacts with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

b. *Collateral Contacts:* The officer shall maintain a minimum of one (1) collateral contact per week with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact per month must be with a law enforcement official.

c. *Urine Screens:* The officer shall refer all offenders to the Carbon-Monroe-Pike Drug/Alcohol Commission for urine testing; however, it is recommended that random urine samples be secured to enhance the drug testing component of this sanction.

2. *House Arrest/Home Electronic Monitoring:* Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

a. *Community Supervisor:* The officer shall maintain one (1) face-to-face contact with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

b. *Collateral Contacts:* The officer shall maintain a minimum of three (3) collateral contacts per month with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact must be with a law enforcement official.

c. *Urine Screens:* The officer shall refer all offenders to the Carbon-Monroe-Pike Drug and Alcohol Commission for urine testing; however, it is recommended that random urine samples be secured to enhance the drug testing component of this sanction.

3. *Residential Inpatient Drug and Alcohol Program:* Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

a. *Community Supervisor:* The officer shall maintain contact with the inpatient facility to ensure that the offender is compliant with the requirements of the treatment program. The officer shall maintain one (1) monthly contact with the offender while in the treatment program.

b. *Collateral Contacts:* The officer shall maintain weekly contact with the treatment counselor.

c. *Urine Screens:* The offender shall undergo random urinalysis testing as per the requirements of the inpatient treatment facility.

d. *Referral Process:* Offenders selected for the residential inpatient treatment program shall be referred to the Carbon-Monroe-Pike Drug/Alcohol Commission in order to locate a suitable facility accredited by the Office of Drug and Alcohol Programs. An assessment shall be conducted on the offender to determine his/her level of care.

e. *Credit for Time Served:* Offenders who successfully complete inpatient treatment, may receive credit towards

mandatory minimum provisions of the Drunk Driving Law or other total or partial confinement sentences.

f. *Probation, Parole or Intermediate Punishment Violators*: These violators will be considered for an early discharge from their recommitment sentence, to a residential inpatient treatment program, when the violations are for drug and/or alcohol technical violations.

g. *Treatment Documentation*: The assigned officer shall execute a release of information form to secure all treatment documentation on the offender's progress while in the program.

h. *After-Care/Follow-up Recommendations*: The offender will be required to follow all after-care recommendations made by the treatment facility.

Intermediate Punishment Requirements

An order for an intermediate punishment program for an offender may be continuous or intermittent. The participant will be required to remain within the confines of his/her residence, except when the offender is participating in any of the following:

1. Working at acceptable employment approved by the Court or the Adult Probation/Parole Department or traveling to and from approved employment.
2. Unemployed and actively seeking employment.
3. Undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved by the Court or the Adult Probation/Parole Department.
4. Attending a vocational or educational program approved by the Court or the Adult Probation/Parole Department.
5. Attending a regularly scheduled religious service at a place of worship.
6. Participating in a community work release or community service program.
7. Sentenced to the intensive supervision program without a curfew restriction.
8. Engaging in other activities specifically approved by the Court or the Adult Probation/Parole Department.

Sentence of Intermediate Punishment

In imposing a sentence of intermediate punishment, the court shall specify at the time of sentencing the length of the term for which the defendant is to be in an intermediate punishment program or a combination of intermediate punishment programs. The term may not exceed the maximum term for which the defendant could be confined and the program to which the defendant is sentenced. The court may order a defendant to serve a portion of the sentence under 42 Pa.C.S.A. § 9755 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S.A. § 9756 (relating to total confinement) and to serve a portion in an intermediate punishment program or a combination of intermediate punishment programs pursuant to 42 Pa.C.S.A. § 9763 (sentence of intermediate punishment).

Eligible Offenders

Pursuant to 42 Pa.C.S.A. § 9802 (relating to intermediate punishment) for purposes of sentencing, an eligible offender shall be defined as follows:

1. A person convicted of an offense who would have otherwise been sentenced to a county correctional facility to a period of partial confinement pursuant to 42

Pa.C.S.A. § 9724 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S.A. § 9725 (relating to total confinement).

2. An offender who does not demonstrate a present or past history of violent or assaultive behavior.

Eligible DUI Offender

Any person convicted under 75 Pa.C.S.A. § 3802 (relating to driving under the influence of alcohol or controlled substance) and receiving a penalty imposed pursuant 75 Pa.C.S.A. § 3804 (relating to penalties) may only be sentenced to an intermediate punishment program in:

1. A residential inpatient treatment program or a residential rehabilitative center.
2. A house arrest program coupled with a home electronic monitoring program combined with drug and alcohol treatment.

Ineligible Offenders

Pennsylvania law states that any person convicted of certain targeted offenses shall be ineligible under a sentence of intermediate punishment (See 42 Pa.C.S.A. § 9802).

Ineligible DUI Offenders

Unless otherwise court ordered, the following DUI offenders are declared ineligible for participation in Carbon County's home electronic monitoring program pursuant to 75 Pa.C.S. § 3804 (relating to penalties):

1. An offender with a BAC of .08% to .099%, second and third offense.
2. An offender with a BAC of .10% to .159% (High Rate of Alcohol), first offense.
3. An offender with a BAC of .16% or higher (Highest Rate of Alcohol), first and third offense.
4. All fourth time offenders, regardless of the BAC.

Miscellaneous Eligibility Criteria

In addition to statutory eligibility requirements and the requirements of this policy statement, any offender who meets any of the following additional criteria shall not be recommended for participation under an order of intermediate punishment:

1. An offender who exhibits a present or past history of violent or assaultive conduct.
2. An offender who is being held under a detainer, warrant or process issued by this Court or a Court of another jurisdiction.
3. An offender who has been revoked from a period of supervision on two (2) or more separate occasions.
4. An offender who has an extensive criminal or driving record.
5. An offender who resides in the Commonwealth, but outside the geographical boundaries of Carbon County, unless the resident jurisdiction has a comparable intermediate punishment program.
6. No serious bodily injury or death resulted from the incident and/or the victim suffered serious psychological harm as a result of the offender's actions.
7. An offender who has a history of prison escape.
8. An offender who has a history of chronic mental health or psychotic behavior, which would interfere with the operation of the program.

9. An offender who does not have a telephone in the residence.

10. An offender who does not desire to participate in these programs.

11. An offender who has been afforded home electronic monitoring in the past.

12. An offender convicted of Driving Under Suspension pursuant to 75 Pa.C.S.A. § 1543(b).

13. An offender who did not possess a valid driver's license at the time of the arrest.

14. An offender convicted of Habitual Offenders pursuant to 75 Pa.C.S.A. § 6503.1.

15. An offender convicted of Fleeing or Attempting to Elude Police Officer pursuant to 75 Pa.C.S.A. § 3733.

16. An offender convicted of Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock pursuant to 75 Pa.C.S.A. § 3808.

17. An offender who received an early discharge from the ARD Program and committed his/her DUI offense while in the ARD Program, but did not report the new arrest to his probation officer.

18. An offender who does not make restitution to the victim(s) for out-of-pocket losses that were not covered by an insurance company, prior to acceptance into an intermediate punishment program.

19. An offender who resides outside the Commonwealth of Pennsylvania.

20. The offender, at the time of the offense, did not possess the necessary motor vehicle insurance set forth by the Pennsylvania No-Fault Motor Vehicle Insurance Act, to cover all property damage and/or personal injuries.

21. An offender who due to "exigent circumstances" or "deemed inappropriate" for inclusion in the program by the investigative officer.

Requirements for Driving Under Influence Offenders

Evaluation Using Court Reporting Network: Pursuant to the requirements of 75 Pa.C.S.A. § 3816 (requirements for driving under influence offenders) any offender convicted of 75 Pa.C.S.A. § 3802 (relating to driving under the influence of alcohol or controlled substance) recommended for participation in an intermediate punishment program shall, prior to sentencing be evaluated using Court Reporting Network (CRN) instruments.

Drug and Alcohol Assessments: Pursuant to the requirements of 75 Pa.C.S.A. § 3814 (drug and alcohol assessments) any offender convicted of 75 Pa.C.S.A. § 3802 (relating to driving under the influence of alcohol or controlled substance) recommended for participation in an intermediate punishment program shall, prior to sentencing be subject to a full assessment for alcohol and drug addiction when,

1. The defendant, within ten years prior to the offense for which sentence is being imposed, has been sentenced for an offense under:

- a. 75 Pa.C.S.A. § 3802
 - b. former section 75 Pa.C.S.A. § 3731
 - c. an equivalent offense in another jurisdiction
2. Either:

a. The evaluation under paragraph (1) of 75 Pa.C.S.A. § 3814 (drug and alcohol assessments) indicates there is a need for counseling or treatment; or

b. The defendant's blood alcohol content at the time of the offense was at least .16%.

Failure to Obtain Necessary Evaluations: Any offender who fails to obtain the necessary evaluations, prior to sentencing and placement in an intermediate punishment program, shall be declared ineligible for participation, unless otherwise court ordered.

Target Population

The following population of DUI offenders shall be specifically targeted for inclusion in Carbon County's Home Electronic Monitoring Program.

High Rate of Alcohol—Second Offense: Pursuant to 75 Pa.C.S.A. § 3804 (relating to penalties) an offender with a BAC of .10% to .159%, second offense shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation as described in this policy statement. If declared eligible, the defendant shall be sentenced as follows:

1. The defendant shall be remanded to prison to serve the mandatory minimum sentence of thirty (30) days, however;

2. The offender shall serve only seven (7) days of incarceration, which period of imprisonment shall be served on consecutive days.

3. After completion of the seven (7) days of imprisonment, the defendant shall serve the remaining twenty-three (23) days on home electronic monitoring.

Highest Rate of Alcohol—Second Offense: Pursuant to 75 Pa.C.S.A. § 3804 (relating to penalties) an offender with a BAC of .16% or higher, second offense shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation as described in this policy statement. If declared eligible, the defendant shall be sentenced as follows:

1. The defendant shall be remanded to prison to serve the mandatory minimum sentence of ninety (90) days, however;

2. The offender shall serve only thirty (30) days of incarceration, which period of imprisonment shall be served on consecutive days.

3. After completion of the thirty (30) days of imprisonment, the defendant shall serve the remaining sixty (60) days on home electronic monitoring.

High Rate of Alcohol—Third Offense: Pursuant to 75 Pa.C.S.A. § 3804 (relating to penalties) an offender with a BAC of .10% to .159%, third offense shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation as described in this policy statement and successfully completes the following additional requirement:

1. The offender successfully completes a residential inpatient treatment program provided by a current licensee of the Department of Health, Office of Drug and Alcohol Programs for outpatient services.

Upon a determination of eligibility for participation in the home electronic monitoring program, the defendant shall be sentenced as follows:

1. The defendant shall receive credit for all time spent in a residential inpatient treatment program towards the mandatory minimum sentence of ninety (90) days, unless otherwise court ordered.

2. The defendant shall serve the remaining portion of the mandatory minimum sentence of ninety (90) days on home electronic monitoring.

Residential Inpatient Drug and Alcohol Program

Any offender who is declared eligible for participation in Carbon County's home electronic monitoring program pursuant to this policy statement (High Rate of Alcohol—Second Offense and Highest Rate of Alcohol—Second Offense) and successfully completes an inpatient treatment program shall have his/her required period of incarceration waived, unless otherwise court ordered. The defendant shall receive credit towards the mandatory minimum sentence for all time spent at an inpatient treatment program with the remaining balance of the mandatory minimum sentence served on home electronic monitoring.

Work Release Privileges

Pursuant to this policy statement, all offenders required to serve a portion of the mandatory minimum sentence incarcerated shall be eligible for participation in the work release program, provided they meet the eligibility requirements of the Carbon County Work Release Program. It is recommended that the intermediate punishment officer and work release director coordinate efforts to ensure that no interruption occurs in the offender's employment status and to ensure that a smooth transition occurs from incarceration to the home electronic monitoring program.

Service and Completion of Period of Confinement

Upon successfully serving the period of incarceration imposed by the court and without further order of court, the defendant shall be automatically released from prison and immediately report to the Carbon County Adult Probation for installation of the home electronic monitoring equipment.

Prison Infractions

An offender who violates any rules and regulations of the prison while serving his/her prison sentence and is awaiting release to the home electronic monitoring program shall be declared ineligible for participation in an intermediate punishment program. Upon order of court, the defendant shall remain incarcerated to serve the remaining balance of his/her mandatory minimum sentence. However, if the offender violates another rule or regulation after being declared ineligible for participation in the home electronic monitoring program, then the offender will not be released upon reaching his/her minimum sentence and must petition the court for parole consideration.

Screening Process

An offender may be declared eligible upon the recommendation of the Adult Probation/Parole Department upon the successful completion of any of the following or combination thereof:

1. A presentence investigation.
2. An intermediate punishment investigation.
3. Any offender placed in these programs by an Order of Court.

Intermediate Punishment Investigations and Presentence Investigations

During the investigative phase and prior to sentencing, the presentence investigator shall identify prospective participants for possible consideration in an intermediate punishment program. During the preparation of guilty plea reports or a presentence report, the investigator shall refer all plea agreements and sentencing recommendations that suggest a sentence of intermediate punishment to the intermediate punishment officer for investigation. This investigation shall include the following:

1. Completion of an intermediate punishment eligibility application, which application is available at the Carbon County Adult Probation/Parole Office.
2. An interview of the defendant and other occupants of the residence, when applicable.
3. Explanation of program requirements to the offender and all occupants of the residence, when applicable.
4. Completion of all appropriate forms, which include:
 - a. Occupant's Approval Form, if applicable.
 - b. Explanation of the conditions of the home electronic monitoring program.
 - c. Equipment Responsibility Form.
 - d. New Client Installation Form, if applicable.
5. Inspection of offender's residence to determine if conducive for participation in the electronic monitoring program.
6. Written memorandum to the court with sentence recommendation.

Conditions of Home Electronic Monitoring

The court shall attach such reasonable conditions upon the defendant for participation in the electronic monitoring program pursuant to 42 Pa.C.S.A. § 9763(b).

Voluntary Participation

Participation in these programs shall be strictly on a voluntary basis. Offenders who do not desire to participate in these programs will be declared ineligible.

Program Explanation

All program requirements shall be explained prior to admission of the offender into an intermediate punishment program. Also, all occupants of the approved residence shall be advised of the restrictions and requirements of the program. If a resident objects to the program, then the offender may be declared ineligible.

Post Sentencing Orientation

After placement into the home electronic monitoring program, the participant shall be advised of the date and time that the equipment will be installed in the residence and other program requirements.

Intake Process

Upon an Order of Intermediate Punishment, the offender shall immediately report to the adult probation/parole department for an intake. During the intake process, the following paperwork shall be completed:

1. Execution of the conditions of the intermediate punishment program.
2. Completion of facesheet and photograph of offender.
3. Completion of risk/needs assessment form.

4. Completion of Supervision Plan.
5. Execution of Release of Information Form.

Enrollment and Initial Home Contact

During the initial home contact with the offender, the assigned officer shall:

1. Review the terms and conditions of the program.
2. Explain program requirements to all residents.
3. Read, explain and obtain signatures on all forms.
4. Explain parameters of home electronic monitoring program.
5. Explain consequences of program violations.
6. Explain payment of daily monitoring fees.
7. Explain responsibility and maintenance of equipment.
8. Install equipment.
9. Confirm with the monitoring center that equipment is operational.
10. Obtain a layout of the residence.

Offender Enrollment Forms and Schedule Change Forms

The intermediate punishment officer shall be responsible for the completion of all forms associated with the enrollment of the offender and other changes or modifications to the offender's schedule. All completed forms shall be faxed to the monitoring center.

Daily Activity Reports

All daily activity forms will be faxed to the agency and the intermediate punishment officer shall review these reports for conformity and compliance with the approved offender schedule.

Ankle Bracelets and Monitoring Equipment

Offenders placed on a home electronic monitoring unit will be required to wear ankle bracelets at all times. The bracelet emits a continuous signal to a receiver installed in the residence. Upon every field visit by the probation officer, a visual inspection of all monitoring equipment shall be conducted to ensure proper functioning.

Equipment Responsibility

All electronic monitoring equipment installed in the offender's residence shall be the exclusive responsibility of the participant to maintain its proper functioning and operation. Any tampering, theft or destruction of the equipment by the offender may result in the filing of criminal charges, being held financially responsible for the cost of the equipment and being immediately terminated from the program. Also, every participant must read and sign the equipment responsibility form.

Equipment Inventory After Installation

All equipment placed in the residence must be inventoried at the time of installation.

Offender Subsistence

Every offender placed in an intermediate punishment program will be responsible for their own subsistence, which includes, housing, clothing, medical care or other treatment or household expenses. Every participant shall be afforded a designated time during the week for grocery shopping, medical appointments or other basic necessities. All departures from the approved schedule must

receive prior approval by the intermediate punishment officer or Chief Adult Probation Officer.

Verification of Compliance With Court Imposed Sanctions

The assigned officer shall secure and verify employment via pay stubs or interviews with the employer. Also, if the offender is undergoing treatment or counseling, the officer shall verify all sessions with the counselor. Verification is an important aspect of supervision, for it ensures compliance with the conditions of the program.

Program Violations

The following system for program violations shall be utilized to determine the level of compliance with the conditions of Intermediate Punishment Programs.

Minor Violations

The following violations shall be considered minor in nature:

1. Failure to report as scheduled.
2. Failure to notify staff of changes in work status.
3. Failure to comply with rules and regulations of the program or Court order.
4. Unauthorized individuals within the residence.
5. Departure from schedule, such as leaving early or returning late.

Minor Violation Process

When "minor" violations are detected, the following corrective action may be initiated by the assigned officer:

1. Verbal reprimand.
2. Written violation report.
3. Administrative conference.
4. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.

Major Violations

The following violations shall be considered major in nature:

1. Possession of firearms, deadly weapons or offensive weapons.
2. Possession or consumption of alcoholic beverages.
3. Possession or positive urine test for a controlled substances.
4. Possession of drug paraphernalia.
5. Relocation from the approved residence without the prior approval of the assigned Officer.
6. A new arrest for violation of Municipal, County, State and Federal laws, as well as, provisions of the Liquor Code and the Vehicle Code.
7. Escape, which shall be defined as a period of one (1) hour or longer in which the participant has left the approved residence and is unaccounted for.
8. Repeated minor violations.
9. Destruction, theft or tampering with electronic monitoring equipment.
10. Operating a motor vehicle on a public highway while license is suspended.

11. Failure to maintain the scheduled drug/alcohol treatment plan.

12. Termination of offender's telephone service.

Major Violation Process

When "major" violations are detected, the assigned officer may initiate the following corrective action:

1. Written violation report.
2. Administrative conference.
3. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.
4. File a petition to revoke intermediate punishment sentence requesting a hearing and/or a warrant for arrest and detention of offender.

Investigation of Detected Program Violations

All violations of any intermediate punishment program shall be investigated by the assigned officer or on-call officer immediately after detection. All relevant information and documentation concerning electronic monitoring violations shall be obtained from the central monitoring station with all persons involved being interviewed. Upon determination of the specific violation, the officer shall follow the violation process as described in this policy statement.

Investigation of Program Violations (After Normal Business Hours)

Response to program violations after normal business hours shall occur as follows:

1. *On-Call Schedule:* The Chief Adult Probation/Parole Officer shall prepare and post an on-call schedule. All Adult Probation/Parole Officers will be scheduled and rotated on a weekly basis and shall be responsible for the following:

- a. The on-call officer must wear the digitized pager at all times. Failure to respond to a page will result in appropriate disciplinary action.
- b. The on-call officer will be responsible for the pager. If the pager is damaged or lost, the cost of the pager may be assessed to the officer.
- c. Modifications to the on-call schedule are permitted. Prior arrangements shall be made with the Chief and the Carbon County Communications Center to ensure proper coverage.

2. *Home Electronic Monitoring Violations:* In the event that an electronic monitoring violation occurs, the following procedures shall be utilized:

- a. The central monitoring station has been provided a procedure to notify the Carbon County Communications Center for program violations.
- b. The Carbon County Communications Center shall be provided all officer pager numbers and personal telephone numbers.
- c. An intermediate punishment program manual will be provided to all officers as a reference guide. All telephone numbers will be available within the manual.
- d. When the on-call officer is notified of a program violation, the officer shall respond to the page immediately. If the violation is for home electronic monitoring, the officer shall contact the central monitoring station to determine the nature of the violation. If the monitoring center cannot correct the problem, then the officer shall contact the offender to resolve the problem. If the prob-

lem cannot be rectified over the telephone, then, the on-call officer must respond to the residence to investigate the violation. However, before conducting the field investigation, the on-call officer shall contact the back-up on-call officer for authorization and then contact the pretrial services on-call officer for possible assistance. The on-call officer shall not conduct a field investigation alone and without proper authorization from a supervisor.

e. The following home electronic monitoring violations must be investigated by the on-call officer after normal business hours. All other program violations will be investigated by the assigned probation officer the next available working day.

1. Band Tamper (absolute response)
2. Out-of-Range
3. Power Outage or Loss
4. Transmitter not found (dead battery)

f. When it is determined by the on-call officer that immediate termination is justified for the violation, the officer shall:

1. Immediately notify the back-up on-call supervisor.
2. Contact the bail officer for possible assistance.
3. Contact other adult probation staff for possible assistance.
4. Contact the Carbon County Communications Center for possible assistance from the Carbon County Sheriff's Department.
5. If the Sheriff's Department is unavailable, then contact the local police department for possible assistance.
6. Under no circumstances shall a probation officer attempt to arrest the offender without proper authorization from the back-up on-call supervisor and proper presence of other adult probation staff or law enforcement personnel.

7. The offender shall be transported to prison by adult probation staff or the Sheriff's Department. A Warrant to Commit and Detain Form shall be executed and provided to prison officials for admission of the offender.

8. If the offender is immediately terminated from the program, then all home electronic monitoring equipment shall be removed from the residence and inventoried. The monitoring center shall be immediately notified of the termination.

Petition to Revoke an Order of Intermediate Punishment

When the intermediate punishment officer determines that the offender violated the conditions of the program in such a manner that requires termination from the program, then a petition to revoke intermediate punishment shall be filed with the Clerk of Courts Office outlining all program violations.

Modification or Revocation of Intermediate Punishment Sentence

The court may at any time terminate a sentence of intermediate punishment or increase or decrease the conditions of the sentence pursuant to 42 Pa.C.S. § 9763 (sentence of intermediate punishment) or 42 Pa.C.S. § 9773 (modification or revocation of intermediate punishment sentence).

Termination From an Intermediate Punishment Program

The following criteria shall be utilized to determine when an offender should be terminated from an intermediate punishment program:

1. The participant has successfully completed all conditions of the program.
2. The participant has committed "major" violations of the program and was returned to prison.
3. The participant has served the minimum sentence imposed by the Court and has been legally discharged.

Termination Order

Upon successful completion of the minimum sentence, an order of court shall be prepared discharging the offender from the home electronic monitoring program. Afterwards, the officer shall review and have the offender sign the standard conditions of release, with the offender being reassigned to another probation officer.

Equipment Inventory After Termination

Upon termination from the program, the officer shall inventory and visibly inspect all equipment to ensure that no damage occurred during the program.

Cleaning of Equipment

It shall be the responsibility of the intermediate punishment officer to properly clean and sanitize all electronic monitoring equipment after an offender has been discharged from the program. No equipment shall be installed on another offender until the bracelet and home unit has been properly cleaned.

Monitoring Fees

An offender placed in the home electronic monitoring program shall be responsible for all costs associated with the monitoring aspect of the program. All fees collected will be deposited into an account to be utilized for the operation of the home electronic monitoring program or other departmental operations. Finally, all fees shall be made part of the order of sentence and the certificate of costs sheet.

Local Law Enforcement Notification

Local law enforcement agencies will be provided with all information concerning program participants.

Case Records

After placement into an intermediate punishment program, a case record folder shall be prepared by the secretary and a completed facesheet provided to the

assigned officer. Also, a complete roster of intermediate punishment participants shall be maintained by the project coordinator.

Transfer Cases

The Intermediate Punishment Officer shall coordinate efforts with other jurisdictions when appropriate candidates are identified. When an offender resides in another jurisdiction, the intermediate punishment officer shall confer with the resident county to determine whether that jurisdiction has an intermediate punishment program. All arrangements shall be made by the intermediate punishment officer and forwarded to the Court for review. All costs associated with other county's programs will be absorbed by the offender. Failure to cooperate and comply with the rules and regulations of the other jurisdiction's program will result in the offender being declared ineligible for participation.

Courtesy Cases

The department will accept intermediate punishment cases from other jurisdictions. Requesting counties shall coordinate with the intermediate punishment officer to determine eligibility. The officer will conduct an investigation pursuant to this policy statement and advise the requesting county whether the offender qualifies. If the department accepts an offender for supervision, then an effective date shall be established. Prior to enrollment in the program, the offender will be required to pay the current daily monitoring fee established by the court, for the entire period of supervision, in full. No personal checks will be accepted, only cash or money orders. A receipt will be provided to the offender.

Caseload Limits

The Chief will periodically review the caseloads of the Intermediate Punishment Officer to ensure that the officer has a manageable caseload and proper resources. This review process will ensure that the minimum standards adopted by the State and the Court are not compromised.

Project Coordination

The Chief Adult Probation/Parole Officer or his designee shall be responsible for the preparation, completion and submission of all sub-grant reports, progress reports, budget modification forms and related documentation to the Pennsylvania Commission on Crime and Delinquency. The Project Coordinator and the intermediate punishment officer, in conjunction with the Carbon County Criminal Justice Advisory Board, shall evaluate program goals and effectiveness on a regular basis.

[Pa.B. Doc. No. 04-420. Filed for public inspection March 12, 2004, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

STATE CIVIL SERVICE COMMISSION

[4 PA. CODE CHS. 91, 93, 95, 97, 99, 101, 105 AND 110]

Act 140 Implementation

The State Civil Service Commission (Commission), under the authority of section 203(1) of the Civil Service Act (act) (71 P. S. § 741.203(1)), amends Chapters 91, 93, 95, 97, 99, 101, 105 and 110 to read as set forth in Annex A

Omission of Proposed Rulemaking

Under authority of section 204(1) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1) and (3)), known as the Commonwealth Documents Law, the Commission has omitted proposed rulemaking. As is more fully explained, proposed rulemaking has been omitted because:

(a) Civil service rules regulate the State-classified service only and are, therefore, either personnel rules or related to agency procedure or practice.

(b) Most of the amendments change existing regulations to conform with the requirements of the act of November 27, 2002 (P. L. 1129, No. 140) (Act 140), which amended the act, or the Americans With Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213), and are therefore the result of self executing legislation.

(c) The other amendments update Commission administrative practices and procedures with regard to, inter alia, recordkeeping, managing eligible lists and conducting administrative hearings.

(d) Public comment is unnecessary because the amendments are legislatively mandated or reflect established, ongoing agency personnel practices and procedures, or both, and the Commission has already sent copies of the proposed amendments to its client State agencies, solicited their comments and incorporated many of their suggestions, including those forwarded to the Commission by the Office of General Counsel. In addition, under section 208 of the act (71 P. S. § 741.208), the Commission has advertised and held public hearings in Harrisburg (October 14, 2003), in Pittsburgh (October 20, 2003) and in Philadelphia (November 3, 2003) seeking public comment. Despite advertising these meetings and posting the proposed amendments on the Commission's website along with the meeting dates and times, no member of the public appeared to comment at any of these meetings. Therefore, the Commission in good faith has determined that the solicitation of additional public comments is unnecessary.

Description and Reasons for Final-Omitted Rulemaking

The following provisions are affected or added by these amendments:

In § 91.3 (relating to definitions), the definitions of various personnel terminology ("demotion," "permanent position," "probationary period," "promotion," "promotion examination" and "temporary position") have been slightly amended to eliminate confusion or to conform to changes in definitions that were made in Act 140, or both. A definition for "regular status," which was not previously defined in this section, has been added.

Sections 91.4, 95.1a, 95.2, 95.33, 97.3, 97.31, 97.33, 97.37, 97.39, 97.51, 99.11, 99.13, 99.26, 101.21, 101.31, 101.32 and 105.1 are amended expressly to conform to the changes enacted by Act 140.

The amendment to § 93.1 (relating to meetings of Commission) clarifies that the Commission has the authority to reschedule a public meeting upon "appropriate public notice."

Section 95.1 (relating to application requirements) is amended expressly to conform to the changes enacted by Act 140 and to satisfy requirements of the ADA.

Section 95.6 is rescinded, as it is not currently being used by the Commission for any classification.

Section 95.7 (relating to promotion procedure) is amended expressly to conform to the changes enacted by Act 140 and to conform to the Commission's present practice and procedure governing the use of the unqualified recommendation for promotion candidates.

Section 95.14 (relating to use of class specifications in examinations) is incidentally amended for clarification only and to satisfy requirements of the ADA.

Section 95.21 (relating to scheduling of examinations) is amended to clarify that the Director has the authority to postpone, cancel and reschedule civil service examinations as necessary.

Section 95.22 (relating to administration and scoring of examinations) is incidentally amended for clarification only.

Section 95.23 (relating to security of competitive standards) is amended to clarify that most civil service testing is by computer and, therefore, paperless.

Section 95.32 (relating to special assistance in recruitment) is amended expressly to conform to the changes enacted by Act 140. Specifically, the requirement that public notices of examinations be disseminated in a particular way for every examination was eliminated by the amendment to section 504 of the act (71 P. S. § 741.504).

Section 95.41 (relating to preservation of examination records) is amended incidentally for clarification and also to conform to current Commission practices and procedures.

Section 95.42 (relating to preservation of examination records) is incidentally amended for clarification and to eliminate confusion. Eligible lists are constantly changing as things are added and removed. This process is done by computer and any eligible list that existed at any point in time is able to be reconstructed electronically thereafter. As formerly worded, § 95.42 implied that there is a single, unified eligible list that results from a single examination. In the age of computerized testing, this is no longer the case.

Sections 95.43 and 95.44 (relating to inspection of examination records; and information regarding unsuccessful candidates) are amended incidentally for clarification. Almost all civil service testing is by computer and, therefore, paperless.

Section 95.51 (relating to eligible lists) is amended to clarify who is a "successful candidate." The previous language of § 95.51 did not define this term adequately.

Section 95.52 is rescinded.

Sections 95.61 and 95.63 (relating to extension and cancellation of eligible lists; and amendment of an eligible list) are amended to clarify that eligible lists are now electronic and are changing constantly.

Section 97.4 (relating to effect of appointment from list) is amended incidentally to eliminate confusion. The amendment is not substantive.

Section 97.12 (relating to rejection of eligibles—passovers) is amended to clarify that an eligible that has three pass overs can immediately reexamine for the position. This conforms to existing practice and procedure of the Commission.

Section 97.13 (relating to removal of eligible) is amended to clarify that there is already in place an established procedure for this process.

Section 97.63 (relating to working out-of-class) is amended to clarify that an employee must already be a member of the classified service to work out-of-class in another position in the classified service. This conforms to Commission practice and procedure.

Sections 99.1, 101.41, 105.3 and 105.11 are amended expressly to conform to the changes enacted by Act 140. The requirement was removed by Act 140.

Section 99.22 (relating to initiation of transfer) is amended to clarify that the form described is no longer printed by the Commission as it is available for downloading and printing from the Internet.

Section 105.13 (relating to form of hearing) is amended to conform to the current practices and procedures of the Commission to utilize a hearing examiner to hear some civil service appeals. The Commission has the authority to employ hearing examiners to conduct its hearings. *Bosjak v. State Civil Service Commission*, 781 A.2d 1280 (Pa. Cmwlth. 2001).

Section 105.14a (relating to subpoenas) is amended to conform to current Commission practices and procedures in the use of subpoenas. The Commission's authority to issue subpoenas is established by section 209 of the act (71 P. S. § 741.209).

Section 105.14d (relating to prehearing conferences) is added to set forth the Commission's current practices and procedures for holding and conducting prehearing conferences for civil service appeals. The Commission's authority to hold prehearing conferences is provided by 1 Pa. Code § 35.113 (relating to initiation of conferences).

Sections 110.24 and 110.25 (relating to documents which may be furnished without charge; and documents which may not be furnished without charge) are amended to recognize that many "records" are now computerized and, therefore, may not necessarily be recorded on "paper."

Section 110.28 (relating to records retention) is amended to conform to current Commission practices and procedures under its existing policy on records retention. The modification also clarifies that Commission records may be either in hardcopy or stored electronically.

Paperwork

The final-omitted rulemaking will reduce existing paperwork requirements by eliminating the need for appointing authorities to send unnecessary copies of notices to the Commission.

Fiscal Impact

The final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth or its appointing

authorities and should result in cost savings to both the appointing authorities and applicants for civil service examinations.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on December 22, 2003, the Commission submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on February 11, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 12, 2004, and approved the final-omitted rulemaking.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative regulation adopted by this order has been omitted under sections 204(1) and (3) of the act of July 31, 1968 (P. L. 769, No. 240).

(2) The adoption of these amendments by the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the act and Commission regulations appearing in 4 Pa. Code (relating to administration).

Order

The Commission, acting under the authority of the act, orders that:

(a) The regulations of the Commission, 4 Pa. Code Chapters 91, 93, 95, 97, 99, 101, 105 and 110, are amended by amending §§ 91.3, 91.4, 93.1, 95.1, 95.1a, 95.2, 95.7, 95.14, 95.21—95.23, 95.32, 95.33, 95.41—95.44, 95.51, 95.61, 95.63, 97.3, 97.4, 97.12, 97.13, 97.31, 97.33, 97.37, 97.39, 97.51, 97.63, 99.11, 99.13, 99.22, 101.21, 101.31, 101.32, 105.1, 105.3, 105.11, 105.13, 105.14a, 110.24, 110.25 and 110.28; by deleting §§ 95.6, 95.52, 99.1, 99.26, 101.41; and by adding § 105.14d to read as set forth in Annex A.

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

(b) The Executive Director of the Commission shall submit this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

RONALD K. ROWE,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 1297 (February 28, 2004).)

Fiscal Note: 61-05. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART IV. CIVIL SERVICE COMMISSION

Subpart A. RULES OF THE CIVIL SERVICE COMMISSION

CHAPTER 91. GENERAL PROVISIONS

§ 91.3. Definitions.

Words, terms and phrases, when used in this part, have the meaning in section 3 of the act (71 P. S. § 741.3), unless the context clearly indicates otherwise. In addition, the following terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—The Civil Service Act (71 P. S. §§ 741.1—741.1005).

Appointing authority—The officers, board, commission, person or group of persons having power by law to make appointments in the classified service.

Certification—The referral of one or more eligibles by the Director to an appointing authority, in order to fill one or more positions or to take appropriate classification action.

Class or class of positions (also known as jobs)—A group of positions in the classified service which are sufficiently similar in respect to the duties and responsibilities that the same descriptive title may be used for the position, the same requirements as to experience, knowledge, and ability are demanded of incumbents, the same tests of fitness may be used to choose qualified appointees, and the same schedule of compensation may be made to apply with fairness under like working conditions.

Classification plan—A plan consisting of a schedule of class titles and related codes arranged according to a series of classes and occupational services, including class specifications for each class, as approved by the Executive Board.

Commission—The State Civil Service Commission of the Commonwealth.

Demotion—The voluntary or involuntary movement of an employee to a class assigned to a pay range with a lower maximum salary, except as provided for in § 99.41 (relating to effect of reclassifications).

Director—The Executive Director of the Commission.

Eligible—A person whose name is on an eligible list.

Eligible list—An employment list, promotion list, or reemployment list.

Emergency employee—A qualified person hired by an appointing authority to meet an unexpected need and whose tenure will be not more than 60 work days.

Employee—A person legally occupying a position in the classified service.

Employment list—A list of persons who have been found qualified by an entrance examination for appointment to a position in a particular class.

Entrance examination—An examination for positions in a particular class, admission to which is not limited to persons employed in the classified service.

Examination—A test, series of tests, or assessments used to determine the degree to which applicants or employees are qualified for appointment or promotion and

includes, but is not limited to, written tests, oral tests, ratings of qualifications, performance tests, medical tests, physical or agility tests, personality or interest inventories, and biographical inventories.

Furlough—The termination of employment because of lack of funds or work.

Intermittent position—A position filled from an eligible list and utilized by an appointing authority on a periodic or recurrent basis.

Leave of absence—A temporary interruption of employment for which the employee is given a specified period of leave without pay for purposes such as illness, school attendance, cyclical employment, military duty or training or employment in a noncivil service position.

Limited term employment—Work that is usually a standard workweek for a specified period of time.

Minimum qualifications—The education, experience, licensure, certification or other requirements which are established in the classification standards for a class and which must be met by applicants or employees seeking appointment or promotion.

Part-time employment—Work that is less than the standard workweek.

Permanent position—A position in the classified service which does not have an expiration date.

Position—A group of current duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person.

Probationary employee—A person serving a probationary period prior to acquiring regular status in a classified service position.

Probationary period—A preliminary period of employment the purpose of which is to determine the fitness of an employee for regular status.

Promotion—The movement of an employee to another class in a pay range with a higher maximum salary.

Promotion examination—An examination for positions in a particular class, admission to which is limited to employees in the classified service.

Promotion list—A list of persons who have been found qualified by a promotion examination for appointment to a position in a particular class.

Provisional employee—A person selected by an accelerated examination program and serving a 6-month working test period prior to the required probationary period.

Qualifier—An employee whose position has been placed in the classified service by proper authority and who will be required to take and pass an examination in order to continue in the position.

Reallocate—To reclassify or to change the classification of a position from one class title and code to another class title and code.

Reassignment—The movement of an employee from one position to another position in the same class or in a similar class for which the employee qualifies at the same maximum salary.

Regular employee—An employee who has been appointed to a position in the classified service under the act after completing the probationary period.

Regular status—Standing achieved by a classified service employee who has successfully completed a probationary period.

Reinstatement—The return to the classified service of a former employee who resigned or otherwise left in good standing.

Removal—The permanent separation from the classified service of an employee who has been permanently appointed.

Resignation—The voluntary termination of employment by an employee, usually evidenced by the employee's written notice.

Rule of three—The requirement that the appointing authority is required to choose from among the three highest-ranking available eligibles in filling a particular vacancy and is therefore entitled to have three eligibles from which to choose. This rule does not prohibit an appointing authority from making an appointment if there are fewer than three available eligibles.

Seasonal employment—Work that may be a standard workweek for a specified part of the calendar year and may be recurring.

Seniority—The amount of time an employee has served in a class or classes in the classified service, calculation and use of which is defined in this part.

Separation—The voluntary or involuntary termination of employment, including temporary termination as in suspension or permanent termination as in removal.

Suspension—The temporary, involuntary separation of an employee.

Temporary employee—A qualified person appointed to a position from an eligible list for a period not to exceed 12 months.

Temporary position—A position in the classified service which arises out of temporary pressure of extra work for a period of 12 months or less.

Trainee—A qualified person appointed or promoted to a class identified as a training level class.

Training period—The period of time prescribed for a trainee class, during which the incumbent receives general or specialized training, or both, upon the successful completion of which the trainee is promoted without further examination to the class for which trained.

Transfer—The movement of an employee from one appointing authority to a different appointing authority.

Unskilled labor—A person occupying or assigned to a position for which the principal job requirement is good physical condition as related to the duties of the particular position.

§ 91.4. Classified service coverage.

(a) *Coverage.*

(1) Existing and newly established positions in the agencies identified in section 3(d) of the act (71 P. S. § 741.3(d)) shall be in the classified service unless specifically exempted by action of the Commission.

(2) Positions in classes which are or have been determined to be professional or technical by action of the Executive Board, or which are directly or indirectly derived from the classes, shall be in the classified service.

(b) *Exemptions.*

(1) Requests for exemption of positions from the classified service under section 3(c) of the act shall be submitted in writing to the Director. The Director, after investigation, will recommend approval or denial of the

exemption request to the Commission, which will make the final determination of classified service coverage.

(2) Criteria which shall be met for exemption are as follows:

(i) *Under section 3(c)(1) of the act.* Department heads and deputy department heads are automatically exempt and require no Commission approval. Other positions will be reviewed to determine whether they fully participate in policy development, at the level required for exemption. Factors to be considered include things such as whether: the incumbent regularly and customarily meets with the Department head in formulating the general policies of the Department; the position is considered to be part of the Department's top management team; the position is responsible for recommending or approving policies which govern one or more major program areas having major impact on attainment of the goals and objectives of the Governor or the Department head; the position is expected to exercise discretionary powers in carrying out major agency missions; and the position involves development and advocacy of the agency's legislative programs. In addition, the Commission will consider the position's placement in the organization, lines of authority, reporting relationship within the agency structure, classification standards, the pay level allocated to the position and the independence of action inherent in the position.

(ii) *Under section 3(c)(2) of the act.* Members of boards and commissions are automatically exempt and require no Commission approval.

(iii) *Under section 3(c)(3) of the act.* Appointing authorities shall identify and notify the Director, in writing, which positions are designated as personal aides or confidential and provide the Director with a copy of the current job description for each position so identified. Commission approval is not required. Positions exempted under this subsection shall be assigned work as personal aides or assistants and not as program supervisors or managers.

(iv) *Under section 3(c)(4) of the act.* Appointing authorities shall request exemptions in writing. Justification shall include specific reasons why the position should be excluded from the classified service, as well as the period of time for which the exemption is requested.

(v) *Under section 3(c)(5) of the act.* Positions in attorney classifications are automatically exempt and require no Commission approval.

(vi) *Under section 3(c)(6) of the act.* Positions in classes which meet the definition of "unskilled" in the act are automatically exempt and require no Commission approval.

(vii) *Under section 3(c)(7) of the act.* The appointing authority shall identify and notify the Director in writing of the professional positions attached to the department head's office which function in press or public relations, or both, legislative liaison or development of executive policy, and provide the Director with a copy of the current job description for each position so identified. Commission approval is not required.

CHAPTER 93. CIVIL SERVICE COMMISSION AND EXECUTIVE DIRECTOR

§ 93.1. Meetings of Commission.

(a) The Commission will meet at least once each month, consistent with the act, at its offices in Harris-

burg, Pennsylvania, or at other places as will best serve the public interest. Meetings may be cancelled with appropriate public notice.

(b) One member of the Commission will be designated as secretary by the Chairperson.

(c) Not less than 48 hours' notice of the date, time and place of a meeting shall be given to each member of the Commission.

(d) The Director will be responsible for preparing the agenda of the Commission meeting.

(e) Minutes of Commission meetings will be filed and maintained in the executive office of the Commission.

CHAPTER 95. SELECTION OF EMPLOYEES FOR ENTRANCE TO, OR PROMOTION IN, THE CLASSIFIED SERVICE

EXAMINATIONS REQUISITE FOR APPOINTMENT AND PROMOTION

§ 95.1. Application requirements.

(a) *Submission of applications.* Applications required of a candidate for entrance to, or promotion in, the classified service, shall be made in a format prescribed by the Director and shall contain a statement made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), verifying the truthfulness of all responses contained thereon.

(1) *Completeness of application.* An application shall be complete. An incomplete application may be rejected.

(2) *Timeliness of applications.* An application shall be submitted by the date and time if specified in the public notice of examination. An application received or bearing a postmark prior to midnight of the final filing date will be deemed filed within the time limit.

(b) *Evidence of merit and fitness.* The Director may require an applicant to supply information relevant for determining the possession by the applicant of the minimum requisites for appointment or promotion. The Director may also require an applicant to supply certificates and other appropriate documents from citizens, physicians, public officers, school officials, employers and others having knowledge of the applicant as will be relevant in assessing the applicant's fitness and qualifications for appointment or promotion.

(c) *Limitations on inquiry.* Limitations shall be as follows:

(1) Except as provided in paragraphs (2) and (3), no questions in the application nor in the examination will require the applicant to provide information concerning the sex, age, race, color, religious creed, ancestry, national origin, political affiliations, labor union affiliations, political opinions or disability, nor will the information be required in another manner by a member, official or employee of the Commission or of an appointing authority in connection with the examination, certification or appointment of an applicant for another purpose.

(2) The Director may make inquiries of an applicant's age or national origin, or both, as is necessary to comply with Federal and State statutes and this part.

(3) The Director may make inquiries of applicants regarding sex, race, age and similar factors, as are necessary to conduct research required to validate selection procedures or to comply with State and Federal regulations on equal opportunity. Applicants shall be informed that response to questions is not mandatory.

(d) *Rejection of applicants and disqualification of eligibles.* The Director will not be required to examine, nor after examination, to certify an eligible applicant who is found to lack the established or announced requirements for admission to the examination or for appointment from an entrance or promotion list. The Director, with the approval of the Commission, may refuse to examine an applicant, or after examination, to certify an eligible applicant who:

(1) Is addicted to the use of narcotics, or intoxicating beverages when the addiction renders the applicant unable to competently perform the duties of the position sought.

(2) Has been guilty of a crime or of conduct which renders the eligible unfit or unsuitable for the position sought.

(3) Has been dismissed from employment for incompetency or misconduct when the incompetency or misconduct renders the applicant unfit or unsuited for the position sought.

(4) Has a physical or mental disability which renders the applicant unfit or unsuited to perform the essential functions of the position's duties and responsibilities with or without reasonable accommodation.

(5) Has made a false statement, or omitted a material fact, or practiced, or attempted to practice, deception or fraud in application, examination, in securing eligibility, or seeking appointment.

(e) *Discretionary acceptance of applications.* The Director may authorize the acceptance of applications filed after the announced final filing date if sufficient need exists for additional applicants, and if acceptance is uniformly applied to all applications for the same examination filed on the same date or on an earlier date.

(f) *Notice of rejection or acceptance of applications.* Whenever an application has been rejected prior to the holding of the examination, notice thereof, with the reasons for the rejection, shall be given to the applicant. Applicants may be admitted to the examination conditioned upon establishing eligibility within a reasonable time after the date of the examination, in which case, notice of the conditional admittance will be given to the applicant involved. Notice of the acceptance of an application or notice to an applicant being admitted to the examination will be given in sufficient time for the applicant to arrange to be at the examination site at the time specified.

§ 95.1a. United States citizenship.

To the extent permitted by law, when all applicants for appointment or promotion to a position in the classified service are equally qualified, the appointing authority will prefer United States citizens over those who are not.

§ 95.2. Residence requirements.

(a) *Resident defined.* A resident is a person who resides, and who has manifested the intent to continue to reside in this Commonwealth or a former resident of this Commonwealth who meets the criteria in paragraph (2)(i) or (ii).

(1) Evidence of intent to continue to reside in this Commonwealth includes the following:

(i) Rent, lease or purchase of a property which the applicant has made a primary residence in this Commonwealth.

(ii) Payment of State and local taxes.

(iii) Registration of personal property, such as bank accounts, stocks, and bonds and automobiles within this Commonwealth.

(iv) Possession of a current Pennsylvania driver's license.

(v) Current registration to vote in this Commonwealth.

(2) Former residents of this Commonwealth who relocated out-of-State for academic or employment purposes, shall establish Pennsylvania residency within 6 months of beginning employment in the classified service and shall have done one of the following:

(i) Graduated from a public, private or nonpublic secondary school in this Commonwealth within 5 years of applying for a position in the classified service.

(ii) Attended a public, private or nonpublic school in this Commonwealth at least 80% of the time while enrolled in grades one through twelve and attended the school within 5 years of applying for a position in the classified service.

(b) *Application.* Application requirements are as follows:

(1) Persons appointed, promoted or reinstated to positions in the classified service shall be legal residents of this Commonwealth, unless residency has been waived. The provisions in this paragraph do not apply to persons who previously held regular civil service status and are returned to employment from an approved leave of absence without pay or through mandatory reemployment or contractual recall or placement rights.

(2) The Director, upon submission by an appointing authority of satisfactory justification, may limit certification for appointment or promotion to eligibles who are residents of a county or other administrative district. The limitations will not be imposed for a class for which residence in this Commonwealth has been waived.

(3) In the absence of, or upon exhaustion of, a county or other administrative district list, the Director may certify residents of contiguous counties or districts or of the entire Commonwealth as deemed appropriate by the Director.

(4) If an eligible changes residence from one district or county to another district or county of this Commonwealth, the Director may, upon request, transfer the person's eligibility to the other existing promotion or employment list.

(c) *Waiver.* When it appears that there is an inadequate supply of well qualified residents of this Commonwealth available for a particular occupation, the Director, upon request by one or more appointing authorities, may waive the residency requirement for a position, a class or a group of classes.

§ 95.6. (Reserved).

§ 95.7. Promotion procedure.

(a) *Methods of promotion.* Vacancies may be filled by promotion in the following ways:

(1) By appointment of probationary or regular employees of a given appointing authority or between appointing authorities from an appropriate employment list.

(2) By appointment of probationary or regular employees from an appropriate promotion list resulting from a promotional examination.

(3) By appointment of Commonwealth employees of a given appointing authority or between appointing au-

thorities, who appear on an appropriate employment list and who meet eligibility criteria as established by the Director.

(4) By appointment of probationary or regular employees from the next most appropriate promotion list or employment list, if the official promotion or employment lists have been exhausted.

(5) By appointment of regular employees without formal examination, based upon meritorious service and seniority.

(b) *Promotion examinations.* Examinations shall be as follows:

(1) Except as indicated in this subsection, promotion examinations shall be open to regular or probationary status employees who meet the qualifications and who occupy positions within a lower maximum salary. As determined by the Director, promotion examinations may be limited to employees occupying positions in specified classes.

(2) The Director may, after consultation with the appropriate appointing authorities, establish the length of service required of candidates in the qualifying class or classes for eligibility to participate in promotion examinations.

(3) The Director will have the power to decide whether the promotion examination is to be interdepartmental or intradepartmental.

(c) *Promotion without examination.* Promotion without examination may be accomplished under the following circumstances:

(1) When a trainee in a lower level training title has successfully completed the prescribed period of training, the trainee will be promoted, without further examination, to the higher level title.

(2) When an appointing authority desires to fill a vacant position by promotion without examination, based on meritorious service and seniority, it may follow one of the following alternatives:

(i) *Competitive promotion without examination.* The appointing authority shall post the vacancy, consider the eligible employees who express an interest and make the promotion decision based upon an objective review of each employee's meritorious service and seniority. Seniority for this purpose shall be the length of continuous service of an employee in the designated next lower classes if there has been no break-in-service. Eligibility for consideration for the promotion may be limited by the appointing authority to a particular geographic or program area. The posting shall, whenever possible, specify the classes determined to be next lower. Otherwise, the posting shall state that applications will be reviewed to determine if employees previously held regular status or currently hold regular status in a class for which there is a logical occupational, functional or career development relationship to the posted position or if there is a clear linkage between the required knowledges, skills and abilities of the previously or currently held class with those needed for the posted position.

(ii) *Noncompetitive promotion without examination.* The agency head will insure that the employee meets the experience and training requirements of the higher level position, has regular status, and meets the meritorious service and seniority requirements.

(3) When a classification audit reveals that a position should properly be classified to a higher level, the

incumbent of the position will be promoted without examination to the higher level, if the incumbent possesses the established requirements for the higher classification.

(4) When an unskilled position in the unclassified service exists immediately below a vacancy in a position in the classified service, the incumbent of the unskilled position shall be promoted into the classified service position, if the following occur:

(i) The promotion is into a classified service position immediately above the employee's position.

(ii) The promotion is based on seniority and meritorious service.

(iii) The employee meets all of the established requirements for the higher position.

(iv) The employee satisfactorily completes a 6-month probationary period in the classified service position.

(v) A promotion shall be possible only within agencies provided full classified service coverage and listed in section 3(d) of the act (71 P. S. § 741.3(d)).

(5) When there is a labor agreement covering the positions to which employees are to be promoted, the terms of the agreement as to promotion procedures shall be controlling.

(d) *Eligibility for promotion.* An employee whose last regular or probationary performance evaluation is unsatisfactory or otherwise fails to meet standards, will be disregarded for appointment or promotion from any list and will not be eligible for promotion without examination.

NATURE OF EXAMINATIONS

§ 95.14. Use of class specifications in examinations.

(a) *Basis for examinations.* The classification standards for a class, as adopted by the Executive Board, shall constitute a primary basis and source of authority for the content and level of difficulty of the examinations for the class and for the evaluation of the qualifications of applicants for examinations. Supplemental job information, obtained through job analysis, may be used as a further basis for examinations and evaluation standards. The examination content for classes peculiar to one agency shall be discussed with the appointing authority. In cases of difficult recruitment, the Director, with the cooperation of the appointing authority, may use discretion in interpreting minimum experience and training and in accepting equivalent experience and training.

(b) *Implied qualifications.* Qualifications commonly required of all employees shall be implied, even though not specifically set forth in the classification standards, as follows:

(1) Freedom from physical or mental defects which would render the employee unfit for competent performance with or without reasonable accommodation.

(2) Good moral character, honesty, sobriety, industry, loyalty and dependability.

(3) Possession of a valid appropriate driver's license, when driving or parking motor vehicles is necessary to carry out work assignments.

(4) Possession of suitable instruments, tools or equipment when they are customarily furnished by the employee in a profession, skilled trade or other occupation.

(5) Residence, sex and similar qualifications imposed by law or rule.

(c) *Lines of promotion.* Lines of promotion, when indicated in the classification standards, will not be considered as barring other lines of promotion, unless so specified in the public announcement of examinations.

CONDUCTING EXAMINATIONS AND RATING COMPETITORS

§ 95.21. Scheduling of examinations.

(a) The Director, in authorizing the times and places of examinations, will give due consideration to the convenience of the candidates, consistent with the needs of the service.

(b) The Director will establish and notify candidates of procedures for rescheduling and retesting when appropriate.

(c) The Director may authorize postponement, cancellation or rescheduling of examinations.

§ 95.22. Administration and scoring of examinations.

(a) *Administrators.* The Director will appoint and fix the compensation of test administrators, proctors and other assistants required to administer examinations.

(b) *Notice of examinations.* A candidate will be notified of admittance or nonadmittance to examinations. Applicants shall be given a delayed examination in place of the one for which they failed to appear if the failure to appear was caused by an act or omission of the Commission's staff. Delayed examinations also may be authorized for other appropriate reasons.

(c) *Cancellation of part of an examination.* Whenever the Director finds that it is impracticable or unnecessary, for reasons which shall be made part of the examination record, to hold any part of a multipart examination the Director may cancel that part or parts and reassign the weights, in an equitable manner, to the remaining part or parts.

(d) *Retaking examination.* A candidate may be permitted to retake an examination. Standing on an eligible list will be determined by the score received on the most recent examination.

§ 95.23. Security of competitive standards.

(a) *Maintenance of competitive conditions.* The Director will establish appropriate procedures to insure that all applicants for an examination are given equal opportunity to demonstrate their relative merit and fitness.

(1) The Director will establish proper precautions to prevent an unauthorized person from securing in advance questions or other materials to be used in a test, unless the questions or materials are available to all applicants.

(2) When the conditions under which a test is held have materially impaired its competitive nature or worth in assessing qualifications, the Director will order that the tests or appropriate sections thereof, if severable, be cancelled. New tests or parts of tests may be substituted therefore, if possible.

(b) *Anonymity of candidates.* The Director will establish appropriate procedures to insure that the identity of candidates in all competitive tests do not adversely affect the objective rating or scoring of the candidates' examinations.

(c) *Cheating on examinations or seeking undue advantage.* The Director will disqualify an applicant who impersonates another or has another person impersonate the applicant in connection with an examination, or who uses

or attempts to use unauthorized aids or assistance, including copying or attempting to copy from or helping or attempting to help another applicant in any part of an examination, or who otherwise seeks to attain undue advantage for himself or others in connection with the examination. In addition, the Director will refer these cases to the Commission for determination of possible violations of sections 902 and 903 of the act (71 P. S. §§ 741.902 and 741.903).

(d) *Examination materials.* A candidate in an examination may not copy, record or transcribe an examination question or answer, or remove from the examination room a question sheet, answer sheet or booklet, scrap papers, notes or other papers or materials related to the content of the examination. A candidate will be notified of these requirements, and no examiner, proctor, monitor or other person charged with the supervision of a candidate or group of candidates will have authority to waive it. The Director may disqualify a candidate or refuse to certify an eligible person who violates this section. In addition, the Director will refer these cases to the Commission for determination of possible violations of sections 902 and 903 of the act.

PUBLIC NOTICE OF EXAMINATIONS

§ 95.32. Special assistance in recruitment.

The Director will encourage interested appointing authorities and agencies, public and private, to aid in the recruitment of qualified applicants through appropriate means of communication concerning the examinations. When classes are unique to one appointing authority, the primary responsibility for recruitment may rest with that appointing authority.

§ 95.33. Content and publication of examination announcements.

(a) The Director or a designee will determine the content and method and scope of publication for each examination announcement. The publication may be electronic. Examination announcements will be published for a minimum of 2 weeks. The scope of publication will be based on the geographic availability of positions and potentially qualified and available applicants and may be regional, Statewide or include both in-State and out-of-State locations.

(b) The content of examination announcements may include the following:

- (1) The general nature of work and pay for the classes for which the examination is being announced.
- (2) Any experience, training or other requirements for the classes for which the examination is being announced.
- (3) Information on whether the examination is being given for appointment or promotion, or both.
- (4) The nature of the examination.
- (5) How to apply.

RATINGS OF COMPETITORS

§ 95.41. Qualifying points on examinations.

(a) *Basis for Director's determination.* The Director, or a designee, will set the qualifying points for part or all of an examination, as the case may be. The determination will take into account both the number and quality of prospective eligibles needed to serve the best interests of the classified service, as well as the validity and reliability of the examination.

(b) *Notice of qualifying points.* When there is a multipart examination, the Director may require applicants to attain a qualifying score or rating on each test or part of test.

(c) *Effect of failure on part of examination.* An applicant who has failed to achieve a passing score on any part of the examination may be disqualified from participation in any other parts of the examination, whether or not the applicant has participated or has been rated therein, and if so disqualified, shall be deemed to have failed in the entire examination.

(d) *Effect of failing a higher but passing a lower level test.* Whenever an applicant is unsuccessful on a higher level examination but has obtained a qualifying score on a lower level examination for which an application had not previously been filed, the applicant may be given a reasonable opportunity to apply for eligibility in the lower level examination.

(e) *Effect of passing a higher but failing a lower level test.* Whenever an applicant is unsuccessful on a lower level test but has obtained a qualifying score on a higher level test the applicant may be given the minimum passing score on the lower level test.

§ 95.42. Preservation of examination records.

The Director will insure that the following documents are maintained as official Commission records:

- (1) The original or a copy of any tests used.
- (2) The description of any test used.
- (3) The public notice of the test.
- (4) The examination instructions.
- (5) The scoring keys or other scoring standards used.
- (6) The reports of the examiners.

§ 95.43. Inspection of examination records.

(a) *By the applicant.* The Director will, upon request of the applicant, authorize the inspection of the applicant's own examination records in the presence of an authorized employee of the Commission. The inspection will not include authorization to copy examination instructions, questions or answers and will be conducted to maintain security of the examination standards.

(b) *By law enforcement or other public officials.* The Director may authorize review of the application and examination records of an applicant or eligible, upon request and for legitimate official purposes, by law enforcement or other public officials when there are satisfactory reasons for the inspection. Copies of examination materials will not be provided except as provided for by other applicable statutes or regulations.

(c) *By private individuals other than the candidate.* The Director will authorize the exhibiting of applications and examination records to a private individual only when the individual seeking access to the records can demonstrate a clear necessity for the records in order to pursue a legal right. The Director will take necessary precautions to avoid disclosure of the identities of the persons whose applications and test records are being examined. When it is evident that the release of the information would operate to prejudice or impair a person's reputation or personal security, access to the information shall be denied under section 1(2) of the act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. § 66.1(2)).

§ 95.44. Information regarding unsuccessful candidates.

Except as provided in § 95.43(b) and (c) (relating to inspection of examination records), the examination

records of applicants who failed all or part of an examination, or who voluntarily withdrew from the examination, may not be exhibited; nor may information be divulged concerning their participation in the examination.

ESTABLISHMENT OF EMPLOYMENT AND PROMOTION LISTS

§ 95.51. Eligible lists.

The names of those persons who have been found qualified for and have successfully passed the examination shall be arranged in order of final earned ratings and including applicable veterans' credits.

§ 95.52. (Reserved).

DURATION OF EMPLOYMENT AND PROMOTION LISTS

§ 95.61. Extension and cancellation of eligible lists.

(a) *Length of eligibility.* The duration of employment and promotion lists will be fixed by the Director with the approval of the Commission for up to 4 years.

(b) *Replacing and integrating lists.* A newly established eligible list may replace an earlier list, appropriate for the same class or classes. The Director may integrate an eligible list with an equivalent list established later, based on final earned ratings, and veterans' preference when applicable.

(c) *Notice to eligibles.* When a list is cancelled or an examination is announced which may result in an eligible list which replaces an existing list, the persons whose names remain on the list being cancelled or replaced shall be notified of the cancellation or of their opportunity to participate in a new examination, unless the notice has been included in their original notification of eligibility.

§ 95.63. Amendment of an eligible list.

(a) *Basis for amendment.* The Director, with the approval of the Commission, may amend an eligible list to: correct a clerical error; indicate a change in veterans' status; add or remove a name; or suspend or alter eligibility for certification or for appointment. The reasons for the amendment shall be entered in, or be evident from records on file.

(b) *Effect of amendment.* An amendment to an eligible list may not disadvantage a fully qualified eligible already appointed or notified of appointment in good faith, based on a valid certification previously issued.

CHAPTER 97. APPOINTMENT AND PROMOTION OF EMPLOYEES IN THE CLASSIFIED SERVICE

CERTIFICATION

§ 97.3. Certification of eligible lists.

(a) *General content of certification.* The Director will certify from the appropriate lists as many names of eligibles available, or subject to availability canvass, as necessary to satisfy the employment requirements of the appropriate appointing authority. Each certification, in addition to indicating relative ranks, shall include the last known addresses and veterans' status of the eligibles. Upon request of the appointing authority, the Director will selectively certify the names of veterans eligible for preferential appointment.

(b) *Duration of certification.* A certification of names for appointment or for canvass and appointment shall be valid for 60 work days after the date of certification, unless extended by the Director, and appointive action may be initiated at any time within that period.

§ 97.4. Effect of appointment from list.

The name of an eligible who has been appointed may not be certified from the list for a similar or lower level class, unless otherwise provided by law or this part, or by specific request of the eligible. The acceptance of other than permanent, full-time employment will not result in loss of eligibility for permanent appointment. Conversion of a temporary appointment to a permanent appointment shall require regular certification and appointment procedures.

SELECTION AND APPOINTMENT OF ELIGIBLES

§ 97.12. Rejection of eligibles—passovers.

(a) *General.* An eligible whose name is disregarded in the making of an appointment within the rule of three shall be considered as having been passed over. Three passovers from the same appointing authority shall result in that eligible's name being deactivated on the eligible list. Eligibles so deactivated may not be certified back to the same appointing authority unless requested by that appointing authority or by retaking the appropriate examination.

(b) *Exceptions.* Exceptions include the following:

(1) An eligible whose name is disregarded in the making of a preferential appointment of a veteran whose name appears on the same certification, may not be considered as having been passed over.

(2) An eligible whose name is disregarded in the making of an appointment of another eligible when there are four or more appointable eligibles on the same certification, may not be considered as having been passed over.

§ 97.13. Removal of eligible.

An objection to the eligibility for certification or appointment of an eligible whose name appears on a certification shall be promptly raised by the appointing authority using the process established by the Director as set forth in Management Directive 580.34 (as amended) (relating to removal of eligibles for certification or appointment in the classified service). If the objection is sustained by the Director or Commission, the appointing authority need not consider the eligible for appointment.

PROBATIONARY PERIOD

§ 97.31. Duration and extension of probationary periods.

(a) The length of the probationary period in appointments and promotions for full-time positions, except for trainee classes, shall be 6 months (defined as 180 calendar days—6 months at 30 days per month). See § 97.37 (relating to trainee classes). Probationary periods for part-time positions shall be prorated according to the number of hours in the work week.

(b) The probationary period, except for trainee classes, may be extended to a maximum of 18 months (defined as 545 calendar days—365 calendar days plus 6 months at 30 days per month), at the discretion of the appointing authority. If the appointing authority decides to extend an employee's probationary period, it shall notify the employee in writing at least 1 work day prior to the effective date of the extension. A copy of the notice shall be submitted, upon request, to the Director.

(c) An employee who exceeds the maximum 18-month probationary period, shall have regular status on the day after the probationary period ends.

(d) An employee who exceeds the maximum 24-month probationary period in a trainee class, shall have regular status in the approved end of training class, the day after the probationary period ends.

§ 97.33. Service in higher level position.

A probationary employee who has served any portion of the probationary period and is given a temporary appointment to a higher level position in the same or closely related series of classes under the same appointing authority may have the period of the higher level service credited toward the lower level probationary period. Written notice to that effect shall be given to the employee on or before the date the probationary period expires.

§ 97.37. Trainee classes.

The Director, in cooperation with the appointing authorities and the Executive Board, may designate specific classes for training purposes. These classes shall be extensions of working level classifications. The probationary periods for the training and working levels will be combined and may be set by the Director at a minimum of 6 months (defined as 180 calendar days—6 months at 30 days per month) and a maximum of 24 months (defined as 730 calendar days—2 years at 365 days per year), to coincide with the length of the designated training period. Employees appointed into trainee positions may not attain regular status as trainees, but shall be promoted to the working level, with regular status, if the designated training period is successfully completed. Trainees who are unsuccessful in the training shall be removed promptly. The appointing authority may extend probationary periods of trainees up to the maximum of 24 months, if written notice is provided to the employee at least 1 work day prior to the effective date of the extension. A copy of the notice shall be submitted, upon request, to the Director.

§ 97.39. Notice about performance.

The appointing authority shall notify the employee in writing whether the services of the employee have or have not been satisfactory prior to the expiration of the employee's probationary period. If the employee's performance has been satisfactory, the appointing authority shall confer regular status upon the employee.

TEMPORARY AND EMERGENCY APPOINTMENTS

§ 97.51. Temporary appointment.

In connection with the request for a certification to fill a position by a temporary appointment, the certification and the appointment documents shall each show that the appointment is for 12 months or less (defined as 365 calendar days).

CLASSIFICATION STANDARDS

§ 97.63. Working out-of-class.

An appointing authority may temporarily assign an employee to perform duties and responsibilities of another class. Except in the case of emergency, which shall be limited to 30 work days, the employee so assigned shall meet all of the established requirements for the class to which assigned. Employees assigned to work out-of-class shall either have probationary or regular status in their current class. An out-of-class assignment does not entitle the incumbent to preferences for the position on a permanent basis.

CHAPTER 99. EMPLOYEES IN THE CLASSIFIED SERVICE

Subchapter A. TRAINING PROGRAMS

§ 99.1. (Reserved).

Subchapter B. SERVICE STANDARDS AND RATINGS

§ 99.11. Establishment of system.

(a) The Director, in cooperation with the appointing authorities, will establish a job-related system of performance evaluations for each class in the classified service.

(b) Performance evaluations will be based upon job-related factors appropriate for determining the manner in which the employee performs the duties and carries out the responsibilities of the position occupied. To provide a uniform and equitable basis for rating employees, the Director, in cooperation with appointing authorities, may establish work performance guides.

(c) Performance evaluation forms and procedures will be reviewed and approved by the Director prior to utilization.

§ 99.13. Reporting of performance evaluations.

Performance evaluations for probationary status employees shall be completed and provided to the employees prior to the scheduled expiration of the probationary period by the appointing authority. Other performance evaluation reports shall be completed at least once each year, unless a different schedule is approved by the Director, and copies retained in the employee's official personnel file. Upon request by the Director, performance evaluation reports shall promptly be made available for audit.

Subchapter C. REASSIGNMENTS AND TRANSFERS

§ 99.22. Initiation of transfer.

A transfer shall be initiated by the appointing authority having jurisdiction over the position to which the transfer is sought, and shall be made upon a form the Director authorizes. Transfer requires the written consent of the employee and the present employer.

§ 99.26. (Reserved).

**CHAPTER 101. SEPARATION OF EMPLOYEES FROM CLASSIFIED SERVICE
SUSPENSION**

§ 101.21. Generally.

(a) Good cause for suspension is one of the following:

- (1) Insubordination.
- (2) Habitual lateness in reporting for work.
- (3) Misconduct amounting to violation of law, rule or lawful and reasonable Departmental orders.
- (4) Intoxication while on duty.
- (5) Conduct either on or off duty which may bring the service of the Commonwealth into disrepute.
- (6) Similar substantial reasons.

(b) Suspension pending investigation may be instituted for the purpose of ascertaining an employee's fitness for continued employment.

(1) When the investigation has not revealed cause for disciplinary action, the suspension shall be retracted and expunged from all records, with the employee receiving back pay for the full period of suspension.

(2) When the investigation has revealed cause for disciplinary action, the suspension shall be converted, either in whole or in part, to a disciplinary action.

(c) Suspensions, to include suspensions pending internal investigation, may not exceed an aggregate of more than 60 work days in a calendar year.

(d) An employee suspended, pending investigation by an external agency, may be suspended for the duration of the external investigation and up to 30 consecutive work days after the conclusion of the external investigation.

(e) The Commission may impose a suspension of not more than 120 work days under section 905.2 of the act (71 P. S. § 741.905b).

REMOVAL DURING PROBATIONARY PERIOD

§ 101.31. Generally.

An appointing authority shall specify, by written notice, the reasons for removal of an employee before the expiration of the probationary period.

§ 101.32. Rights of promoted employee during probationary period.

The position vacated by an employee serving a probationary period after promotion may not be filled during the period except on a substitute basis, subject to the return of the employee promoted or the successful completion of the probationary term. An employee serving a probationary period which has resulted from a promotion may be removed from the classified service only for just cause.

RETIREMENT

§ 101.41. (Reserved).

CHAPTER 105. NOTICE AND HEARINGS

NOTICE

§ 105.1. Written notice required.

(a) Each appointing authority shall give employees written notice of personnel actions affecting them. At the time that the appointing authority notifies an employee of a furlough or a suspension, it shall simultaneously submit a copy of the notice to the Director.

(b) The notice requirements in this subsection are mandatory. Failure to adhere to the requirements set forth in this section and §§ 105.2—105.5 may nullify the personnel action.

§ 105.3. Statement of reasons.

Notices of removal, involuntary demotion or suspension issued to regular employees shall include a clear statement of the reasons therefore, sufficient to apprise the employee of the grounds upon which the charges are based. Notices determined to be defective may result in the reversal of the personnel action.

HEARINGS

§ 105.11. General.

Hearings granted to employees demoted under section 706 of the act (71 P. S. § 741.706), furloughed under section 802 of the act (71 P. S. § 741.802), resigned under section 806 of the act (71 P. S. § 741.806), removed under section 807 of the act (71 P. S. § 741.807), suspended under section 803 or persons alleging discrimination under section 905.1 of the act (71 P. S. § 741.905a) shall be public hearings. At least 10 working days notice in advance of the date of the hearing shall be tendered in writing to the employee affected and to the appointing authority and others interested in the case, informing

them of the date, time and place of hearing. Notice of the hearings shall be posted on the bulletin board located in or near the principal office of the Commission. The Civil Service Commissioners may grant requests for continuances. The Commission, on its own motion, may grant a continuance if the scheduled hearing lasts longer than 2 hours.

§ 105.13. Form of hearing.

(a) The hearing shall be formal, but not all of the strict rules of evidence need be enforced. Evidence offered should be the best evidence available. Documents which constitute reliable evidence or whose contents or meaning are in dispute should be brought to hearing and entered into evidence. Whenever possible, the original document should be available to be offered into evidence.

(b) A complete stenographic, electronic or other exact record of the proceedings shall be made.

(c) A Civil Service Commissioner or a hearing officer designated by the Commission may conduct hearings.

§ 105.14a. Subpoenas.

(a) *Procedure for requesting subpoenas.*

(1) Subpoenas for the attendance of witnesses or for the production of documents will be issued only upon written application to the Chairperson of the Commission or the Commissioner presiding at hearing, with a copy to the opposing party.

(2) Written application shall specify as clearly as possible the relevance of the testimony or documentary evidence sought. As to documentary evidence, the request must specify to the extent possible the documents desired and the facts to be proved thereby.

(3) Failure to adhere to the requirements of this subsection may result in the refusal by the Commission to issue the requested subpoenas.

(4) Subpoenas for new or additional witnesses will not be issued after a hearing has been commenced and continued unless orally requested on the record at the hearing and approved by the Commission, except that subpoenas issued prior to the commencement and continuance of the hearing may be reissued upon written request.

(b) *Service.*

(1) A subpoena shall be served personally upon the witness.

(2) Subpoenas for the production of documents shall be served personally or by first-class mail upon the individual in possession of the documents, if known, or the agency head, who may designate a knowledgeable alternate as custodian of the documents, or the legal counsel for the appointing authority.

(3) Service of subpoenas for the attendance of witnesses shall be made at least 48 hours prior to hearing, unless the witness agrees to waive the 48-hour requirement. Subpoenas for the production of documents shall be served no later than 5 work days prior to hearing.

(4) Failure to adhere to the requirements of this subsection may result in a ruling by the Commission denying the enforceability of the subpoena.

(c) *Compensation of witnesses.*

(1) Witnesses subpoenaed to appear before the Commission shall be paid a witness fee at the rate specified for the courts of common pleas by the party requesting the subpoena.

(2) Witnesses subpoenaed to appear before the Commission shall be paid, by the party serving the subpoena, mileage at the rate specified for the courts of common pleas for each mile actually and necessarily traveled between the place named in the subpoena and either the place of residence of the witness or the work site, whichever distance is less.

(3) At the time a witness is served with a subpoena, the witness shall, upon demand, be paid the witness fee and travel expenses provided in this subsection by the party serving the subpoena. If no demand is made by the witness at the time of service, the fee shall be tendered to the witness prior to the start of the hearing.

(4) Paragraphs (1)—(3) supersede 1 Pa. Code § 35.139 (relating to fees of witnesses).

(d) *Supplementation.* Subsections (a)—(c) supplement 1 Pa. Code § 35.142 (relating to subpoenas).

§ 105.14d. Prehearing conferences.

(a) *Prehearing conference.* To facilitate the submission and consideration of issues and facts, the Commission may schedule a prehearing conference and request the parties to participate in the proceeding. The conference may be conducted by telephone or in person, either by a Commissioner or by an attorney employed by the Commission to consider the following:

- (1) Simplification of the issues.
- (2) Stipulations of fact and authenticity of documents.
- (3) Admissibility and relevance of witness testimony.
- (4) Admissibility and relevance of exhibits, which will be identified and exchanged at the conference.
- (5) Subpoenas and all issues related to subpoenas.
- (6) Offers of settlement or proposals for adjustment, if appropriate.
- (7) Other matters that would facilitate the efficiency of the proceeding.

(b) *Prehearing conference memorandum.* No later than 3 work days in advance of the prehearing conference, the parties will submit to the Commission an original memorandum, plus three copies, that contains the following:

- (1) Caption identifying the parties and the appeal by its assigned appeal number.
- (2) Statement of issues to be decided by the Commission. If a party intends to move the Commission to dismiss the appeal, that issue should be noted, but a Motion to Dismiss must be filed separately.
- (3) Statement of stipulations, or facts not in dispute, that includes requested stipulations of fact and any agreements already reached by the parties regarding undisputed facts.
- (4) Witness list with brief description of testimony of each witness listed.
- (5) Exhibit list with brief description of exhibits and a brief explanation of the relevance of each exhibit listed.
- (6) Estimate of time anticipated to complete presentation of evidence to the Commission.
- (7) Requests for subpoenas may be included with the memorandum.

(8) At the hearing, the parties may be limited to those witnesses and exhibits set forth in the memorandum unless one or more of the following apply:

(i) A supplemental memorandum is submitted to the Commission at least 1 business day prior to the hearing.

(ii) There has been proper notice to other parties and there is no showing of undue inconvenience or prejudice.

(iii) The parties have conferred and agree to the additional witnesses or exhibits, or both.

(c) *Supplementation.* Subsections (a) and (b) supplement 1 Pa. Code § 35.113 (relating to initiation of conferences).

Subpart B. EXECUTIVE DIRECTOR OF CIVIL SERVICE

CHAPTER 110. DOCUMENTARY FILINGS AND REPRODUCTION OF RECORDS

Subchapter B. REPRODUCTION OF RECORDS

§ 110.24. Documents which may be furnished without charge.

(a) Reproductions of applications and attendant papers and records of employees or candidates, excluding test material, may be furnished to appointing authorities to which the names of the employees or eligibles are furnished for classified service personnel actions.

(b) Reproductions of required papers and records may be furnished to court or law enforcement personnel in the conduct of official business. Test materials will be furnished only by Commission or court order.

§ 110.25. Documents which may not be furnished without charge.

Reproductions of records not included in § 110.24 (relating to documents which may be furnished without charge) may be furnished to a requestor upon payment to the Commission of an amount equal to the prevailing cost of reproduction, as determined by the Director. Test material will not be furnished.

§ 110.28. Records retention.

The Director will prepare and maintain a comprehensive records retention schedule. This schedule will identify those records required for retention by the act and satisfy the act regarding open access under reasonable conditions.

- (1) Minutes of Commission meetings shall be permanent.
- (2) Records may be kept either electronically or mechanically.

[Pa.B. Doc. No. 04-421. Filed for public inspection March 12, 2004, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

**STATE BOARD OF OPTOMETRY
[49 PA. CODE CH. 23]
Continuing Education**

The State Board of Optometry (Board) amends §§ 23.82—23.84 and 23.87 to read as set forth in Annex A.

Notice of proposed rulemaking was published at 33 Pa.B. 1118 (March 1, 2003). Publication was followed by a 30-day public comment period during which the Board received one public comment. On April 30, 2003, the Independent Regulatory Review Commission (IRRC) submitted comments. No comments were submitted by the Senate Consumer Protection and Professional Licensure Committee or the House Professional Licensure Committee.

Statutory Authority

The final-form rulemaking is authorized under section 3(b)(12) of the Optometric Practice and Licensure Act (act) (63 P. S. § 244.3(b)(12)). Section 3(b)(14) of the act authorizes the Board to "promulgate all rules and regulations necessary to carry out the purposes of this act."

Summary of Comments and Responses to Proposed Rulemaking

IRRC Comments

IRRC suggested that § 23.83(b) (relating to continuing education subject matter) be revised. IRRC noted that the first sentence of subsection (b) relates to the title of § 23.83 and is appropriately placed, but that the remainder of subsection (b) relates to course approval, course numbers and reevaluation. IRRC suggested that these provisions would be more appropriately placed in § 23.84 (relating to provider and program registration) or § 23.87 (relating to reporting of continuing education credit hours).

Upon review of IRRC's comments and concerns, the Board has determined that § 23.83(b) should be revised. The Board finds that subsection (b) should be moved to § 23.84(i) and has made this change in the final-form rulemaking. The Board has also amended proposed § 23.83(b), now in § 23.84(i), to simplify the requirements and to include continuing education courses in glaucoma. This amendment is necessary to conform the Board's regulations to the act, as amended by the act of December 16, 2002 (P. L. 1950, No. 225). The amendments to the act authorized properly certified optometrists to treat certain types of glaucoma and mandated continuing education in glaucoma for those optometrists. The Board also made changes to § 23.87(3) to reflect the addition of continuing education courses on glaucoma and to require licensees to ensure the credits are properly identified as therapeutic or glaucoma. The Board added language regarding the subject matter of continuing education courses in the area of glaucoma, and indicated that approved subject matter would include courses on the treatment and management of primary open angle glaucoma, exfoliation glaucoma and pigmentary glaucoma. These are the three types of glaucoma optometrists are authorized to treat under section 2 of the act (63 P. S. § 244.2) in the definition of the practice of optometry.

Finally, the Board amended § 23.87(6) to require the licensee to place his name on the certificate of attendance rather than the course location. This amendment was intended to be made in proposed rulemaking but was inadvertently omitted. The Board believes that the location of a course is immaterial. Requiring a licensee to place his name on the certificate of attendance ensures that the Board can verify a licensee's attendance at continuing education.

Public Comments

The Board received one comment on the proposed rulemaking from the Pennsylvania Optometric Association (POA). In its comment, the POA noted its full

support for the proposed rulemaking. The POA assents to the requirement of a minimum of 30 hours of continuing education, of which 6 hours must concern the prescription and administration of pharmaceutical agents for therapeutic purposes, for biennial license renewal or reactivation.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no fiscal impact on licensees, the Board, the private sector, the general public or on the Commonwealth or its political subdivisions. The final-form rulemaking will create no additional paperwork for the Board or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 12, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 1118, to IRRC and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 27, 2004, the final-form rulemaking was approved by the House Professional Licensure Committee. The final-form rulemaking was deemed approved by the Senate Consumer Protection and Professional Licensure Committee on February 11, 2004. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 12, 2004, and approved the final-form rulemaking.

Additional Information

Individuals who need information about the final-form rulemaking should contact Teresa Lazo-Miller, Counsel, State Board of Optometry, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

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

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

(3) The final-form rulemaking is necessary and appropriate for the administration of the act.

(4) The amendments to this final rulemaking do not enlarge the original purpose of the proposed rulemaking published at 33 Pa.B. 1118.

Order

The Board therefore orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 23, are amended by amending §§ 23.82—23.84 and 23.87 to read as set forth in Annex A.

(*Editor's Note:* The amendment to § 23.84 was not included in the proposal published at 33 Pa.B. 1118.)

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

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

(d) This order and final-form regulations take effect upon publication in the *Pennsylvania Bulletin*.

STEVEN J. RETO, O.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 1297 (February 28, 2004).)

Fiscal Note: Fiscal Note 16A-529 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 23. STATE BOARD OF OPTOMETRY CONTINUING EDUCATION

§ 23.82. Continuing education hour requirements.

(a) An applicant for biennial license renewal or reactivation of license is required to complete, during the 2 years preceding renewal or reactivation, a minimum of 30 hours of continuing education. For licensees certified in accordance with section 4.1 of the act (63 P. S. § 244.4a), at least 6 of the required 30 hours shall concern the prescription and administration of pharmaceutical agents for therapeutic purposes. Completion of a Board-approved course described in section 4.1(a)(2) of the act shall satisfy the continuing education requirement for the biennial renewal period in which it is completed.

(b) Persons failing to meet the continuing education requirements for any biennial renewal period will be disciplined in accordance with section 7(e) of the act (63 P. S. § 244.7(e)).

(c) The Board may waive the requirements of continuing education in cases of certified illness or undue hardship. It is the duty of each licensee seeking waiver to notify the Board in writing and request the waiver prior to the end of the biennial renewal period for which the waiver is sought. The waiver will be granted, denied or granted in part.

§ 23.83. Continuing education subject matter.

(a) Acceptable courses of study are limited to those pertaining to the use of means or methods for examination, diagnosis and treatment of conditions of the human visual system and may include examination for and adapting and fitting of all types of lenses. The Board will not accept courses of study which do not relate to the actual practice of optometry such as studies in office management and financial procedures.

(b) Courses that will meet the requirements for certification in the prescription and administration of pharmaceutical agents for therapeutic purposes in accordance with section 4.1 of the act (63 P. S. § 244.4a) shall concern the treatment and management of ocular or oculo-systemic disease.

(c) Courses that will meet the requirements for certification to treat glaucoma in accordance with section 4.2 of the act (63 P. S. § 244.4b) shall concern the treatment and management of primary open angle glaucoma, exfoliation glaucoma and pigmentary glaucoma.

§ 23.84. Provider and program registration.

(a) An agency, organization, institution, association or center seeking to offer an organized program for continuing education may apply to the Board as a provider.

(b) Providers seeking Board approval of continuing education programs shall complete and submit an application as a provider of continuing education.

(c) An application for program approval shall include, but not be limited to, the following information:

- (1) Full name and address of the eligible provider.
- (2) Title of the program.
- (3) Dates and location of the program.
- (4) Faculty names, titles, affiliations, degrees.
- (5) Schedule of program—title of subject, lecturer, time allocated and the like.
- (6) Total number of credit hours requested.
- (7) Method of certifying and assuring attendance.
- (8) Provider number where applicable.
- (9) Provider category.
- (10) Objectives.
- (11) Admission requirements.
- (12) Core subjects.
- (13) Program coordinator.
- (14) Instruction and evaluation methods.

(d) Statements made in the application shall be sworn to be true and correct to the best of the provider's information, knowledge and belief.

(e) Upon approval of a qualified provider, a provider number will be assigned; and upon approval of any program, a program number will be assigned except for those providers listed in § 23.81(a) (relating to coverage).

(f) Programs will be approved only in demonstrated areas of expertise. A change in the area of expertise shall be recorded and communicated to the Board within 60 days of that change. The Board will accept a designation that the particular provider is qualified to provide continuing education in all subject matter as set forth in § 23.83 (relating to continuing education subject matter) so long as expertise can be shown.

(g) Disapproval of program will include a statement setting forth reasons. Applicants may submit new applications within 10 days after receipt of disapproval. New applications shall document alterations in program to meet Board requirements. Notification will occur as soon as possible within the Board's capability on action taken on new applications.

(h) Each approved provider shall request reregistration each biennium, and each application for reregistration shall be accompanied by a statement outlining any major changes in the information previously submitted.

(i) Programs approved to grant continuing education hours in therapeutics or glaucoma shall indicate the number of credits approved in each area on the certificate of attendance. Preapproved providers shall also indicate

on the certificate of attendance how many credits will apply toward the requirement for renewal of therapeutic or glaucoma certification.

§ 23.87. Reporting of continuing education credit hours.

Applicants for a license or license renewal shall provide, at a time prescribed and on forms approved by the Board, a signed statement certifying that they have met the continuing education requirements set forth in section 5(b) of the act (63 P. S. § 244.5(b)) by providing information which shall include the following:

- (1) Dates attended.
- (2) Continuing education hours claimed.
- (3) Title of course, including the course number assigned by the Board, if applicable, and description of content. For those courses which are approved to meet the requirements for therapeutic or glaucoma certification, the licensee claiming credit shall ensure that the certificate of attendance includes the course number and number of hours that apply toward the requirement for therapeutic or glaucoma certification.
- (4) School, clinical hospital, medical center, optometric center or organization sponsoring course, clinical conference, clinical rounds or preceptor training.
- (5) Instructor.
- (6) Name of licensee.

[Pa.B. Doc. No. 04-422. Filed for public inspection March 12, 2004, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

General Fishing Regulations; Commercial Landing of Finfish and Shellfish

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to the commercial landing of finfish and shellfish in this Commonwealth.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect immediately upon publication of an order in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed addition of § 63.47 (relating to landing of finfish, shellfish, crustaceans and other marine seafood) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

Commercial harvest quotas and caps are powerful regulatory tools in managing marine shellfish and finfish stocks. Quotas and caps are used to prevent overharvest, to control the take of limited resources and to provide a means of distributing harvest among jurisdictions and individual users. Normally, the jurisdiction where the fishery is located or where the commercial boat is headquartered governs the harvest take. When a boat lands, the harvest is reported (credited) to that jurisdiction. When used in this context, a landing occurs when a boat comes to shore (dock, ramp, and the like) and offloads cargo, in this case, finfish, shellfish, crustaceans or other marine seafood. These landings are then reported to various State and Federal agencies and form the basis for adjusting harvest limits for the rest of the season and for planning limits for the next season. Landings of finfish, shellfish, crustaceans and other marine seafood are not the same as seafood trucked or flown into this Commonwealth for sale at retail and wholesale markets because generally that seafood is landed elsewhere and should be counted in the appropriate jurisdiction.

The issue of marine finfish and shellfish being landed or sold in this Commonwealth is not new. The Commission previously promulgated regulations specific to hard clams, weakfish and horseshoe crabs. Recently, however, commercial harvesters landed several thousand pounds of finfish and shellfish in the Philadelphia area because the quotas for these species had been filled in the home jurisdiction. There is concern that there may be a loophole in Commonwealth law that enables harvesters to circumvent harvest quotas or caps in home jurisdictions.

Because this Commonwealth has not been allocated a quota for harvest of any Atlantic coastal fish or crustacean stock, the landing of Atlantic caught fish and crustaceans should not be permitted.

E. *Summary of Proposal*

The Commission proposes to add a new section that places restrictions on the landing of finfish, shellfish, crustaceans and other marine seafood in this Commonwealth. Specifically, the Commission proposes to make it unlawful to land finfish, shellfish, crustaceans and other marine seafood when harvest quota allocations to this Commonwealth have been met or otherwise capped by action of the Executive Director under the fishery management plans and harvest allocations of the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. If quotas have been met or otherwise capped in this Commonwealth, the landing of finfish, shellfish, crustaceans and other marine seafood is permitted only if the species have been properly reported as part of an unmet quota of another jurisdiction. The provisions of the proposed section will not apply to the landing of fish at Lake Erie, which is already governed by Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission proposes to add § 63.47 to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-155. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.47. Landing of finfish, shellfish, crustaceans and other marine seafood.

(a) Except as otherwise provided in this section, it is unlawful to land finfish, shellfish, crustaceans or other

marine seafood in this Commonwealth when harvest quota allocations to this Commonwealth have been met or otherwise capped by action of the Executive Director pursuant to the fishery management plans and harvest allocations of the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. If quotas have been met or otherwise capped in this Commonwealth, the landing of finfish, shellfish, crustaceans and other marine seafood in this Commonwealth is permitted only if the species have been properly reported as part of an unmet quota of another jurisdiction.

(b) For purposes of this section, "land" or "landing" means to enter port with finfish, shellfish, crustaceans or other marine seafood on board any vessel to begin offloading or to offload finfish, shellfish, crustaceans or other marine seafood.

(c) This section does not apply to the landing of fish at Lake Erie that is governed by Chapter 69 (relating to fishing in Lake Erie and boundary lakes).

[Pa.B. Doc. No. 04-423. Filed for public inspection March 12, 2004, 9:00 a.m.]

[58 PA. CODE CH. 65]

Special Conservation Waters; Crawford County

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to terminating the Commission's Warmwater/Coolwater Species Special Conservation Waters Program (program) and imposing a new miscellaneous special regulation for muskellunge on Sugar Lake, Crawford County.

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2005.

B. Contact Person

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

C. Statutory Authority

The proposed amendment to § 65.8 (relating to warmwater/coolwater species special conservation waters) is published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed 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).

D. Purpose and Background

This proposed rulemaking is designed to update, modify and improve the Commission's special fishing regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

E. Summary of Proposal

(1) *Section 65.8.* At its April 1986 meeting, the Commission adopted regulations for its new program. This

program began a major Commission initiative to provide enhanced management for warmwater/coolwater fisheries. Rationale for the more restrictive length and creel limits included the need for additional protection of new or reclaimed lake fisheries, rehabilitating fisheries significantly impacted by angling pressure and restructuring of fish populations where the sport fish communities are not of the composition desired to provide recreational angling closer to the capability of the individual water. Since implementation of the program, use has been expanded to major riverine habitat and to select reservoirs during major drawdowns.

Considerable evaluation work, both biologically and angler demand wise, occurred on a number of waters involved in the program during the years following implementation. At the same time, development of other special regulation programs for managing warmwater/coolwater fisheries gave fisheries managers alternatives to the more inclusive and sometimes unnecessary regulations in the program. Results of biological and angler sampling provided the means for the Commission to shift waters in this program to other programs, including the Big Bass and more recently the Panfish Enhancement programs.

To consolidate the number of special regulations used in managing warmwater/coolwater fisheries, the Commission has redesignated the remaining three conservation lakes to other programs, effective January 1, 2005. Thus, there is no need to retain the regulations for warmwater/coolwater species special conservation waters. Accordingly, the Commission proposes to remove this section as set forth in Annex A.

(2) *Section 65.24.* Sugar Lake, a 90-acre productive natural lake in Crawford County, was added to the program in 1987. The new set of regulations involved increased minimum length limits and reduced possession limits as part of a major initiative for enhanced management of warmwater/coolwater species. Since program inception, management of warmwater/coolwater species has evolved considerably with the establishment of §§ 65.9 and 65.11 (relating to big bass special regulations; and panfish enhancement special regulation) and considerable study on response of fish populations to more restrictive regulations. Thus, the Commission has moved several conservation waters to other programs.

Sugar Lake contains an abundant bass population, a rather dense panfish population characterized by slow growing individuals (bluegill, black crappie and yellow perch) and a robust muskellunge population for the size of the lake. Sugar Lake serves as a brood lake in muskellunge propagation activities. To maintain and enhance fishing opportunities there, the Commission already has added Sugar Lake to the list of waters managed and regulated under § 65.9, effective January 1, 2005. The Commission also proposes that a miscellaneous special regulation for muskellunge be adopted that imposes a 36-inch minimum size limit and a one fish daily creel limit. Although Commission staff has not sampled intensively the muskellunge in Sugar Lake, the higher minimum size limit has led to improvements in size structure. For all other species, Commonwealth inland regulations will apply. The Commission proposes to amend § 65.24 to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-152. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.8. [Warmwater/coolwater species special conservation waters] (Reserved).

[(a) The Executive Director, with the approval of the Commission, may designate waters as warmwater/coolwater special conservation waters. The designation of the waters shall be effective when the waters are posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish for the following species in designated and posted warmwater/coolwater special conservation waters except in compliance with the seasons established in § 61.1 (relating to the Commonwealth inland waters) and the following size and creel limits:

<i>Species</i>	<i>Size (in)</i>	<i>Creel Limit</i>
Walleye and hybrids	20	2
Muskellunge and Muskellunge hybrids	36	1
Chain pickerel	20	2
Northern pike	28	1
Sunfish		10
Crappie and White bass		10
Yellow perch		10
Catfish		50
Carp and suckers		50
White perch		50

Other species—Inland size and creel limits apply.

(c) It is unlawful to fish for bass (all species) in designated and posted warmwater/coolwater special conservation waters except in compliance with the following seasons and size and creel limits. It is not a violation of this subsection if the bass is immediately returned unharmed to the waters from which it is taken.

<i>Seasons</i>	<i>Size (in)</i>	<i>Creel Limit</i>
Lakes: January 1 to midnight the day before the opening day of trout season in April and 12:01 a.m. the first Saturday after June 11 to midnight December 31	15	4 (combined species)
12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (No Tournaments Permitted)	
Rivers and Streams: January 1 to midnight the day before the opening day of trout season in April and October 1 to midnight December 31	15	4 (combined species)
12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (No Tournaments Permitted)	
12:01 a.m. the first Saturday after June 11 to midnight September 30	15	4 (combined species)

Note: For purposes of this subsection, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”]

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
		* * * * *
Crawford	Sugar Lake	Muskellunge—36-inch minimum size limit and a one muskellunge daily creel limit. Other species—inland regulations apply.
		* * * * *

[Pa.B. Doc. No. 04-424. Filed for public inspection March 12, 2004, 9:00 a.m.]

[58 PA. CODE CH. 65]

Special Fishing Regulations; Delayed Harvest Artificial Lures Only

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to permitting all tackle in Delayed Harvest Artificial Lures Only (DHALO) areas during the harvest season of June 15 through Labor Day.

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2005.

B. Contact Person

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

C. Statutory Authority

The proposed amendment to § 65.6 (relating to delayed harvest artificial lures only areas) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

In this Commonwealth, there are two delayed harvest special regulation programs for trout: DHALO and Delayed Harvest Fly Fishing Only (DHFFO). Currently, the same tackle restrictions apply to the harvest period as the remainder of the year (that is, either fly fishing only or artificial lures only, depending on which program regulations apply to individual waters). The harvest period allows anglers to take trout that otherwise face less desirable habitat with the onset of warmer water and low flows typical of most seasonal trout stocked streams during the summer. The general concept behind delayed harvest regulations is to maximize total recreational fishing opportunities and to mix in both a harvest and a catch and release component. Using stocked trout and tailoring fishing regulations to take best advantage of changing stream conditions achieve this. As a result of extending the fishing opportunities for a longer period of time, streams in delayed harvest programs are among the most popular for all special regulation trout waters.

Members of the Traditional Anglers of Pennsylvania (Traditional Anglers) approached the Commission requesting that regulations pertaining to the delayed harvest

programs be modified to permit all tackle during the mid-June through Labor Day harvest period. Fundamental to the interests of the Traditional Anglers is the belief that general license and trout stamp dollars pay for stocked trout and thus all anglers should have equal access to harvest. In addition to the equity issue, permitting all tackle during the harvest period might be beneficial in encouraging traditional anglers to the delayed harvest concept. Moreover, by mid-June, all tackle activity on these areas should be less intense because many anglers are less inclined to go trout angling.

The Commission has reviewed delayed harvest and similar regulations on seasonal trout stocked waters in neighboring jurisdictions as well as the results from studies on delayed harvest waters in this Commonwealth. During the summer “harvest” season, Virginia, West Virginia and Maryland have no tackle restrictions and in some cases no minimum length limits on waters that for most of the rest of the year have more restrictive regulations, including no-kill and artificial lures only.

The Commission believes that the concept of a no-tackle restriction during the harvest period for DHALO areas is worthy of further consideration. Because of the widespread angler interest in the DHALO program, the Commission will solicit public comments during an extended public comment period of 90 days and will hold at least two public meetings. The dates and locations for those meetings have not yet been determined. The Commission invites comments on a number of issues, including the impacts of the proposed amendments on those delayed areas located on waters that flow through private property.

E. Summary of Proposal

Both the DHALO and DHFFO programs allow for year-round fishing with no closed season (unlike most other stocked trout waters). Harvest is permitted from mid-June through Labor Day, with catch and release angling at all other times. The Commission proposes to allow the use of bait during the specified time frame only and only on waters in the “Artificial Lures Only” side of the delayed harvest program. The Commission proposes to amend § 65.6 to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 90 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-154. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.6. Delayed harvest artificial lures only areas.

* * * * *

(b) It is unlawful to fish in designated and posted delayed-harvest, artificial lures only areas except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use of gear not described in this section is prohibited. Specifically prohibited are the use of molded facsimiles or replicas of insects, earthworms, fish eggs, fish or any invertebrate or vertebrate either singly or in combination with the other materials, **except during the period, June 15 through Labor Day.**

(2) The use or possession of a natural bait, baitfish or fishbait and the use of fishing devices other than artificial lures, flies or streamers is prohibited in these areas, **except during the period, June 15 through Labor Day.**

* * * * *

[Pa.B. Doc. No. 04-425. Filed for public inspection March 12, 2004, 9:00 a.m.]

[58 PA. CODE CH. 65]

Special Fishing Regulations; Huntingdon County

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The proposed 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).

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to the use of cast or throw nets at Raystown Lake, Huntingdon County. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Several years ago, the Commission adopted a miscellaneous special regulation that enabled the Executive Director or a designee to issue permits for use of cast or throw nets at Raystown Lake, Huntingdon County. This special gear makes it possible for anglers to capture live gizzard shad and alewife, preferred striped bass bait. The permits limit cast or throw nets to no more than 6 feet in radius (12 feet in diameter) with a mesh size of at least 3/8 inch. Recently, the Commission was approached by Raystown Lake anglers seeking use of a larger cast net. It appears that gizzard shad and alewife can more easily evade capture with the smaller nets because of the time that it takes for weights to sink the net and the relatively small surface area involved, even when the net fully opens with the perfect cast. Anglers requested cast nets with a larger radius.

The Commission sees no problem with the use of a larger net. Any catch other than gizzard shad and alewife already has to be immediately returned to the water. Thus, the Commission proposes to amend § 65.24 to increase cast or throw net size to 10 feet in radius (20 feet in diameter). The Commission proposes to amend this miscellaneous special fishing regulation to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments

is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-153. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
		* * * * *
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Creel limits: Regular inland season—5. Day after Labor Day to opening day of next regular inland season—3 (combined species). Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number. Executive Director or a designee may issue permits for use of cast nets or throw nets for taking only gizzard shad and alewife on Lake Raystown. In addition to other permit conditions that the Executive Director may require, the permits shall be limited to cast nets or throw nets of no greater than [6 feet in radius (12 feet in diameter)] 10 feet in radius (20 feet in diameter) with a mesh size of at least 3/8 inches.
		* * * * *

[Pa.B. Doc. No. 04-426. Filed for public inspection March 12, 2004, 9:00 a.m.]

NOTICES

CENTER FOR RURAL PENNSYLVANIA

Current Population Survey for this Commonwealth

The Center for Rural Pennsylvania (Center), a legislative agency of the General Assembly, is soliciting competitive proposals for the development and first year implementation of an annual Commonwealth-specific survey modeled after the United States Census Bureau's Current Population Survey March Supplement. The survey will provide statistically significant data to compare this Commonwealth's rural and urban areas as well as other geographical regions within this Commonwealth.

Proposals must include:

- Detailed methodology discussing the selection of the sample and how the survey will be developed and implemented.
- Itemized budget.

- Discussion on how the survey will be implemented in subsequent years.
- Projected cost for second and third year implementation.
- List of key project researchers and their credentials.

Proposals must be received in the office of the Center by 4:30 p.m. on Friday, April 30, 2004. The original proposal and nine copies should be submitted to Mary Kandray Gelenser, Program Manager for Grants, Center for Rural Pennsylvania, 200 North Third Street, Suite 600, Harrisburg, PA 17101. Proposals will not be accepted by fax or e-mail.

Questions regarding the Center (www.ruralpa.org) or the survey should be directed to Mary Kandray Gelenser, (717) 787-9555, kandraym@ruralpa.org.

BARRY DENK,
Director

[Pa.B. Doc. No. 04-427. Filed for public inspection March 12, 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 March 2, 2004.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-04	Bucks County Bank Doylestown Bucks County <i>Correspondent:</i> John D. Harding BCBIF Corp. 350 South Main Street, Suite 213 Doylestown, PA 18901	Doylestown	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-27-04	Sun Interim Trust Company, Lewisburg, and Sentry Trust Company, Chambersburg Surviving Institution—Sun Interim Trust Company, Lewisburg, with a change in corporate title and headquarters to Sentry Trust Company, Chambersburg	Lewisburg	Effective

Note: As a result of this transaction, Sentry Trust Company became a subsidiary of Sun Bank, Lewisburg, which is a wholly owned subsidiary of Sun Bancorp, Inc., Lewisburg.

NOTICES

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 1701 Lincoln Highway North Versailles Allegheny County	Approved
2-26-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Citizens Bank Park One Citizens Bank Way Philadelphia Philadelphia County (Limited Service Facility)	Approved
3-1-04	NOVA Savings Bank Philadelphia Philadelphia County	1235 West Chester Pike Havertown Delaware County	Filed
3-1-04	Irwin Bank & Trust Company Irwin Westmoreland County	20 North Pennsylvania Avenue, Suite 204 Greensburg Westmoreland County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-27-04	Fulton Bank Lancaster Lancaster County	<i>To:</i> State Hill Road and VanReed Road Wyomissing Spring Township Berks County <i>From:</i> 2101 State Hill Road Wyomissing Spring Township Berks County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
3-2-04	Lehigh Valley Educators Credit Union Allentown Lehigh County	Amendment to Article 8 of the Articles of Incorporation provides for an expansion of the field of membership	Approved and Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-428. Filed for public inspection March 12, 2004, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2004

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of April 2004 is 7%.

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

the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.49 to which was added 2.50 percentage points for a total of 6.99 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-429. Filed for public inspection March 12, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 24, 2004, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf, (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-430. Filed for public inspection March 12, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

<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>
PA0052205	John J. Murphy 89 Chestnut Valley Drive Doylestown, PA 18901	Bucks County Doylestown Township	UNT to Cooks Run	Y

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>
PA0063169 Minor Industrial	Pocono Food, Inc. Route 611 Mount Bethel, PA 18343	Northampton County Upper Mount Bethel Township	Allegheny Creek 1F	Y
PAS802217	Overnight Transportation Co. 1000 Semmes Ave. Richmond, VA 23224	Northampton County Hanover Township	Unnamed tributary to Monocacy Creek 2C	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>
PA0085511 Sewerage	West Hanover Township Water and Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112-9728	Dauphin County West Hanover Township	UNT to Manada Creek 7-D	Y
PA0087963 Sewerage	Nancy R. Miller 133 Hauck Hollow Lane Manns Choice, PA 15550	Bedford County Napier Township	UNT Raystown Branch Juniata River 11-D	Y
PA0009741 Industrial Waste	Exelon Generation Company 300 Exelon Way KSB-320 Kennett Square, PA 19348	Lancaster County Drumore Township	Susquehanna River 7-K	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>
PA0111830 IW	Emporium Specialties Company Inc. P. O. Box 65 Austin, PA 16720	Potter County Austin Borough	Freeman Run 8A	Y
PA0228095 Industrial Waste	Tulpehocken Spring Water Co., Inc. R. R. 1, Box 114T Northumberland, PA 17857	Northumberland County Point Township	UNT to Lithia Spring Creek 5E	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>
PA0100315	Farma Parks, Inc. 87 Hughey Road Greenville, PA 16125	Perry Township Mercer County	Unnamed tributary to Little Shenango River 20-A	Y

<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>
PA0102997	Advanced Heat Treating, Inc. 1057 Trout Run Road St. Marys, PA 15857	City of St. Marys Elk County	Unnamed tributary to Elk Creek 17-A	Y

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

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

PA0052906, Industrial Waste, SIC 4953 and 4911, **Montenay Montgomery Limited Partnership**, 1155 Conshohocken Road, Conshohocken, PA 19428-1028. This proposed facility is in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge stormwater from a resource recovery facility in Plymouth Township, Montgomery County.

The receiving stream, Plymouth Creek, is in the State Water Plan watershed 3F and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Philadelphia Water Department is on the Schuylkill River, 9.2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an average flow of a stormwater event and are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Maximum Daily</i>	
COD			Monitor and Report	Monitor and Report	
Total Dissolved Solids			Monitor and Report	Monitor and Report	
Oil and Grease			Monitor and Report	Monitor and Report	
Barium, Total			Monitor and Report	Monitor and Report	
Cadmium, Total			Monitor and Report	Monitor and Report	
Chromium, Total			Monitor and Report	Monitor and Report	
Lead, Total			Monitor and Report	Monitor and Report	
Mercury, Total			Monitor and Report	Monitor and Report	
Magnesium, Total			Monitor and Report	Monitor and Report	
Magnesium, Dissolved			Monitor and Report	Monitor and Report	
Selenium, Total			Monitor and Report	Monitor and Report	
Silver, Total			Monitor and Report	Monitor and Report	
Ammonia			Monitor and Report	Monitor and Report	
Arsenic, Total			Monitor and Report	Monitor and Report	
Cyanide, Total			Monitor and Report	Monitor and Report	
Nitrate and Nitrite as N			Monitor and Report	Monitor and Report	
Iron, Dissolved			Monitor and Report	Monitor and Report	
Total Organic Carbon			Monitor and Report	Monitor and Report	
pH			Monitor and Report	Monitor and Report	

The EPA waiver is in effect.

PA0058769, IW, SIC 5411, **Wawa, Inc.**, 260 West Baltimore Pike, Wawa, PA 19063. This proposed facility is in Middletown Township, **Delaware County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge treated groundwater from Wawa Food Market No. 133 GWCU.

The receiving stream, unnamed tributary to Rocky Run, is in the State Water Plan watershed 3G and is classified for HQ CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Media Borough (auxiliary intake) is on the Chester Creek, 3.7 miles below the point of discharge.

The proposed effluent limits for Monitoring Point 101 are based on a design flow of 0.0045 mgd.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Toluene	Not Detectable	Not Detectable	Not Detectable
Total Xylenes	Not Detectable	Not Detectable	Not Detectable
pH	6.0 to 9.0 STD at all times		
Oil and Grease	Not Detectable	Not Detectable	Not Detectable
TSS	10	20	25
MTBE	Not Detectable	Not Detectable	Not Detectable
TCE	Not Detectable	Not Detectable	Not Detectable
PCE	Not Detectable	Not Detectable	Not Detectable
Iron, Dissolved	0.23	0.35	0.46

Parameters	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Benzene	Not Detectable	Not Detectable	Not Detectable
Total Betx	Not Detectable	Not Detectable	Not Detectable
Ethylbenzene	Not Detectable	Not Detectable	Not Detectable

In addition to the effluent limits, the permit contains the following major special permit conditions: remedial measures; approved test methods; change of ownership; proper sludge disposal; TMDL/WLA analysis; 2/month monitoring; laboratory certification; and influent sampling.

PA0043982, Sewage, **Utilities, Inc. of Maryland**, 3311 Village Drive, North, Upper Marlboro, MD 20772. This facility is in West Bradford Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from the Broad Run sewage treatment plant.

The receiving stream, East Branch Brandywine Creek, is in the State Water Plan watershed 3H Brandywine Creek and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake is the Philadelphia Suburban Water Supply, approximately 1.7 miles downstream on East Branch Brandywine Creek.

The proposed effluent limits for Outfall 001, based on a design flow of 0.4 mgd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	23	46
Suspended Solids	30	60
Ammonia as N	2.0	4.0
Phosphorus as P	1.9	3.8
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

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

PA0080519, Amendment No. 3, Sewage, **Antrim Township**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225-0130. This facility is in Antrim Township, **Franklin County**.

Description of activity: Amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Conococheague Creek, is in Watershed 13-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is on the Potomac River, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

1. Part C conditions relating to acute whole effluent toxicity monitoring requirements have been removed from the permit.

2. A Part C condition requiring whole effluent toxicity testing for the next renewal has been added to the permit.

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

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

PA0008923, Industrial Waste, SIC 3229, **Corning Asahi Video Products Company**, 3500 West College Avenue, P. O. Box 9, State College, PA 16801-0009. This existing facility is in College Township, **Centre County**.

Description of Proposed Activity: Amendment to reflect the impending closure of the facility and to monitor the stormwater runoff at the site. Process wastewater is no longer generated at the site.

The receiving stream, unnamed tributary to Logan Branch, is in the State Water Plan watershed 9C and is classified for CWF. Downstream portions of Logan Branch are protected as HQ CWF.

The nearest downstream public water supply intake, for the Pennsylvania American Water Company at Milton, is on the West Branch Susquehanna River, 87 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on precipitation events:

Discharge Parameter	Monthly Average (mg/L)	Weekly Average (mg/L)	Daily Maximum (mg/L)	Instantaneous Maximum (mg/L)
Oil and Grease			30	30
Lead			0.081	0.108

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Total Suspended Solids			15	20
pH			within the range of 6.0 to 9.0	

The proposed effluent limits for Outfall 101 are based on precipitation events:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Oil and Grease			30	30
Lead			Report	
Total Suspended Solids			Report	
pH			within the range of 6.0 to 9.0	

The proposed effluent limits for Outfall 201 are based on precipitation events:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Oil and Grease			30	30
Lead			Report	
Total Suspended Solids			Report	
pH			within the range of 6.0 to 9.0	

The proposed effluent limits for Outfall 301 are based on precipitation events:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Oil and Grease			30	30
Lead			Report	
Total Suspended Solids			Report	
pH			within the range of 6.0 to 9.0	

In addition to the effluent limits, the permit contains the following major special conditions: stormwater impact/BMP development study and implementation plan; and lead sediment abatement strategy.

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

PA0005240, Industrial Waste, SIC, 3312, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014-1597. This application is for renewal of an NPDES permit to discharge leachate, untreated noncontact cooling water and stormwater from the Latrobe Plant in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Saxman Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Waterworks at Saltsburg, 15 miles below the discharge point.

Outfall 002: existing discharge, design flow of 0.0122 mgd:

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

Outfall 004: existing discharge to unnamed tributary to Saxman Run:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Suspended Solids			30	60	
Oil and Grease			15	30	
Aluminum			1.2	2.4	
Molybdenum			1.8	3.6	
pH	not less than 6.0 nor greater than 9.0 standard units				

Outfall 006: existing discharge to unnamed tributary to Saxman Run:

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

Outfall 005: existing discharge to unnamed tributary to Saxman Run:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Temperature (°F)					
Aluminum	Monitor and Report				
Iron	Monitor and Report				
Molybdenum	Monitor and Report				
Titanium	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0 standard units				

Outfall 007: existing discharge to unnamed tributary to Saxman Run:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum	Monitor and Report				
Iron	Monitor and Report				
Titanium	Monitor and Report				
Molybdenum	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0 standard units				

The EPA waiver is in effect.

PA0091910, Industrial Waste, NAICS, 562212, **Alex E. Paris Contracting Co., Inc.**, P. O. Box 369, 1595 Smith Township Road, Atlasburg, PA 15004-0369. This application is for renewal of an NPDES permit to discharge treated leachate and stormwater from the Paris Fly Ash Landfill in Hanover Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Raccoon Creek and Wingfield Run, classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Midland Borough Municipal Authority, 10th Street and Railroad Avenue, Midland, PA 15059, 33.6 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.035 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Suspended Solids			30	60	75
Total Residual Chlorine			0.5		1.25
Iron			3.0	6.0	7.5
Manganese			2.0	4.0	5.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: new stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids	Monitor and Report				
Nitrate + Nitrite Nitrogen	Monitor and Report				
Iron	Monitor and Report				
Manganese	Monitor and Report				

The EPA waiver is in effect.

PA0025755, Sewage, **Freeport Borough**, 414 Market Street, Freeport, PA 16229. This application is for renewal of an NPDES permit to discharge treated sewage from Freeport Borough STP in Freeport Borough, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Buffalo Creek, which are classified as a TSF 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 Harrison Township Water Authority on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.35 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	12.0	18.0		24.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002, 004, 005 and 007, which discharge to the receiving waters known as Allegheny River, and Outfalls 003 and 006, which discharge to the receiving waters known as Buffalo Creek, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for this reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow. Use of Outfall 007 is authorized for 24 months from the permit effective date.

The EPA waiver is in effect.

PA0030929, Sewage, **Torrance State Hospital—Department of Public Welfare**, P. O. Box 111, Torrance, PA 15779-0111. This application is for renewal of an NPDES permit to discharge treated sewage from the Torrance State Hospital sewage treatment plant in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tannery Hollow, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal WW on the Conemaugh River.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.5			7.0
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	0.03			0.09
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0041441, Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. This application is for renewal of an NPDES permit to discharge treated sewage from the Wells Creek sewage treatment plant in Somerset Township, **Somerset County**.

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

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.0		27.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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	0.3			0.9
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.

PA0092266, Sewage, **Brave Water and Sewer Authority**, P. O. Box 159, Brave, PA 15316. This application is for renewal of an NPDES permit to discharge treated sewage from the Brave sewage treatment plant in Wayne Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Hoovers Run, 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 Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	6	9		12
(11-1 to 4-30)	18	27		36
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,000/100 ml as a geometric mean			
Total Residual Chlorine (1st Month to 36th Month)	Monitor and Report			
(37th Month to Expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217964, Sewage, **Keith Vay**, Box 204, Lowbar, PA 15660. This application is for renewal of an NPDES permit to discharge treated sewage from the K-Vays STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Little Sewickley Creek, which are classified as a TSF 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 0.006 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
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	0.13			0.31
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 6404401, Camp Lavi, 311 Dennis Street, Oceanside, NY 11572. This proposed facility is in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: This project consists of the installation of surface aerators in the existing wastewater treatment lagoons.

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

WQM Permit No. 0704402, Sewerage, **Martinsburg Municipal Authority**, 133 East Allegheny Street, Martinsburg, PA 16662-0307. This proposed facility is in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Construction/operation of a new dechlorination system to meet new NPDES effluent requirements.

WQM Permit No. 0604403, Sewerage, **Washington Township Municipal Authority**, P. O. Box 156, 120 Barto Road, Barto, PA 19504. This proposed facility is in Washington Township, **Berks County**.

Description of Proposed Action/Activity: Construction of sanitary sewer extension to connect the Village Commons.

WQM Permit No. 2104402, Sewerage, **Silver Spring Township Authority**, 6415 Rear Carlisle Pike, Mechanicsburg, PA 17050. This proposed facility is in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of the Golden Triangle pump station and sewer extension.

WQM Permit No. 6791415, Amendment 04-1, Sewerage, **CMV Sewage Company, Inc.**, 300 Bailey Drive, Suite 106, Stewartstown, PA 17363. This proposed facility is in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Installation/use of UV disinfection instead of the gas chlorine originally approved and for pressure sand filters considered more appropriate for wastewater treatment instead of the sand filter approved previously.

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

WQM Permit No. 0303405, Industrial Waste, **Kittanning Suburban Joint Water Authority**, R. R. 1 Box 23, Adrian, PA 16210-9712. This proposed facility is in East Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of a wastewater treatment facility to serve the Kittanning Suburban Joint Water Authority.

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

WQM Permit No. 2504405, Sewerage, **William J. Frick**, 5140 Florek Road, Edinboro, PA 16412. This proposed facility is in Washington Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2504407, Sewerage, **Kim D. Armstrong**, 8585 Neuburger Road, Fairview, PA 16415. This proposed facility is in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 4304402, Sewerage, **Mercer Baptist Church**, 3016 Valley Road, Mercer, PA 16137. This proposed facility is in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve the Mercer Baptist Church.

WQM Permit No. 2504406, Sewerage, **William Road Subdivision Homeowners Association**, 1718 Franklin Avenue, Erie, PA 16510. This proposed facility is in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve four four-bedroom homes.

WQM Permit No. 4304403, Sewerage, **Mercer County Commissioners**, 103 Courthouse, Mercer, PA 16137-1224. This proposed facility is in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sanitary sewer line to serve a new 266-bed county prison and will discharge to an existing sewage treatment plant at the State Regional Correction Facility.

WQM Permit No. 2704402, Sewerage, **Forest Area School District**, 210 Vine Street, Tionesta, PA 16353-9707. This proposed facility is in Hickory Township, **Forest County**.

Description of Proposed Action/Activity: This project is for the enlargement of an existing sewage treatment facility to accommodate the proposed additional students at the West Forest Elementary Secondary School.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

NOTICES

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G328-R	Great Valley School District Athletic Fields—Swedesford Rd. 47 Church Road Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI01150304008	Michael J. Pelet Pelet Subdivision P. O. Box 56 Atglan, PA 19310	Chester	Upper Oxford Township	West Branch Big Elk Creek HQ-TSF-MF
PAI011504009	Sperry Homes Bethel Church Rd. Subdivision 1025 Nicole Drive Newtown Square, PA 19073	Chester	East Coventry Township	Unnamed tributary Schuylkill River HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI020004001	Columbia Gas Transmission Corp. 1700 MacCorke Ave. SE Charleston, WV 25314	Northampton	Lower Mount Bethel, Washington and Upper Mount Bethel Townships	UNT to Bushkill Creek HQ-CWF Bushkill Creek HQ-CWF, TSF
		Monroe	Smithfield and Middle Smithfield Townships	Little Bushkill EV
		Pike	Lehman and Delaware Townships	UNT to Delaware River WWF, MF UNT to Tom Creek EV UNT to Hornbecks Creek HQ-CWF Hornbecks Creek HQ-CWF UNT to Dingmans Creek HQ-CWF Dingmans Creek HQ-CWF UNT to Adams Creek EV Adams Creek EV Long Meadow Creek EV Conashaugh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504004	Pocono Jackson Joint Water Authority P. O. Box 196 Reeders, PA 18352	Monroe	Jackson and Pocono Townships	UNTs to Pocono 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>
PAI024804005	Kerry Wrobel, President Lehigh Valley Industrial Park, Inc. 100 Brodhead Road, Suite 160 Bethlehem, PA 18017	Northampton	City of Bethlehem	Lehigh River (main stem, Allentown Dam to mouth) WWF

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>
PAI030604001	Jeffrey Lipton 50 Swan Drive Morgantown, PA 19543	Berks	District Township	UNT to West Branch of Perkiomen Creek EV
PAI033603009	Kimjon, Inc. 60 S. Pin Oak Drive Boiling Springs, PA 17007	Lancaster	Colerain and Eden Townships	Bowery Run HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404004	University Area Joint Authority 1576 Spring Valley Rd. State College, PA 16801	Centre	Benner and College Townships	Spring Creek HQ-CWF

Potter Conservation District: 107 Market St., Coudersport, PA 16915, (814) 274-8411, Ext. 4.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045304005	Dominion Transmission 91 Gas Plant Lane Renovo, PA 17764	Potter	Stewardson Township	Little Greenlick Greenlick Run

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

Crawford Conservation District: 14699 North Main Street Ext., Meadville, PA 16335.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062003002	Conneaut School District Conneaut Lake Sadsbury Elementary School 219 West School Drive Linesville, PA 16424	Crawford	Conneaut Lake Borough	UNT Conneaut Lake HQ
PAI062003003	Conneaut School District Conneaut Lake High School 219 West School Drive Linesville, PA 16424	Crawford	Sadsbury Township	UNT Conneaut Lake HQ WWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

MS4 Notices of Intent Received

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>
PAG132265	West Pittston Borough 555 Exeter Avenue West Pittston, PA 18643	Luzerne	West Pittston Borough	Susquehanna River WWF	Y

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

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

Permit No. 5504501. Public Water Supply.

Applicant	Penn Township Municipal Authority 12 Clifford Road Selinsgrove, PA 17870
Borough	Selinsgrove Borough, Snyder County
Responsible Official	Neal R. Smith, Authority Chairperson 12 Clifford Road Selinsgrove, PA 17870
Type of Facility	PWS
Consulting Engineer	James C. Elliott, P. E., Vice President Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	February 24, 2004

Description of Action Installation of a booster pumping station at the existing Selinsgrove Borough standpipe site to provide secondary source of potable water to the Penn Township system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator

at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Strathmann Lumber Company, Southampton Township, **Bucks County**. Jennifer Sherman, GHR Consulting Services, Inc., 300 Welsh Rd., Horsham, PA 19044, on behalf of Pete Iliff, Strathmann Lumber Co., 620 Knowles Ave., Southampton, PA, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with fuel oil no. 2, leaded gasoline, lead, MTBE and unleaded gasoline. The applicant proposes to remediate the site to meet Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Times* on January 21, 2004. A Final Report was simultaneously submitted.

Planned Minquas Fire Station, East Caln Township, **Chester County**. James F. Mullan, P. E., Hocage Consulting, Inc., 987 Haddon Ave., Collingswood, NJ 08108, on behalf of East Caln Township, Robert Glisson, Township Manager, P. O. Box 232, Downingtown, PA 19335, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Downingtown Ledger* on December 18, 2003.

RJ Power Equipment, Haverford Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting Services, Inc., 500 E. Washington St., Norristown, PA 19401, on behalf of Rick Jones, RJ Power Equipment, 64 W. Eagle Rd., Havertown, PA 19083, has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel, fuel oil no. 2, leaded gasoline and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Haverford Press* on February 4, 2004.

Delcroft Shopping Center, Folcroft Borough, **Delaware County**. Michelle Harrison, React Environmental, 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Lee Brahin, Garnet Associates, LLC, 1533 Chestnut St., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Times* on December 31, 2003.

ConocoPhillips Trainer Refinery, Marcus Hook and Trainer Boroughs, **Delaware County**. Brandt Butler, URS Corporation, 4417 Lancaster Pike, Wilmington, DE 19805, on behalf of ConocoPhillips Company, Peter Batey, 4101 Post Rd., Trainer, PA 19061, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with aviation gasoline, chlorinated solvents, diesel fuel, fuel oil nos. 1, 2 and 6, inorganics, jet fuel, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, PAH, PCB and unleaded gasoline. The applicant proposes to remediate the site to meet Background, Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on January 24, 2004.

ThyssenKrupp-Budd Company, Hunting Park Facility, City of Philadelphia, **Philadelphia County**. Thomas A. Nowlan, P. E., O'Brien & Gere Engineers, Inc., 512 Township Line Rd., Two Valley Square, Suite 210, Blue Bell, PA 19422, on behalf of ThyssenKrupp-Budd Co., Charles Payne, 3155 W. Big Beaver Rd., Troy, MI 48084, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCB. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on December 17, 2003.

ThyssenKrupp-Budd Company, Phoenix Building Facility, City of Philadelphia, **Philadelphia County**. Thomas A. Nowlan, P. E., O'Brien & Gere Engineers, Inc., 512 Township Line Rd., Two Valley Square, Suite 210, Blue Bell, PA 19422, on behalf of ThyssenKrupp-Budd Co., Charles Payne, 3155 W. Big Beaver Rd., Troy, MI 48084, has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel, inorganics, leaded gasoline, lead, MTBE, other organics, PAH and unleaded gasoline; and groundwater contaminated with diesel fuel, leaded gasoline, lead, MTBE, other organics and unleaded gasoline. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on December 17, 2003.

George David Property, City of Philadelphia, **Philadelphia County**. Erik W. Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Robert Rosenthal, Westrum Park Place LP, 370 Commerce Dr., Fort Washington, PA 19034, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, diesel fuel, fuel oil nos. 2 and 4-6, inorganics, leaded gasoline, lead, other organics, PAH, pesticides, unleaded gasoline, used motor oil; and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil nos. 2 and 4-6, inorganics, leaded gasoline, MTBE, other organics, PAH, unleaded gasoline and used motor oil. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on January 26, 2004.

Capozzi Property, City of Philadelphia, **Philadelphia County**. Erik W. Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Robert Rosenthal, Westrum Park Place LP, 370 Commerce Dr., Fort Washington, PA 19034, has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel, inorganics, leaded gasoline, lead, other organics, PAH, unleaded gasoline; and groundwater contaminated with chlorinated solvents, diesel fuel, inorganics, leaded gasoline, MTBE, other organics, PAH and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on January 27, 2004.

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

Cloister Spring Water, Ephrata Borough, **Lancaster County**. Advantage Engineering, LLC, 20 South 36th Street, Camp Hill, PA 17011, on behalf of Compass Real Estate, LLC, 1435 Hunsicker Road, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel and unleaded gas and site

groundwater contaminated with diesel fuel, unleaded gas and MTBE. 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 *Ephrata Review* on February 11, 2004.

GROWMARK FS, Inc., Leesport Borough, **Berks County**. ERM, Inc., 350 Eagleview Boulevard, Exton, PA 19341, on behalf of GROWMARK FS, Inc., 119 Wall Street, Leesport, PA 19533, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel, pesticides and unleaded gas. 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 *Reading Eagle* on February 17, 2004.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1–6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Cardinal Group, Inc., 828 N. Hanover Street, Pottstown, PA 16464-4253. License No. PA-HC 0213. Received on January 27, 2004.

Coast Medical Supply, Inc., 200 Tornillo Way, Suite 110, Tinton Falls, NJ 07712. License No. PA-HC 0214. Received on February 11, 2004.

Orchard Hill Memorial Park, Inc., 18 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Received on February 24, 2004.

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

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

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

40-320-023: Cascades Tissue Group PA, Inc. (901 Sather Drive, Voglebacher Industrial Park, Pittston, PA 18640) for construction of a napkin conversion flexographic printing press at their facility in Pittston Township, **Luzerne County**.

48-313-092: Praxair Distribution, Inc. (145 Shimmersville Road, Bethlehem, PA 18015) for construction of a nitric oxide generation plant and associated air cleaning device at their facility in Bethlehem, **Northampton County**.

48-309-123: Hercules Cement Co., LP (501 Center Street, Stockertown, PA 18083) for reactivation of a railcar load-out system and associated air cleaning device at the no. 1 stockhouse at their facility in Stockertown Borough, **Northampton County**.

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

04-00034B: Engineered Polymer Solutions d/b/a Valspar Coatings (372 Cleveland Avenue, Rochester, PA 15074) for installation of reactor vessel at their Rochester Plant in Rochester Township, **Beaver County**.

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

37-323A: IA Construction Corp.—Plain Grove Plant (Mason Road, Volant, PA 16156) for post-construction plan approval of a permanent 350 tph nonmetallic

crushing/screening plant at their permitted noncoal surface mining operation in Plain Grove Township, **Lawrence County**.

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

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

40-303-022: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) for construction and operation of a drum mix asphalt plant in Jenkins Township, **Luzerne County**. The facility will utilize waste derived liquid fuel (WDLF) and no. 2 fuel oil as fuel. The plant is capable of utilizing recycled asphalt material. WDLF will be heated in a preheater prior to being used. Particulate emissions from the plant will be controlled by a baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

39-304-025: Howmet Aluminum Castings—Bethlehem (2175 Avenue C, Bethlehem, PA 18017) for installation of three air cleaning devices (afterburners) to control three burnout/preheat furnaces in the hand casting area of their facility in Bethlehem, **Lehigh County**. The facility is a non-Title V (State-only) facility. Particulate emissions from the afterburners will not exceed the best available technology standard of 0.02 grain/dscf. The plan approval and operating permit will include monitoring, reporting and recordkeeping requirements designed to keep the source operating within all applicable air quality requirements.

39-00064A: Howmet Aluminum Castings—Bethlehem (2175 Avenue C, Bethlehem, PA 18017) for installation and operation of an air cleaning device (packed bed scrubber) to control a shell room at their facility in Bethlehem, **Lehigh County**. The facility is a non-Title V (State-only) facility. The VOC emissions from the packed bed scrubber will not exceed 1.1 pounds per hour and ammonia emissions will not exceed 0.012 pound per hour. The plan approval and operating permit will include stack-testing conditions, monitoring, reporting and recordkeeping requirements designed to keep the source operating within all applicable air quality requirements.

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

06-05037E: McConway and Torley Corp. (230 Railroad Street, Kutztown, PA 19530) to install 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 5 tons per year after control. The facility has emission caps to limit the actual emissions to below 100 tons per year of PM10.

67-05098B: Global Stone PenRoc, LP (100 Zarfoss Drive, P. O. Box 1967, York, PA 17405) to construct a conveyance system and to relocate microsizer equipment

from their Whiting Plant to their West Filler Plant (495 Global Stone Drive, York, PA 17404) in West Manchester Township, **York County**. The new source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources. The Plan Approval and Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Actual emissions of PM10 are not expected to increase by more than 1.5 tons per year as a result of the construction and relocation project.

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

25-006A: Russell Standard Corp.—Wheelertown Road Plant (8624 Route 97, Union City, PA 16438) to issue a plan approval to replace an existing asphalt plant with another asphalt plant in Leboeuf Township, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to replace an existing asphalt plant with another asphalt plant in Leboeuf Township, Erie County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. This facility is limited to 350 tons per hour and an annual cap of 294,000 tons of hot mix asphalt paving materials to be produced during any 12 consecutive months.

2. Particulate emissions from the source shall not exceed 0.02 grain/dscf and the visible emissions shall not exhibit 20% opacity or greater. EPA Method 9 shall be used to determine opacity.

3. This facility shall be permitted to use natural gas, only.

4. The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41.

5. The plant entrance road must be maintained to keep fugitive emissions to a minimum and comply with 25 Pa. Code § 123.1(c). A log shall be kept onsite documenting road maintenance. The log shall be kept on file for at least 5 years and made available to Department personnel upon request.

6. A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the collector.

7. Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale so that the expected normal reading shall be no less than 20% of full scale.

8. The operating range for pressure drop of the collector shall be determined within 30 days of startup of the control device. The pressure drop ranges recorded during compliant stack testing must be within this operating range. The pressure drop ranges shall be made part of the facility operating permit.

9. The pressure drop across the collector shall be recorded on a daily basis. A daily log shall be maintained

and kept on file for at least 5 years and made available to Department personnel upon request.

10. A routine inspection of the collector shall be made weekly. An inspection/maintenance log for the collector shall be maintained onsite. The log shall contain all records of maintenance, as suggested by the manufacturer. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

11. The company shall maintain hourly production rates for both base coarse and wearing coarse (top) types of mixes. The company shall calculate monthly production totals and 12-month rolling totals. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

12. Twenty percent of the total number of bags in the baghouse are required to be onsite (168 bags) to be available as spares.

13. Within 30 days after commencing operation, three copies of a test procedure for particulate emissions and opacity including a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Department.

14. Within 45 days of the Department's approval of the test protocol or a schedule approved by the Department, stack tests shall be performed in accordance with 25 Pa. Code Chapter 139 and Subpart I of the Standards of Performance for New Stationary Sources to demonstrate compliance with condition 5.

a. EPA Reference Method 5 shall be used to determine the PM concentration.

b. During the stack tests, opacity observations shall be conducted in accordance with EPA Reference Method 9.

15. At least one of the runs of the stack tests for particulate emissions and opacity shall be performed while top mix or the product produced by the facility containing the greatest percentage of sand is being produced at the maximum rate possible. The production rate during the stack tests will then become the legal operating limit of the plant for each particular product.

16. After the protocol has been approved and at least 2 weeks prior to the test, the Department shall be informed of the date and time of the test.

17. Within 30 days after completion of the test, three copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval.

18. If the results of the stack tests performed in conformance with the conditions of this plan approval exceed the emission levels specified in any condition of this approval, the permittee shall take appropriate corrective actions. The permittee shall submit a description of these corrective actions to the Department, within 30 days of receipt of the test results. The permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. The Department shall notify the permittee with 30 days, if the corrective actions taken are deficient. The permittee shall submit a description of additional corrective actions taken to the Department within 30 days of receipt of the notice of deficiency. The Department reserves the authority to use enforcement activities to resolve noncompliant stack tests.

19. If the results of the stack tests performed in conformance with the conditions of this plan approval exceed the emission levels specified in any condition of this approval, a retest to demonstrate compliance shall be performed within 120 days of receipt of the original test results. Should the permittee demonstrate to the Department that retesting in 120 days is not practicable, the Department may extend the deadline. Failure of the second test to demonstrate compliance with the appropriate approval conditions may be grounds for immediate revocation of the plan approval to operate the affected facility.

20. The two aboveground storage tanks (CMI-portable 25,000 gallon and Heatec-portable 25,000 gallon for heated asphalt) are subject to New Source Performance Standards, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels for which Construction, Reconstruction, or Modification Commenced after July 23, 1984. Specifically, the tank is subject to 40 CFR 60.116b.

21. This facility may process recycled asphalt product (RAP). A maximum of 15% RAP will be added to the mix. Records will be kept of amounts of RAP processed and the percentage of RAP used in both top and base mixes. At least one of the runs during stack testing shall be performed when the maximum percentage of RAP is being added to the mix. This percentage of RAP will become the legal operating limit of RAP for the plant.

22. This source is subject to Subpart I of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director; Air, Toxics and Radiation Division; US EPA, Region III; 1650 Arch St.; Philadelphia, PA 19103-2029.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104; Edward
Braun, Chief, (215) 823-7584.*

AMS 02212: Joseph T. Ryerson and Sons Inc. (5200 Grays Ferry Avenue, Philadelphia, PA 19143) for installation of 1 propane plasma cutting machine and 16 no. 2 oil fired area heaters. Allowable NOx emissions from these sources will be 5.32 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 03157: Southern Graphic Systems (2781 Roberts Avenue, Philadelphia, PA 19129) for installation of one DuPont 3001 printing plate processor to replace an existing unit in the City of Philadelphia, **Philadelphia County**. There will be no change in allowable VOC emissions. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 03158: AppTec Laboratories Inc. (1667 Davis Street, Camden, NJ 08104) for permitting two natural gas boilers, nine natural gas fired air heating units, one 1,000 kW diesel emergency generator and small bench scale laboratory equipment, lab hoods and bio-safety cabinets at Philadelphia Naval Business Center, 4751 League Island Blvd., Philadelphia, PA 19112, **Philadelphia County**. NOx emissions from these sources are limited to less than 10 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 04058: Philadelphia Crematories Inc. (7350 State Road, Philadelphia, PA 19148) for installation of a 100 pounds per hour human crematory in Philadelphia, **Philadelphia County**. The installation permit will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

46-00036: Visteon Systems LLC (2750 Morris Rd., Lansdale, PA 19446) for an administrative amendment to Title V Operating Permit 46-00036 in Worcester Township, **Montgomery County**. The permit is being amended to incorporate changes approved under Plan Approvals PA-46-0036F (wave solder no. 13) and PA-46-0036C (selective solder no. 8). The facility's major emission points include eight wave solder machines, nine selective solder machines, a coil Soldering-Servo machine, an in-line packaging machine and three emergency generators. The amended Title V operating permit will contain emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

24-00123: Onyx Greentree Landfill, LLC (630 Toby Road, Kersey, PA 15846) for reissuance of Title V Operating Permit to operate the Seneca Landfill in Jackson Township, **Butler County**.

10-00284: Seneca Landfill Inc. (120 Hutchman Road, Mars, PA 16046) for reissuance of Title V Operating Permit to operate the Seneca Landfill in Jackson Township, **Butler County**.

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

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

09-00125: Naceville Materials—Plumsteadville (5031 Point Pleasant Pike, Doylestown, PA 18901) for a non-Title V Facility, State-only, Natural Minor Operating Permit in Plumstead Township, **Bucks County**. Naceville Materials—Plumsteadville quarries stone and crushes it into different grades (sizes) for sale to various industries. The facility's major emission points are three crushers, a scalping screen, a product screen, seven storage piles (including two surge piles) and a belt conveyor system, from which the main pollutant emitted is PM. To control PM emissions, the facility operates a water spray dust suppression system at all process transfer points. With controls, PM emissions figure to be less than 2 tpy. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

06-05047: Bradley Specialties Corp. (P. O. Box 436, Feick Industrial Drive, Shartlesville, PA 19554) for operation of fiberglass fabricating and surface coating operations controlled by dry filters in Upper Bern Township, **Berks County**. The facility is a non-Title V (State-only) facility. The facility's VOC emissions will be limited to less than 50 tons per year. The HAP emissions will be limited to 10/25 tons per year. The facility will be required to record the material usage and calculate and record the VOC and HAP emissions monthly from the various operations. The permit will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05101: Kinsley Construction, Inc. (P. O. Box 2886, York, PA 17403) for operation of a drum mix asphalt plant in West Manchester Township, **York County**. The facility will limit their emissions to 100 tons per year of PM₁₀, SO_x, NO_x and CO; 50 tons per year of VOC; 10 tons per year of a single HAP; and 25 tons per year of multiple HAPs. This facility is subject to 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and Subpart Kb—Standards for Performance for Volatile Organic Liquid Storage Vessels. Requirements for monitoring, recordkeeping and reporting are included to keep the facility operating within the applicable air quality requirements.

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

43-00055: Bonsal American—Fredonia Plant (97 Main Street, Fredonia, PA 16124) intends to issue a Natural Minor Operating Permit to operate their Concrete Plant in Fredonia Borough, **Mercer County**.

10-00107: NAPCO, Inc. (125 McFann Road, Valencia, PA 16059) for reissuance of their facility's Synthetic Minor Operating Permit in Middlesex Township, **Butler County**. The original permit was issued on March 10, 1999. As part of the reissuance of the permit, the facility has requested additional permit conditions to limit the emission of HAPs from the facility to less than the major source thresholds. The facility will not be subject to the requirements contained in the National Emission Standard for Hazardous Air Pollutants, Subpart SSSS because of its acceptance of these limitations.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.

S02-001: Metro Machine Corporation (Building No. 669, West 3rd Street, Philadelphia, PA 19112) for operation of a ship conversion and repair facility in the City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) intends to issue a Minor State-only Operating Permit for the facility. The facility's air emissions sources include 7 boilers (each less than 10 mmBtu/hr), abrasive blasting, painting, 20 diesel engines (for fire pumps, emergency generators, blowers, compressors, a blast media vacuum recovery, washers, defueling pumps and a water jet), abrasive blasting and ship breaking. Blasting operations are controlled by dust collectors, a HEPA filter or containment screens. Painting that is part of a portable enclosure system vents to a regenerative thermal oxidizer.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS,

321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the operating permit must submit the protests or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

S03-003: Caledonian Dye Works (3300 Emerald Street Philadelphia, PA 19134) for the operation of a dye work works facility in the City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) intends to issue a Minor State-only Operating Permit for the facility. The facility's air emissions sources include a 600 HP Cleaver Brooks boiler. The boiler vents to the atmosphere through a dedicated stack.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Joe Sheehan, (215) 685-9429.

Persons wishing to file protests or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

Coal Applications Received

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

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

* The parameter is applicable at all times.

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

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

54921601R2. Vito J. Rodino, Inc. (138 Haddock Road, McAdoo, PA 18237), renewal of anthracite coal preparation plant operation in Rush Township, **Schuylkill County**, affecting 10.0 acres. Receiving streams: None. Application received February 17, 2004.

49921301R2. Chestnut Coal (R. R. 3, Box 142B, Sunbury, PA 17801), renewal of an anthracite underground mine operation in Zerbe Township, **Northumberland County**, affecting 5.0 acres. Receiving streams: unnamed tributary to Zerbe Run. Application received February 23, 2004.

40990201R. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing coal refuse reprocessing operation in Hanover and Wilkes-Barre Townships and Laurel Run Borough, **Luzerne County**, affecting 194.4 acres. Receiving streams: None. Application received February 25, 2004.

54040101. Char-Pac Coal Company (P. O. Box 81, Minersville, PA 17954), commencement, operation and restoration of an anthracite surface mine operation in Foster Township, **Schuylkill County**, affecting 200.5 acres. Receiving streams: Hans Yost Creek (CWF). Application received February 24, 2004.

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

32881301. NPDES Permit No. PA02155538, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Penn Run Mine in Cherryhill Township, **Indiana County** and related NPDES Permit from Mears Enterprises, Inc. No additional discharges. Application received December 17, 2003.

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

33040101 and NPDES Permit No. PA0242497. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface strip in Perry Township, **Jefferson County**, affecting 178.6 acres. Receiving streams: Perryville Run and Nicely Run (CWF) and unnamed tributaries to Mahoning Creek (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application received February 18, 2004.

33930110 and NPDES Permit No. PA0211818. McKay Coal Company, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Perry Township, **Jefferson County**, affecting 93.5 acres. Receiving streams: two unnamed tributaries to Foundry Run and Foundry Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received February 26, 2004.

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

17813091 and NPDES Permit No. PA0127239. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Graham and Morris Townships, **Clearfield County**, affecting 196.3 acres. Receiving streams: two unnamed tributaries to and Alder Run to West Branch Susquehanna River. Application received January 16, 2004.

14940101 and NPDES Permit No. PA0219932. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). Renewal of an existing bituminous surface mine-auger-mobile crusher permit in Rush Township, **Centre County**, affecting 522 acres. Receiving streams: unnamed tributary to Moshannon Creek to the West Branch Susquehanna River. Application received January 16, 2004.

17980117 and NPDES Permit No. PA0238104. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). Renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County**, affecting 75.6 acres. Receiving streams: Laurel Run and Little Laurel Run to Laurel Run; Laurel Run to Moshannon Creek; Moshannon Creek to West Branch Susquehanna River. Application received January 22, 2004.

17753180 and NPDES Permit No. PA0609439. Penn Coal Land, Inc. (P. O. Box 68, Boswell, PA 15531). Renewal of an existing bituminous surface mine permit in Boggs Township, **Clearfield County**, affecting 140 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River to the Susquehanna River. Application received January 30, 2004.

17663136 and NPDES Permit No. PA126870. EnerCorp, Inc. (1686 Allport Cutoff, Morrisdale, PA 16858). Renewal of an existing bituminous surface mine permit in Graham Township, **Clearfield County**, affecting 202 acres. Receiving streams: unnamed tributary of Mons Run, Flat Run and Mons Run. Application received February 4, 2004.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

06820601C2 and NPDES Permit No. PA0612791. **Allan A. Myers, LP d/b/a Independence Construction Materials** (P. O. Box 198, 1805 Berks Road, Worcester, PA 19490), renewal of NPDES Permit for discharge of treated mine drainage in New Morgan Borough, **Berks County**. Receiving streams: unnamed tributary to East Branch Conestoga River (WWF). Application received February 13, 2004.

7574SM1A1C6 and NPDES Permit No. PA0615312. **Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage in Silver Spring Township, **Cumberland County**. Receiving streams: Conodoguinet Creek (WWF). Application received February 17, 2004.

8275SM1C3 and NPDES Permit No. PA0594601. **Prospect Aggregates, Inc.** (P. O. Box 7, East Petersburg, PA 17520), renewal of NPDES Permit for discharge of treated mine drainage in West Hempfield Township, **Lancaster County**. Receiving streams: unnamed tributary to Chickies Creek. Application received February 17, 2004.

01930302C7 and NPDES Permit No. PA0223239. **ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), renewal of NPDES Permit for discharge of treated mine drainage in Hamiltonban Township, **Adams County**. Receiving streams: unnamed tributary to Tom's Creek (CWF). Application received February 20, 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

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19428.

E46-954. Department of Transportation, 7000 Geerdes Blvd., King of Prussia, PA 19406, Springfield, Upper Dublin and Whitemarsh Townships, **Montgomery County**, ACOE Philadelphia District.

To rehabilitate, maintain and reconstruct Section 103 of the Fort Washington Expressway (PA 309) including the reconstruction of the Fort Washington Interchange situated between the Pennsylvania Turnpike and the SR 309 Expressway in Whitemarsh and Upper Dublin Townships. This section is the second submission for this four-phased project. The limit of the work extends from Camp Hill Road (Ambler, PA Quadrangle N: 2.0 inches; W: 11.0 inches) in Whitemarsh Township to Madison Avenue (Ambler, PA Quadrangle N: 22 inches; W: 10.7 inches) in Upper Dublin Township.

The total temporary and permanent wetland impact for the entire project covers 4.91 acres. The permittee agrees to provide a minimum of 1.64 acres of restoration wetlands for temporary wetlands impact, 4.46 acres of replacement wetlands and approximately 1,750 linear feet of channel restoration at various locations along the Sandy Run in Springfield and Whitemarsh Townships with the construction of the first segment, Section 100, previously authorized under Permit No. E46-921.

The proposed work will include the following:

1. To rehabilitate, extend and maintain an existing 142.8-foot wide, reinforced, concrete T-beam bridge that carries Pennsylvania Avenue, northbound and southbound SR 309 (Station 8+797) and proposed Ramp N over Pine Run (TSF). The bridge will be extended 76.1 feet upstream and 70.5 feet downstream by extending the abutments and using reinforced-concrete T-beams. This extension will accommodate the widening of the existing lanes and shoulders of SR 309, the construction of Ramp N and the rehabilitation of Pennsylvania Avenue at Station 8+80.

2. To fill and impact 2.45 acres of wetlands for the reconstruction/construction and maintenance of collector/distributor road and Ramps A/B, N, O, Q, R, S, T, U and X in the vicinity of the Fort Washington Interchange between the Pennsylvania Turnpike and the SR 309 Expressway.

3. To fill and impact 0.11 acre of wetlands for the rehabilitation and maintenance of SR 309 in the vicinity of the Fort Washington Interchange from Station 9+430 through Station 9+505.

4. To fill and impact 0.07 acre of wetlands for the rehabilitation and maintenance of Pennsylvania Avenue in the vicinity of the Fort Washington Interchange.

5. To temporarily impact 0.46 acre of Wetland MLW3 for the reconstruction/relocation of an aerial electrical line, a sewer line and two temporary access roads adjacent of Ramps Q and R to the south of Commerce Drive.

Work also includes 1,338 linear feet of roadway drainage impacts for this section of the reconstruction project.

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

E39-429. City Line Building & Development, 2045 City Line Road, Bethlehem, PA 18017 in Lower Macungie Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a prefabricated timber pedestrian bridge across the Little Lehigh Creek (HQ-CWF) and to construct and maintain two 24-inch diameter outfall structures, an outfall channel and an 8-inch diameter sanitary sewer line in the floodway of the Little Lehigh Creek. The project is on the south side of Spring Creek Road, approximately 1.5 miles east of SR 0100 (Allentown West, PA Quadrangle N: 7.5 inches; W: 11.0 inches).

E45-441A. Stroudsburg Area School District, 123 Linden Street, Stroudsburg, PA 18360 in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To amend Permit No. E45-441 to include the following work: (1) to construct and maintain a road crossing consisting of a 60-inch diameter RCP culvert (which replaces a previously authorized open-bottom CMP arch culvert having a span of 22.9 feet and underclearance of 14.0 feet) in 0.02 acre of PFO wetlands; (2) to maintain an approximate 250-foot long R-6 riprap-lined channel that was previously constructed in approximately 0.05 acre of PFO wetlands to stabilize an eroded area; and (3) to construct and maintain a temporary road crossing in Flagler Run (HQ-CWF) and 0.03 acre of adjacent PFO wetlands. The total wetland impact for the project, including previously authorized impacts of 0.25 acre. This work is associated with a proposed Stroudsburg Area Middle School and is southwest of the existing school campus along SR 2011 (Chipperfield Drive) (Stroudsburg, PA Quadrangle N: 22.4 inches; W: 15.4 inches).

E13-140. Franklin Township, 900 Fairland Road, Lehigh, PA 18235 in Franklin Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a driveway crossing with an open-bottom concrete arch culvert having a 16-foot span and a 5.75-foot underclearance across Sawmill Run (CWF) for the purpose of providing access to lot no. 41 of the Sawmill Run Subdivision (Christmans, PA Quadrangle N: 1.3 inches; W: 3.5 inches).

E52-195. Birchwood Lakes Community Association, P. O. Box 222, Dingmans Ferry, PA 18328 in Delaware Township, **Pike County**, U. S. Army Corps of Engineers, Philadelphia District.

To: (1) remove and replace 6 existing culverts, varying from 15 inches to 24 inches in diameter, at road crossings of tributaries to Dingmans Creek (HQ-CWF), with lengths totaling approximately 340 linear feet; (2) remove and replace approximately 200 linear feet of an existing stream enclosure of a tributary to Dingmans Creek, that

connects the outlet of Middle Birchwood Lake to Lower Birchwood Lake; and (3) maintain approximately 45 linear feet of 24-inch culvert in a tributary to Dingmans Creek along Aspen Road and approximately 170 linear feet of rock-lined channel between the culvert and East Birchwood Lake. The project impacts a de minimis area of PFO and PSS wetlands equal to approximately 0.01 acre, including temporary and permanent impacts. The project is within the Birchwood Lakes Community, on the western side of SR 0739 (Lake Maskenozha, PA-NJ Quadrangle N: 22.1 inches; W: 5.3 inches).

E48-342. Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103 in Forks Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream channel improvement project in a tributary to the Delaware River (CWF) with work consisting of regrading approximately 1,025 LF of stream channel including the placement of R-7 riprap along both stream banks and to regrade an additional 195 LF of the northern stream bank. The purpose of the project is to re-establish the east bound lane of SR 2038 (Frost Hollow Road) due to flood damage. The project is downstream of the bridge along Frost Hollow Road and continues east to SR 0611 (Easton, PA-NJ Quadrangle N: 18.3 inches; W: 9.4 inches).

E40-631. Marina Commons at Harveys Lake, LLC, R. R. 3, Box 3016, Harveys Lake, PA 18618 in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove sediment within 1.38 acres of wetlands to achieve a water depth of 8 feet for the purposes of facilitating operation of an existing marina and providing police access to open waters of Harveys Lake. The project is adjacent to the Marina Pointe development, within the southern inlet region of Harveys Lake (Harveys Lake, PA Quadrangle N: 18.3 inches; W: 4.3 inches).

E13-141. Carbon County Airport Authority, 2321 Mahoning Drive, East, Lehigh, PA 18235 in Mahoning Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the proposed upgrades to the Jake Arner Memorial Airport to: (1) place fill in 1.27 acres of wetlands within the Mahoning Creek watershed; (2) relocate 3,450 feet of a tributary to Mahoning Creek with the construction and maintenance of 2,630 feet of trapezoidal channel; (3) construct and maintain a 75-foot long stream enclosure extension consisting of twin 42-inch diameter pipes in a tributary to Mahoning Creek; (4) construct and maintain a 24-inch diameter outfall structure with a rip-rap apron in the floodway of a tributary to Mahoning Creek; and (5) construct and maintain a 279-foot long stream enclosure consisting of a 24-inch diameter pipe with concrete endwalls and rip-rap apron in a tributary to Mahoning Creek. The project is on the south side of Route 902, approximately 3.4 miles west of its intersection with Route 209 (Nesquehoning, PA Quadrangle N: 10.9 inches; W: 1.6 inches).

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

E21-354. Rodney M. and Francine A. Groff, 7729 Wertville Road, Carlisle, PA 17013 in Middlesex Township, **Cumberland County**, ACOE Baltimore District.

Install and maintain twin arch pipes to cross an unnamed tributary to the Conodoguinet Creek (WWF),

just south of the SR 944 culvert crossing (Shermans Dale, PA Quadrangle N: 4.29 inches; W: 1.63 inches) in Middlesex Township, Cumberland County.

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

E19-241. Mark B. Whalen, 1512 SR 239, Apt. 2, Stillwater, PA 17878. Culvert maintenance in Benton Township, **Columbia County**, ACOE Baltimore District (Stillwater, PA Quadrangle N: 18.22 inches; W: 9.55 inches).

To construct and maintain a 6-foot diameter by 30-foot long CMP private driveway culvert depressed 1 foot in the stream bottom of the West Branch Ash Creek (CWF) on the east side of County Line Road (T-806), about 3,000 feet north of the intersection of County Line Road (T-806) with T-711 in Benton Township, Columbia County. The project will not impact wetlands while impacting approximately 40 feet of waterway and 250 square feet of disturbed earth.

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

E10-386. Future Development Group, L. P., 191 Crowe Avenue, Mars, PA 16046. Heritage Creek Phase II in Adams Township, **Butler County**, ACOE Pittsburgh District.

To construct and maintain: (1) a reinforced concrete arch having a rise of 7 feet, a span of 28 feet and an instream length of 66 feet along Heritage Creek drive within Kaufman Run (WWF) (Mars, PA Quadrangle N: 13.45 inches; W: 5.44 inches); (2) a reinforced concrete box culvert having a maximum rise of 3 feet, a span of 8 feet and an instream length of 20 feet along the driveway of lot 301 within Kaufman Run (Mars, PA Quadrangle N: 13.1 inches; W: 5.83 inches); (3) a 36-inch diameter SLCPP having an instream length of approximately 370 feet at the intersection of Crider and Braddock Court Roads within an unnamed tributary to Kaufman Run (WWF) (Mars, PA Quadrangle N: 13.05 inches; W: 4.66 inches); (4) approximately 30 CY and 140 CY of fill to the floodway of Kaufman Run south of lots 222/223 and west of lot 127 (Mars, PA Quadrangle N: 13.5 inches; W: 5.2 inches) and (Mars, PA Quadrangle N: 13.5 inches; W: 5.2 inches), respectively; (5) approximately 700 CY of fill material to an unnamed tributary to Kaufman Run at lots 215/216 (Mars, PA Quadrangle N: 13.9 inches; W: 4.68 inches); and (6) to fill 0.0689 acre of floodplain wetlands associated with upper perennial stream at the proposed office/day care center (Mars, PA Quadrangle N: 12.98 inches; W: 5.27 inches) all within the Heritage Creek Subdivision, 3.1 miles east of SR 0079 at the intersection of SR 0228 and Crider Road.

The applicant will provide 0.08 acre of replacement wetlands.

E25-681. Whispering Woods Estates Subdivision, Whispering Woods, Inc., 4132 Stone Creek Drive, Erie, PA 16506-7006. Whispering Woods Estates Subdivision and Golf Course in Millcreek Township, **Erie County**, ACOE Pittsburgh District.

To conduct the following activities impacting a total of 11,627 linear feet of the channels of tributaries to Walnut Creek (CWF, MF) and tributaries of Walnut Creek known as "Thomas Run" and "Zaun Run" (HQ-CWF, MF) associated with construction of additional phases of the Whispering Woods Estates residential subdivision and construction of an 18-hole golf course, on a tract of

approximately xxx acres between Thomas Road and Grubb Road south of Walnut Creek. The stream impacts are broken down as follows:

1. General grading impact of tributaries to Walnut Creek totaling 7,085 linear feet of channel. Of this impact, 4,437 feet is associated with tributaries to Walnut Creek known as "Thomas Run" and "Zaun Run" and 2,648 feet is associated with other tributaries to Walnut Creek.

2. Impact a total of 1,457 linear feet of the channel of tributaries to Walnut Creek associated with the impoundment areas of six stormwater detention basins. Of this impact, 662 feet is within a tributary to Walnut Creek and 795 feet is within tributaries to Thomas Run (HQ-CWF, MF).

3. Impact a total of 946 linear feet of the channels of tributaries to Walnut Creek having contributory drainage areas of less than 100 acres associated with the installation of culverts associated with the construction of six nonjurisdictional dams (stormwater detention basins). Of this impact, 75 feet is within a tributary to Walnut Creek and 871 feet is within tributaries to Thomas Run and Zaun Run.

4. Impact a total of 1,708 linear feet of tributaries to Walnut Creek. Of this impact, 193 feet is associated with a culvert in a tributary to Walnut Creek having a drainage area less than 100 acres, 1,515 feet is associated with 21 culverts on tributaries to Thomas Run having drainage areas less than 100 acres.

5. To construct and maintain a 162-foot long corrugated metal pipe arch stream enclosure having a span of 18 feet and a maximum rise of 8 feet in a tributary to Thomas Run (Zaun Run) for construction of Stonebridge Drive connecting Forest Crossing Drive to Thomas Road (Swanville, PA Quadrangle N: 7.5 inches; W: 4.0 inches).

6. To construct and maintain a 93-foot long 36-inch diameter HDPE culvert in Thomas Run for construction of Stonebridge Drive approximately 1,125 feet east of Thomas Road (Swanville, PA Quadrangle N: 6.6 inches; W: 4.1 inches).

7. To construct and maintain a 40-foot long, 48-inch diameter HDPE culvert in Thomas Run (HQ-CWF, MF) for a golf cart crossing near hole 1 of the golf course approximately 625 feet downstream of the proposed Stonebridge drive culvert (Swanville, PA Quadrangle N: 6.8 inches; W: 4.3 inches).

8. To construct and maintain a 37-foot long, 48-inch diameter HDPE culvert in Thomas Run for a golf cart crossing between hole 3 of the golf course approximately 1,125 feet downstream of the proposed Stonebridge Drive culvert (Swanville, PA Quadrangle N: 7.0 inches; W: 4.5 inches).

To conduct grading for a total distance of approximately 850 feet within the assumed 50-foot floodway of Thomas Run and Zaun Run associated with construction of holes 1, 3, 4, 8 and 17 of the golf course.

E27-069. Forest School District, 210 Vine Street, Tionesta, PA 16353-9707. West Forest Elementary Secondary School in Hickory Township, **Forest County**, ACOE Pittsburgh District (Hickory, PA Quadrangle N: 7.7 inches; W: 8.25 inches).

The applicant proposes to construct building additions to the existing school, parking areas and other infrastructure improvements including a new sewage treatment plant involving: (1) to construct and maintain a 0.5-foot diameter ductile iron outfall sewage pipe with

headwall on the left bank of the Allegheny River in Hickory Township, Forest County and one utility line stream crossing of an UNT Allegheny River (the headwall will be approximately 5.8 feet wide and will be recessed into the bank and be filled with large native river rock to provide a natural visual appearance); (2) to widen an access drive for a length of approximately 344 feet within the floodway of an UNT Allegheny River; (3) to construct and maintain a utility line stream crossing of a 1-inch diameter water line across an UNT Allegheny River; (4)

to construct and maintain a 1.5-foot diameter HDPE plastic stormwater outfall pipe with a concrete headwall and gabion basket energy dissipator and discharging to an UNT Allegheny River; (5) to construct and maintain the existing structure and to construct and maintain a crossing consisting of two 28-foot long, 3-foot wide by 2.5-foot high corrugated metal pipe arch culverts in a UNT Allegheny River; and (6) to construct and maintain a 1.0-foot diameter HDPE plastic stormwater outfall pipe discharging to an UNT Allegheny River.

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

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>
PA0023604 Sewage	McAlisterville Area Joint Authority P. O. Box 61 McAlisterville, PA 17049-0061	Juniata County Fayette Township	Little Lost Creek 12-A	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>
PA0045993 Sewerage Public	Ulysses Municipal Authority 522 Main Street Ulysses, PA 16948-0392	Potter County Ulysses Borough	Unnamed tributary to Genesee River 14	Y
PA0228095 Industrial Waste	Tulpehocken Spring Water Co., Inc. R. R. 1, Box 114T Northumberland, PA 17857	Northumberland County Point Township	UNT to Lithia Spring Creek 5E	Y
PA0209686 Sewerage	Thomas L. Harris, Sr. 9855 Curwensville-Tyrone Highway Curwensville, PA 16833	Clearfield County Pike Township	UNT to Little Clearfield Creek 8C	Y
PA0111970	Springbrook Campground Box 10A, R. R. 1 Catawissa, PA 16820	Locust Township Columbia County	Roaring Creek Fishing Creek 5C	Y
PA0044547 Sewerage	Department of Conservation and Natural Resources Hills Creek State Park R. R. 2, Box 328 Wellsboro, PA 16901-9676	Charleston Township Tioga County	Hills Creek 4-A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0001198 Industrial Waste	PPG Industries, Inc. 125 Colfax Street Springdale, PA 15144	Allegheny County Springdale Borough	Allegheny River	Y
PA0020702 Sewage	Municipal Authority of the Borough of Fayette City P. O. Box 552 Fayette City, PA 15438-0552	Fayette County Fayette City Borough	Monongahela River	Y
PA0090140 Sewage	Clymer Borough Municipal Authority 1675 Franklin Street Clymer, PA 15728	Indiana County Clymer Borough	Two Lick Creek	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. PA0085430, Amendment No. 1, Sewage, **Gary Krick, Robin Hill Campground,** 149 Robin Hill Road, Lenhartsville, PA 19534. This proposed facility is in Greenwich Township, **Berks County.**

Description of Proposed Action/Activity: Authorization to discharge to Watershed 3-B.

NPDES Permit No. PA0247014, Sewage, **William Thomas, Cromwell Township,** P. O. Box 340, Orbisonia, PA 17243. This proposed facility is in Cromwell Township, **Huntingdon County.**

Description of Proposed Action/Activity: Authorization to discharge to Aughwick Creek in Watershed 12-C.

NPDES Permit No. PA0247006, Sewage, **Duane A. LeCoure, Neighborhood Homeowners Association,** 6350 Daniel Boone Road, Birdsboro, PA 19508. This proposed facility is in Exeter Township, **Berks County.**

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-D.

NPDES Permit No. PA0088706, Amendment No. 2, CAFO, **Jennifer Reed, Country View Family Farms,** P. O. Box 526, Ephrata, PA 17522. This proposed facility is in West Cocalico Township, **Lancaster County.**

Description of Proposed Action/Activity: Transfer of permit at the Hilbred Swine Farm.

NPDES Permit No. PA0088714, Amendment No. 2, CAFO, **Jennifer Reed, Country View Family Farms,** P. O. Box 526, Ephrata, PA 17522. This proposed facility is in West Cocalico Township, **Lancaster County.**

Description of Size and Scope of Proposed Operation/Activity: Transfer of permit at Middle Creek Swine Farm.

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

NPDES Permit No. PA0239399, Sewerage, **Craig V. and Julie K. King**, 2552 Mercer-Butler Pike, Grove City, PA 16127. This proposed facility is in Liberty Township, **Mercer County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to an unnamed tributary to Black Run.

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. 0602406, T-1, Sewerage, **Ryan Davidheiser**, 1255 Ironstone Drive, Boyertown, PA 19512. This proposed facility is in Earl Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of permit.

WQM Permit No. 0693407, T-1, Sewerage, **Gary Krick, Robin Hill Campground**, 149 Robin Hill Road, Lenhartsville, PA 19534. This proposed facility is in Greenwich Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of permit.

WQM Permit No. 0603403, Sewerage, **Duane A. LeCoure, Neighborhood Homeowners Association**, 6350 Daniel Boone Road, Birdsboro, PA 19508. This proposed facility is in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a 0.002 mgd septic tank/sand filter treatment system to serve four existing and one proposed single family homes. The discharge from this system is to a dry swale at the edge of Schoffers Road.

WQM Permit No. 3103403, Sewerage, **Cromwell Township**, P. O. Box 340, Orbisonia, PA 17243. This proposed facility is in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Construction of a 0.030 mgd extended aeration treatment plant and conventional gravity collection system with two pump stations to serve 103 EDUs in Pine Tree and Pouge areas of Cromwell Township.

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

Description of Proposed Action/Activity: Construction/operation of sewerage facilities consisting of a pump station with dual 120 gpm submersible nonclog wastewater pumps with approximately 1,800 feet of 4-inch ductile iron force main to serve the Brookshire subdivision.

WQM Permit No. 0603402, Sewerage, **Ontelaunee Township Municipal Authority**, P. O. Box 621, Leesport, PA 19533. This proposed facility is in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Construction of sewerage facilities consisting of a pump station/collection system which includes 5 suction lift pump stations, approximately 30 grinder pumps and associated force

mains and gravity sewers. All flows from this collection system will be discharged to and treated at the Leesport STP.

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

WQM Permit No. 0803406, Sewerage, SIC 4952, **Canton Borough Authority**, 100 Park Place, P. O. Box 237, Canton, PA 17724. These proposed facilities will be in Canton Borough and Canton Township, **Bradford County**.

Description of Proposed Action/Activity: Issuance of a WQM permit to authorize the construction and operation of project to rehabilitate and replace portions of the existing sanitary sewer system, one pump station in Canton Borough, two pump stations in Canton Township and the separation of the combined sanitary/storm sewer in Canton Borough.

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

WQM Permit No. 0373405-A1-T2, Sewerage, **United Mobile Homes, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. This proposed facility is in Kiskiminetas Township, **Armstrong County**.

Description of Proposed Action/Activity: Installation of sodium hypochlorite chlorination and sodium meta bisulfite dechlorination equipment at Pine Valley Mobile Home Park.

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

Description of Proposed Action/Activity: Construction of small flow sewage treatment plant to serve Santa Lucia single residence.

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

WQM Permit No. 2003431, Sewerage, **Andy L. Ernst**, 16803 Perry Drive, Meadville, PA 16335. This proposed facility is in Union Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 6203419, Sewerage, **Harold L. and Linda M. Hice**, R. R. 1, Box 1456, Russell, PA 16345. This proposed facility is in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 4303418, Sewerage, **Christine and Christopher Wiesen**, 1921 Haywood Street, Farrell, PA 16121. This proposed facility is in City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 4303415, Sewerage, **Craig V. and Julie K. King**, 2552 Mercer-Butler Pike, Grove City, PA 16127. This proposed facility is in Liberty Township, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI130506	Solebury Township 3092 Sugas Rd. Solebury, PA 18963-0139	Bucks	Solebury	Delaware River South Neshaminy
PAI130507	Charlestown Township P. O. Box 507 Devault, PA 19432	Chester	Charlestown	Pickering, Pigeon and Valley Creeks
PAI130508	East Whiteland Township 209 Conestoga Rd. Frazer, PA 19355-1633	Chester	East Whiteland	Valley and Ridley Creeks
PAI130509	Easttown Township 566 Beaumont Rd. P. O. Box 79 Devon, PA 19333	Chester	Easttown	Darby and Crum Creeks
PAI130504	Tredyffrin Township 1100 Duportail Rd. Berwyn, PA 19312	Chester	Tredyffrin	Valley Creek Schuylkill River Darby and Crum Creeks
PAI130524	East Brandywine Township 1214 Horseshoe Pike Downingtown, PA 19335	Chester	East Brandywine	Brandywine Watershed
PAI130501	East Coventry Township 855 Ellis Woods Rd. Pottstown, PA 19464	Chester	East Coventry	Schuylkill River Pigeon Creek
PAI130514	East Pikeland Township P. O. Box 58 Rapps Dam Road Kimbertown, PA 19442-0058	Chester	East Pikeland	French and Pickering Creeks
PAI130513	Marlborough Township 6040 Upper Ridge Road Green Lane, PA 18054-9802	Montgomery	Marlborough	Perkiomen Watershed
PAI130505	Uwchlan Township 715 N. Ship Rd. Exton, PA 19341-1945	Chester	Uwchlan	Brandywine and Schuylkill Watersheds
PAI130521	Willistown Township 688 Sugartown Rd. Malvern, PA 19355-3302	Chester	Willistown	Crum, Ridley and Valley Creeks
PAI130523	East Bradford Township 666 Copeland School Rd. West Chester, PA 19380	Chester	East Bradford	Brandywine Watershed
PAI130512	East Fallowfield Township 2264 Strasburg Rd. Coatesville, PA 19320	Chester	East Fallowfield	Brandywine Watershed
PAI130518	East Vincent Township 262 Ridge Road Spring City, PA 19475	Chester	East Vincent	French Creek Schuylkill River
PAI130503	London Grove Township 372 Rosehill Road, Suite 100 West Grove, PA 19390	Chester	London Grove	Christina Watershed
PAI130510	Middletown Township 27 N. Pennell Rd. P. O. Box 157 Lima, PA 19037	Delaware	Middletown	Chester and Ridley Creeks
PAI130516	New Garden Township 8934 Gap Newport Pike Landenberg, PA 19350	Chester	New Garden	Christina Watershed

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI130502	Newtown Township 209 Bishop Hollow Rd. Newtown Square, PA 19073-0393	Delaware	Newtown	Darby and Crum Creeks
PAI130538	Pennsylvania State University 201 Old Main Physical Plant Building University Park, PA 16802-1503	Delaware	Middletown	Chester, Ridley, Crum Darby and Cobbs Watersheds
PAI130511	West Bradford Township 1385 Campus Dr. Downingtown, PA 19335-3690	Chester	West Bradford	Brandywine Watershed
PAI130532	West Goshen Township 1025 Paoli Pk. West Chester, PA 19380-4699	Chester	West Goshen	Chester and Ridley Creeks
PAI130531	West Pikeland Township P. O. Box 6 1208 and Route 113 Chester Springs, PA 19425	Chester	West Pikeland	Pigeon and Pickering Creeks
PAI130530	West Whiteland Township P. O. Box 210 222 N. Pottstown Pk. Exton, PA 19341-0210	Chester	West Whiteland	Brandywine Watershed
PAI130536	East Caln Township P. O. Box 232 110 Bell Tavern Rd. Downingtown, PA 19335-0232	Chester	East Caln	Brandywine Watershed
PAI130533	Schuylkill Township 101 Valley Park Rd. Phoenixville, PA 19460	Chester	Schuylkill	French and Pickering Creeks Schuylkill River
PAI130527	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425-9516	Chester	Upper Uwchlan	Schuylkill and Brandywine Watersheds
PAI130529	Wallace Township P. O. Box 96 Glenmoore, PA 19343-0096	Chester	Wallace	Brandywine Watershed
PAI130526	New London Township 902 W. State Road P. O. Box 1002 New London, PA 19360-0005	Chester	New London	Christina and Pequea Watersheds
PAI130525	Malvern Borough P. O. Box 437 Malvern, PA 19355	Chester	Malvern	Crum and Valley Creeks
PAI130515	Buckingham Township P. O. Box 413 Buckingham, PA 18912-0413	Bucks	Buckingham	Neshaminy/Little Neshaminy Delaware River South
PAI130535	Honey Brook Township P. O. Box 1281 Honey Brook, PA 19344	Chester	Honey Brook	Brandywine and Pequea Watersheds
PAI130534	Upper Salford Township P. O. Box 100 Salfordville, PA 18958-0100	Montgomery	Upper Salford	Swamp Creek
PAI130537	North Coventry Township 845 S. Hanover St. Pottstown, PA 19464	Chester	North Coventry	Pigeon Creek Schuylkill River
PAI130539	Penn Township 260 Lewis Rd. P. O. Box 39 West Grove, PA 19390-9438	Chester	Penn	Christina and Pequea Watersheds
PAI130540	Trumbauersville Borough 1 Evergreen Dr. Trumbauersville, PA 18970	Bucks	Trumbauersville	Tohickon Creek

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

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>
PAI023903049	L & L Management Company, LLC 559 Main Street, Suite 300 Bethlehem, PA 18018	Lehigh	City of Bethlehem Monocacy Creek HQ-CWF	

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-1

<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>
Annin Township McKean County	4203001	Klein Oil 1909 Heselton Gully Andover, NY 14806	Annin Creek CWF	Northwest Regional Office Oil and Gas Management 230 Chestnut Street Meadville, PA 16335 (814) 332-6860

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Brandywine Township Chester County	PAG2001503129	East Brandywine Township Municipal Building Complex 1214 Horseshoe Pike Downingtown, PA 19335	Unnamed tributary Beaver Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Honeybrook Township Chester County	PAG20015032006	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Conestoga River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Aston Township Delaware County	PAG2002304008	Arters-Greendale 1776 North Ridley Creek Road Media, PA 19063	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tinicum Township Delaware County	PAG2002303084	207 LaGrange Associates, LP 2234 MacDade Boulevard P. O. Box 82 Holmes, PA 19043	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004603152	Upper Merion School District Upper Merion Middle School 435 Crossfield Road King of Prussia, PA 19406	Crow Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004603246	Pathway School New Class Room Building 162 Egypt Road Norristown, PA 19403	Unnamed tributary Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004603191	Joseph Ambler Inn Real Estate Joseph Ambler Inn 1005 Horsham Road North Wales, PA 19454	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Carbon County Lower Towamensing Township	PAG2001304002	Kenneth L. George 630 Snyder Rd. Palmerton, PA 18071	Mill Creek CWF	Carbon County Conservation District (610) 377-4894
Luzerne County Jenkins Township	PAG2004004004	Charles Manganielo 138 S. Highland Dr. Pittston, PA 18640	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Schuylkill County Butler and Cass Townships	PAG2005403029	Timothy W. Johnson 2001 Southeast 10th St. Dept. 9562 Bentonville, AR 72716	Unnamed tributaries to Rattling Run and Mahanoy Creek CWF	Schuylkill County Conservation District (570) 622-3742
Schuylkill County Butler Township	PAG2005403027	Jimmy Lucas 55 Williamsburg Blvd. Bloomsburg, PA 17815	Mahanoy Creek WWF	Schuylkill County Conservation District (570) 622-3742
Bethel Township Berks County	PAG2000604013	Chris Bomberger 607 Brown Road Myerstown, PA 17067	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Hamburg Borough Windsor and Tilden Townships Berks County	PAR10C4121	Department of Transportation 1713 Lehigh Street Allentown, PA 18103	Schuylkill River WWF, MF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Fermanagh and Walker Township Juniata County	PAG2033404005	Adams Farm Limited Partnership 2090 Ashbury Drive Harrisburg, PA 17112	Doe Run	Juniata County Conservation District R. R. 2 Box 302 Mifflintown, PA 17059 (717) 436-8953, Ext. 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>
South Annville Township Lebanon County	PAG2003804004	Lorraine Light P. O. Box 809 Lebanon, PA 17042	Gingrich Run TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Bradford County Canton Township	PAG2000804002	Blast IU 17 P. O. Box 63 Granville Summit, PA 16926	Towanda Creek TSF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County Patton Township	PAG2001403050	Park Forest Elementary School 131 West Nittany Ave. State College, PA 16801	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County S. Williamsport Borough	PAG2004104002	Robert Hewitt 81 Perryville Road Pittstown NJ 08802	Hagermans Run CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Crawford County Vernon Township	PAG2002004002	Richard Rainer 4545 Post Oak Place Drive Suite 144 Houston, TX 77027	French Creek WWF	Crawford County Conservation District (814) 724-1793
Venango County Cranberry Township	PAG2006104001	Don R. Mullins Interests Former Kirkpatrick Site Development Cranberry Area School District Cranberry Middle School 3 Education Drive Seneca, PA 16346	Lower Two Mile Run CWF	Venango County Conservation District (814) 676-2832

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>
Bridgewater Township Susquehanna County	PAR222211	Donald Dean & Sons, Inc. P. O. Box 246 Montrose, PA 18801	Snake Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
St. Clair Borough Schuylkill County	PAR202244	Leed Foundry Wade Road St. Clair, PA 17970	Mill Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

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>
Berks County Earl Township	PAG043703 (A1) Transfer	Ryan Davidheiser 1255 Ironstone Drive Boyertown, PA 19512	UNT Ironstone Creek CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Athens Township Bradford County	PAG044806	Steve and Maria Richman 181 Sutliff Hill Road Athens, PA 18810	UNT to Murray Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Peters Township Washington County	PAG046278	Michael Santa Lucia 262 Justabout Road Venetia, PA 15367	Tributary to Brush Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Union Township Crawford County	PAG048945	Andy L. Ernst 16803 Perry Drive Meadville, PA 16335	Unnamed tributary to Conneaut Outlet	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Pine Grove Township Warren County	PAG048946	Harold L. and Linda M. Hice R. R. 1, Box 1456 Russell, PA 16345	Unnamed tributary to Akeley Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAG048940	Christine and Christopher Wiesen 1921 Haywood Street Farrell, PA 16121	Unnamed tributary to the West Branch of the Little Neshannock Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG048413	William A. First 705 Langdon Road Erie, PA 16509	Unnamed tributary to Little Walnut Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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>
Berks County Upper Bern Township	PAG123537	Country View Family Farms Penn Valley Park, Inc. 20 Lake Street P. O. Box 526 Ephrata, PA 17522	Watershed 3-B	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-13

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130044	Langhorne Manor Borough 618 Hulmeville Ave. Langhorne, PA 19047-2749	Bucks	Langhorne Manor	Neshaminy Delaware River South

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130057	Newtown Borough 23 N. State St. Newtown, PA 18940	Bucks	Newtown	Neshaminy Little Neshaminy
PAG130043	Wrightstown Township 738 Penns Park Rd. Wrightstown, PA 18940	Bucks	Wrightstown	Neshaminy Little Neshaminy Delaware River South
PAG130015	Folcroft Borough 1555 Elmwood Ave. Folcroft, PA 19032	Delaware	Folcroft	Darby Creek
PAG130006	West Norriton Township 1630 W. Marshall St. Jeffersonville, PA 19403-3236	Montgomery	West Norriton	Stony Creek Sawmill Run Schuylkill River
PAG130005	North Wales Borough 300 School St. North Wales, PA 19454-3136	Montgomery	North Wales	Wissahickon
PAG130001	Swarthmore Borough 121 Park Ave. Swarthmore, PA 19081	Delaware	Swarthmore	Crum Creek
PAG130004	Salford Township P. O. Box 54 Tylersport, PA 18971-0054	Montgomery	Salford	E. Branch Perkiomen
PAG130003	Upper Darby Township 100 Garrett Rd. Municipal Building Upper Darby, PA 19082-3135	Delaware	Upper Darby	Darby and Cobbs Creeks
PAG130008	Plymouth Township 700 Belvoir Rd. Norristown, PA 19401-2500	Montgomery	Plymouth	Stony Creek Sawmill Run Schuylkill River
PAG130002	West Chester Borough 401 E. Gay St. West Chester, PA 19380-2729	Chester	West Chester	Chester Creek
PAG130007	Doylestown Township 425 Wells Rd. Doylestown, PA 18901-2717	Bucks	Doylestown	Neshaminy Little Neshaminy
PAG130011	Lower Makefield Township 1100 Edgewood Rd. Yardley, PA 19067-1689	Bucks	Lower Makefield	Delaware River South Neshaminy Little Neshaminy
PAG130010	Upper Makefield Township 1076 Eagle Rd. Newtown, PA 18940-2818	Bucks	Upper Makefield	Delaware River South
PAG130012	Abington Township 1176 Old York Rd. Abington, PA 19001-3719	Montgomery	Abington	Pennypack Creek Tacony Sandy Run
PAG130013	Conshohocken Borough 720 Fayette St. Conshohocken, PA 19428-1707	Montgomery	Conshohocken	Schuylkill River
PAG130014	Sharon Hill Borough 250 Sharon Ave. Sharon Hill, PA 19079	Delaware	Sharon Hill	Darby Creek
PAG130018	Lower Providence Township 100 Parklane Dr. Eagleville, PA 19403	Montgomery	Lower Providence	Stony Creek
PAG130016	Montgomery Township 1001 Stump Road Montgomeryville, PA 18936-9605	Montgomery	Montgomery	Neshaminy/Little Neshaminy Wissahickon

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130020	New Hanover Township 2943 Charlotte St. Gilbertsville, PA 19525-9718	Montgomery	New Hanover	Swamp Creek Perkiomen Creek
PAG130019	Upper Moreland Township 117 Park Ave. Willow Grove, PA 19090-3215	Montgomery	Upper Moreland	Pennypack Creek
PAG130021	Marple Township 227 S. Sproul Road Broomall, PA 19008-2397	Delaware	Marple	Crum and Darby Creeks
PAG130022	Skippack Township P. O. Box 164 1455 Sumneytown Pike Skippack, PA 19474	Montgomery	Skippack	
PAG130023	Royersford Borough 300 Main St. P. O. Box 188 Royersford, PA 19468-1022	Montgomery	Royersford	Schuylkill River
PAG130024	Towamencin Township 1675 Sumneytown Pike P. O. Box 303 Kulpsville, PA 19443	Montgomery	Towamencin	
PAG130026	Worcester Township 1721 Valley Forge Road P. O. Box 767 Worcester, PA 19490-0767	Montgomery	Worcester	Stony Creek
PAG130027	Lower Moreland Township 640 Red Lion Rd. Huntingdon Valley, PA 19006-6234	Montgomery	Lower Moreland	Pennypack Creek
PAG130030	Lower Southampton Township 1500 Desire Ave. Feasterville Trevoise, PA 19053-4470	Bucks	Lower Southampton	Neshaminy and Poquessing Creeks
PAG130028	Middletown Township 3 Municipal Way Langhorne, PA 19047	Bucks	Middletown	Neshaminy Creek
PAG130031	Upper Gwynedd Township P. O. Box 1 Parkside Place West Point, PA 19486	Montgomery	Upper Gwynedd	Wissahickon and Skippack Creeks
PAG130032	East Norriton Township 2501 Stanbridge St. East Norriton, PA 19401-1617	Montgomery	East Norriton	Stony Creek Sawmill Run
PAG130036	Ambler Borough 122 E. Butler Ave. Ambler, PA 19002	Montgomery	Ambler	Wissahickon Creek
PAG130035	Doylestown Borough 57 W. Court St. Doylestown, PA 18901-4223	Bucks	Doylestown	Neshaminy Little Neshaminy
PAG130034	Hatboro Borough 414 S. York Road Hatboro, PA 19040	Montgomery	Hatboro	Pennypack Creek
PAG130037	Kennett Square Borough P. O. Box 5 120 N. Broad St. Kennett Square, PA 19348-0005	Chester	Kennett Square	
PAG130033	Pottstown Borough Authority 241 King St. Pottstown, PA 19464	Montgomery	Pottstown	Manatawny
PAG130155	Sellersville Borough 140 E. Church St. Sellersville, PA 18960-2340	Bucks	Sellersville	E. Branch Perkiomen

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130045	Bensalem Township 2400 Byberry Rd. Bensalem, PA 19020-6102	Bucks	Bensalem	Neshaminy Little Neshaminy Poquessing Delaware River South
PAG130047	Birmingham Township 1040 W. Street Rd. West Chester, PA 19382-8012	Chester	Birmingham	
PAG130053	Caln Township 253 Municipal Dr. P. O. Box 149 Thorndale, PA 19372	Chester	Caln	
PAG130052	Hatfield Borough P. O. Box 190 Main and Chestnut Sts. Hatfield, PA 19440-0190	Montgomery	Hatfield	Neshaminy Creek
PAG130040	Hilltown Township P. O. Box 260 13 W. Creamery Rd. Hilltown, PA 18927-0260	Bucks	Hilltown	Neshaminy Creek
PAG130039	Langhorne Borough 114 E. Maple Ave. Langhorne, PA 19047	Bucks	Langhorne	Neshaminy Little Neshaminy Delaware River South
PAG130048	Newtown Township 100 Municipal Dr. Newtown, PA 18940-1122	Bucks	Newtown	Neshaminy Creek Delaware River South
PAG130051	Penndel Borough 300 Bellevue Ave. Penndel, PA 19047	Bucks	Penndel	Neshaminy Little Neshaminy Delaware River South
PAG130042	Upper Merion Township 175 W. Valley Forge Rd. King of Prussia, PA 19406-2030	Montgomery	Upper Merion	Schuylkill River
PAG130049	Warminster Township Henry and Gibson Ave. Warminster, PA 18974	Bucks	Warminster	Neshaminy Little Neshaminy Pennyack
PAG130046	West Rockhill Township 1028 Ridge Rd. Sellersville, PA 18960-1346	Bucks	West Rockhill	Tohickon Perkiomen Creek
PAG130041	Yardley Borough 56 S. Main St. Yardley, PA 19067	Bucks	Yardley	Delaware River South
PAG130068	Chalfont Borough 40 N. Main St. P. O. Box 80 Chalfont, PA 18914-0080	Bucks	Chalfont	Neshaminy Little Neshaminy
PAG130066	Coatesville City One City Hall Pl. Coatesville, PA 19320	Chester	Coatesville	
PAG130156	East Greenville Borough 206 Main St. P. O. Box 128 East Greenville, PA 18041	Montgomery	East Greenville	
PAG130058	Franklin Township P. O. Box 118 Kemblesville, PA 19347-0118	Chester	Franklin	
PAG130038	Lansdale Borough 1 Vine St. Lansdale, PA 19446-3670	Montgomery	Lansdale	Neshaminy, Skippack and Wissahickon Creeks

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130062	London Britain Township P. O. Box 215 Kemblesville, PA 19347-0215	Chester	London Britain	
PAG130072	Lower Gwynedd Township 1130 N. Bethlehem Pk. P. O. Box 635 Spring House, PA 19477	Montgomery	Lower Gwynedd	Neshaminy, Little Neshaminy and Wissahickon Creeks
PAG130064	Lower Merion Township 75 E. Lancaster Ave. Ardmore, PA 19003-2323	Montgomery	Upper Merion	Rock Run Mill, Gully, Arrowmink and Darby Creeks Schuylkill River
PAG130071	Marcus Hook Borough 1015 Green St., Suite A Marcus Hook Borough Hall Marcus Hook, PA 19061-4592	Delaware	Marcus Hook	Delaware River South
PAG130060	New Britain Township 207 Park Ave. Chalfont, PA 18914-2103	Bucks	New Britain	Neshaminy Little Neshaminy
PAG130069	Perkiomen Township 1 Trappe Rd. Collegeville, PA 19426-1829	Montgomery	Perkiomen	Perkiomen Creek
PAG130059	Richland Township P. O. Box 249 1328 California Rd. Richlandtown, PA 18955	Bucks	Richland	Tohickon Creek
PAG130070	Spring City Borough 6 S. Church St. Spring City, PA 19475-1809	Chester	Spring City	Schuylkill River
PAG130067	Thornbury Township 8 Township Dr. Cheyney, PA 19319	Chester	Thornbury	Chester Creek
PAG130075	Upper Dublin Township 801 Loch Alsh Ave. Fort Washington, PA 19034-1651	Montgomery	Upper Dublin	Sandy Run Wissahickon and Little Neshaminy Creeks
PAG130029	Upper Southampton Township 939 Street Rd. Southampton, PA 18966	Bucks	Upper Southampton	Neshaminy Little Neshaminy Pennypack
PAG130055	Warrington Township 852 Easton Rd. Warrington, PA 18976-2090	Bucks	Warrington	Neshaminy Little Neshaminy
PAG130074	Warwick Township 1733 Township Greene Jamison, PA 18929-1032	Bucks	Warwick	Neshaminy Little Neshaminy
PAG130061	West Pottsgrove Township 980 Grosstown Rd. Stowe, PA 19464-6124	Montgomery	West Pottsgrove	Manatawny Schuylkill River
PAG130125	Brookhaven Borough 2 Cambridge Rd., Suite 100 Brookhaven, PA 19015-1708	Delaware	Brookhaven	Chester and Ridley Creeks
PAG130111	Bucks County Route 611 and Almshouse Road Neshaminy Manor Ctr. Doylestown, PA 18901	Bucks	Doylestown	Neshaminy Creek Delaware
PAG130054	Cheltenham Township 8230 Old York Rd. Elkins Park, PA 19027-1514	Montgomery	Cheltenham	Tacony Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130090	Chester City 36 E. 5th St. Chester City Hall Chester, PA 19013-4495	Delaware	Chester	Chester and Ridley Creeks Delaware River South
PAG130119	Chester Heights Borough P. O. Box 658 Chester Heights, PA 19017	Delaware	Chester Heights	Chester Creek
PAG130089	Chester Township 1150 Engle St. Chester, PA 19013	Delaware	Chester	Chester Creek Delaware River South
PAG130093	Colwyn Borough 221 Spruce St. Colwyn, PA 19023-2916	Delaware	Colwyn	Darby and Cobbs Creeks
PAG130088	Darby Township 21 Bartram Ave. Glenolden, PA 19036	Delaware	Darby	Darby Creek
PAG130095	Douglass Township 1320 E. Philadelphia Ave. Gilbertsville, PA 19525-9574	Montgomery	Douglass	Swamp Creek
PAG130123	East Marlborough Township 721 Unionville Rd. Kennett Square, PA 19348-1530	Chester	East Marlborough	
PAG130087	Eddystone Borough 1300 E. 12th St. Eddystone, PA 19022-1348	Delaware	Eddystone	Ridley and Crum Creeks Delaware River South
PAG130092	Glenolden Borough 36 E. Boon Ave. Glenolden, PA 19036	Delaware	Glenolden	Darby Creek
PAG130114	Hatfield Township 1950 School Rd. Hatfield, PA 19440-1923	Montgomery	Hatfield	Neshaminy and Skiptack Creeks
PAG130077	Haverford Township 2325 Darby Rd. Havertown, PA 19083-2251	Delaware	Haverford	Darby and Cobbs Creeks
PAG130153	Ivyland Borough 710 Ivyglenn Circle Ivyland, PA 18974	Bucks	Ivyland	Neshaminy Little Neshaminy
PAG130126	Lansdowne Borough 12 E. Baltimore Ave. Lansdowne, PA 19050-2202	Delaware	Lansdowne	Darby and Cobbs Creeks
PAG130091	Lower Chichester Township 1410 Market St. Linwood, PA 19061	Delaware	Lower Chichester	Delaware River South
PAG130116	Lower Frederick Township P. O. Box 253 53 Spring Mount Rd. Zieglerville, PA 19492-0253	Montgomery	Lower Frederick	Swamp Creek
PAG130073	Lower Pottsgrove Township 2199 Buchert Rd. P. O. Box 11 Pottstown, PA 19464-3042	Montgomery	Lower Pottsgrove	Schuylkill River
PAG130115	Media Borough 301 N. Jackson St., Floor 2 Media, PA 19063	Delaware	Media	Ridley and Crum Creeks
PAG130104	Morrisville Borough 35 Union St. Morrisville, PA 19067	Bucks	Morrisville	Delaware River South

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130094	Morton Borough 500 Highland Ave. Morton, PA 19070	Delaware	Morton	Darby and Crum Creeks
PAG130080	Narberth Borough 100 Conway Ave. Narberth, PA 19072-0385	Montgomery	Narberth	Cobbs Creek
PAG130099	Nether Providence Township 214 Sykes Ln. Wallingford, PA 19086-6350	Delaware	Nether Providence	Crum and Ridley Creeks
PAG130154	New Britain Borough 45 Keeler Ave. New Britain, PA 18901	Bucks	New Britain	Neshaminy Little Neshaminy
PAG130098	Northampton Township 55 Township Road Richboro, PA 18954-1546	Bucks	Northampton	Neshaminy and Little Neshaminy Creeks
PAG130081	Parkesburg Borough 329 W. First Ave. Parkesburg, PA 19356	Chester	Parkesburg	
PAG130083	Parkside Borough 22 E. Elbon Road Parkside, PA 19015	Delaware	Parkside	Ridley and Chester Creeks
PAG130112	Pennsylvania State University 201 Old Main Physical Plant Building University Park, PA 16802-1503	Montgomery	Abington	Pennypack Creek
PAG130106	Plumstead Township P. O. Box 387 5186 Stump Rd. Plumsteadville, PA 18949	Bucks	Plumstead	Tohickon Creek
PAG130121	Prospect Park Borough 720 Maryland Ave. P. O. Box 301 Prospect Park, PA 19076-1318	Delaware	Prospect Park	Darby Creek
PAG130096	Quakertown Borough P. O. Box 727 35 N. Third St. Quakertown, PA 18951-0727	Bucks	Quakertown	Tohickon Creek
PAG130102	Radnor Township 301 Iven Ave. Wayne, PA 19087-5204	Delaware	Radnor	Darby Creek
PAG130086	Ridley Park Borough 105 E. Ward St. Ridley Park, PA 19078-3010	Delaware	Ridley Park	Crum and Darby Creeks
PAG130084	Ridley Township 100 E. Macdade Blvd. Ridley Township Municipal Bldg. Folsom, PA 19033	Delaware	Ridley	Darby, Crum and Ridley Creeks
PAG130152	Rockledge Borough 1 Park Ave. Rockledge, PA 19046	Montgomery	Rockledge	Tacony and Pennypack Creeks
PAG130101	Sadsbury Township P. O. Box 261 Sadsburyville, PA 19369-0261	Chester	Sadsbury	
PAG130097	Tinicum Township 629 N. Governor Printz Blvd. Essington, PA 19029-1732	Delaware	Tinicum	Darby Creek Delaware River South
PAG130118	Trainer Borough 824 Main St. Trainer Municipal Building Trainer, PA 19061	Delaware	Trainer	Delaware River South

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130085	Upland Borough 224 Castle Ave. Upland, PA 19015	Delaware	Upland	Chester Creek
PAG130082	Upper Chichester Township P. O. Box 2187 Furey Rd. Boothwyn, PA 19061-2187	Delaware	Upper Chichester	Delaware River South
PAG130129	Upper Frederick Township P. O. Box 597 Frederick, PA 19435	Montgomery	Upper Frederick	Swamp and Perkiomen Creeks
PAG130109	Upper Hanover Township P. O. Box 27 1704 Pillsbury Rd. East Greenville, PA 18041-0027	Montgomery	Upper Hanover	
PAG130108	Upper Providence Township 1286 Black Rock Rd. P. O. Box 406 Oaks, PA 19456	Montgomery	Upper Providence	Schuylkill River Perkiomen Creek
PAG130128	Yeadon Borough P. O. Box 5187 Yeadon, PA 19050	Delaware	Yeadon	Cobbs and Darby Creeks
PAG130138	Collegeville Borough 491 E. Main St. Collegeville, PA 19426-2558	Montgomery	Collegeville	
PAG130140	Downingtown Borough 4-10 Lancaster Ave. Municipal Govt. Ctr. Downingtown, PA 19335	Chester	Downingtown	
PAG130135	Norwood Borough 10 W. Cleveland Ave. P. O. Box 65 Norwood, PA 19074	Delaware	Norwood	Darby Creek
PAG130134	Pennsbury Township 702 Baltimore Pike Chadds Ford, PA 19317	Chester	Pennsbury	
PAG130139	Perkasie Borough 620 W. Chestnut St. Perkasie, PA 18944-0096	Bucks	Perkasie	Perkiomen and Pleasant Spring Creeks
PAG130132	Souderton Borough 31 W. Summit St. Souderton, PA 18964-1612	Montgomery	Souderton	East Branch Perkiomen and Skippack Creeks
PAG130130	Springfield Township 50 Powell Rd. Springfield, PA 19064-0274	Delaware	Springfield	Darby and Crum Creeks
PAG130133	Telford Borough P. O. Box 209 Telford, PA 18969	Montgomery	Telford	East Branch Perkiomen Creek
PAG130056	West Conshohocken Borough Municipal Authority 112 Ford St. West Conshohocken, PA 19428-2916	Montgomery	West Conshohocken	Schuylkill River
PAG130137	Whitpain Township 960 Wentz Rd. P. O. Box 800 Blue Bell, PA 19422-1835	Montgomery	Whitpain	Stony, Sawmill and Wissahickon Creeks
PAG130142	Chadds Ford Township P. O. Box 181 Chadds Ford, PA 19317	Delaware	Chadds Ford	

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130143	Clifton Heights Borough 30 S. Springfield Rd. Clifton Heights, PA 19018	Delaware	Clifton Heights	Darby Creek
PAG130149	Jenkintown Borough P. O. Box 2176 Jenkintown, PA 19046	Montgomery	Jenkintown	Tacony Creek
PAG130146	Kennett Township P. O. Box H 1001 E. Baltimore Pike Longwood Fire Co. Bldg. Kennett Square, PA 19348-0011	Chester	Kennett	
PAG130148	Limerick Township 646 W. Ridge Pike Limerick, PA 19468	Montgomery	Limerick	Schuylkill River Perkiomen Swamp Creek
PAG130145	West Caln Township P. O. Box 175 Wagontown, PA 19376-0175	Chester	West Caln	
PAG130144	West Grove Borough 117 Rosehill Ave. West Grove, PA 19390-1214	Chester	West Grove	
PAG130150	Valley Township P. O. Box 467 890 W. Lincoln Hwy Coatesville, PA 19320-0467	Chester	Valley	
PAG130078	Springfield Township 1510 Paper Mill Rd. Wyndmoor, PA 19038-7034	Montgomery	Montgomery	Wissahickon Creek
PAG130158	Concord Township P. O. Box 171 Concordville, PA 19331-0171	Delaware	Concord	Chester Creek
PAG130159	Norristown Borough 235 E. Airy St. Norristown Borough Hall Norristown, PA 19401-5003	Montgomery	Norristown	Stony Creek Sawmill Run Schuylkill River
PAG130160	Silverdale Borough P. O. Box 74 Silverdale, PA 18962-0074	Bucks	Silverdale	East Branch Perkiomen
PAG130162	East Rockhill Township 1622 Ridge Rd. Perkasie, PA 18944	Bucks	East Rockhill	East Branch Perkiomen Three Mile Run Tohickon Creek
PAG130164	Red Hill Borough 56 W. 4th St. Red Hill, PA 18076	Montgomery	Red Hill	

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 indi-

viduals 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.

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

Operations Permit issued to **Hegins Township Authority**, 915 West Maple Street, Valley View, PA 17983, PWS ID 3540047, Hegins and Hubley Townships, **Schuylkill County** on February 19, 2004, for the operation of facilities approved under Construction Permit No. 5401505.

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

Operations Permit issued to **Fox's Water Service**, 543 Leasureville Road, Cabot, PA 16023, PWS ID 5106519, Summit Township, **Butler County**, on March 1, 2004, for the operation of a bulk water hauling service to various customers throughout Butler County, as approved under Construction Permit No. 5106519.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Interim Response

Methacton Avenue Site, Worcester Township, Montgomery County

The Department of Environmental Protection (Department), issues this notice under section 506(b) of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.506). The Department is proposing an interim response action at the Methacton Avenue Site (Site), Worcester Township, Montgomery County.

The Site consists of several homes whose private wells have been impacted by a plume of hazardous substance contamination. To address the release and threat of release of hazardous substances affecting the Site area and corresponding threats to human health and the environment, the Department proposes an interim response action at the Site under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The contaminant of concern at the Site is trichloroethylene. The Department is providing bottled water to affected residences to minimize the exposure to and threat from the contamination.

The Department has considered three alternative responses:

Alternative 1—No Action: The "No Action" alternative provides a baseline against which all other alternatives can be compared. If the Department selects the "No Action" alternative, the actual and potential health and environmental risk posed by the Site would remain the same.

Alternative 2—Carbon Filtration: This alternative consists of the installation of individual whole-house carbon filtration systems to serve each of the affected private wells. It is not a permanent solution and would require many years of ongoing operations and maintenance costs. Carbon filters are not cost-effective.

Alternative 3—Connection to a Public Water Supply: This alternative would be a permanent solution, which would address all threats posed by the contaminant of concern at the Site. It is relatively easy to install and cost-effective.

In evaluating these alternatives, the Department will consider the criteria of permanence, protection of human health and environment and the alternative's ability to meet applicable or relevant and appropriate State and Federal requirements (ARARs). The Department will also consider cost-effectiveness in analyzing the alternatives. Preliminarily, the Department finds that the "No Action" alternative will not be protective of the public health. The Department proposes Alternative 3, connection to a public water supply, based on its preference for a permanent solution. In respect of the permanence of the alternative, a public water connection is preferable to carbon filtration of individual wells. The Department's proposed alternative, connection to a public water supply, is protective of public health and the environment, complies with ARARs, is feasible and cost-effective.

An Administrative Record, which contains more detailed information concerning this proposed interim response action, is available for public inspection from 8 a.m. to 4 p.m. at the Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, (484) 250-5900. Persons interested in examining the Administrative Record should contact David Ewald at (484) 250-5725 to arrange for an appointment. An additional copy of the Administrative Record is available for review Monday through Friday from 8 a.m. to 4:30 p.m. at the Worcester Township Municipal Building, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA.

Under section 506(d) of the HSCA, the Department will hold a public hearing on April 20, 2004, at 7 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, PA. Persons who want to present formal oral comments regarding this interim response may do so prior to the hearing date 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 contact 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.

The public may also submit written comments regarding the Department's proposed interim response action during the period of public comment. Under section 506(c) of the HSCA, the public comment period will run from the date of this notice through June 11, 2004. Written comments should be addressed to David Ewald, Project Officer, at the previous address. Individuals with questions concerning this notice should contact David Ewald, (484) 250-5725.

Proposed Interim Response

Boldan-Davis Site, Penn Township, Westmoreland County

The Department, under the authority of the HSCA (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at Boldan-Davis Site (Site), Penn Township, Westmoreland County. The Site is adjacent to Bolen Lane, approximately 0.25 mile south of Route 130. The Site consists of an area on the Davis and Blaine properties that contains an unknown quantity of buried and partially buried drums.

The Department has recently completed an investigation of the Site and is currently conducting an interim response at the Boldan Landfill site, which is immediately adjacent to the south of the Site. William Bolen, the original owner and operator of the landfill also owned the Site. William Bolen began operating an unpermitted landfill in 1958 that apparently included the Boldan Landfill site as well as the Site. Prior to waste disposal, the Site was used for coal strip mining. It appears that waste was deposited in pits left from the mining operation. The Site is currently used for residential purposes.

During the investigation, it was determined that waste is buried in a semicircle area at the base of the large hill on the Site. The buried waste portion of the Site is approximately 0.5 acre and contains pockets of industrial wastes including numerous 55-gallon drums and various amounts of debris. Samples collected during the investigation indicated the presence of hazardous substances in Site soil, groundwater and waste materials. The buried drums are in various states of deterioration. Continued deterioration of the buried drums will lead to a larger release of hazardous substances and a more extensive clean up. Several drums are also exposed at the surface presenting a direct contact threat. The current Site conditions present a substantial danger to the public health and the environment.

The Department considered several alternatives at the Site, including: no action; securing of the Site; and removal and disposal of the hazardous substances at the Site. The Department determined that removal and disposal of the hazardous substances was the appropriate course of action. This alternative was selected because it complied with all applicable laws and regulations and was determined to be the most environmentally sound procedure for this Site.

Fieldwork for the prompt interim response to remove and dispose of the waste at the Site is anticipated to begin in early January 2004. All hazardous materials at the Site will be removed and properly disposed. The Department, following the public hearing and comment period, will complete a Statement of Decision and Response to Comments.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The Administrative Record, which contains the information that forms the basis and documents the selection of this response action, is available for public review and comment Monday through Friday from 8 a.m. to 4 p.m. at the Southwest Regional Office, Pittsburgh.

The Administrative Record will be open for comment from March 13, 2004, until May 12, 2004. Persons may submit written comments into the record during this time only by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 1522, or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the Administrative Record, at a public hearing on April 19, 2004, at 6:30 p.m. at the Harrison Room, 1010 Mill Street, Harrison City. Persons wishing to present comments must register before April 19, 2004, with Helen Humphreys Short, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000. If no person registers to present oral comments, by the previous date, the hearing will not be held. Persons interested in finding out if anyone has registered and if the hearing will be held should contact Helen Humphreys Short.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys Short at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Proposed Consent Order and Agreement

DuPont/New Castle Junk Site, City of New Castle and Union Township, Lawrence County

Under section 1113 of the HSCA (35 P. S. § 6020.1113), the Department has entered into a Consent Order and Agreement with Donald R. Kleine d/b/a Vortex Recycling (Kleine) concerning the redevelopment of a portion of the DuPont/New Castle Junk Site (Site), City of New Castle and Union Township, Lawrence County.

In the past, wastes containing hazardous substances were disposed at the Site and the substances contaminated the environment. Since 1996, the Department has settled with the financially viable responsible persons and recovered some Response costs. Also, some of these responsible persons did portions of the clean up at the Site. However, because other responsible persons were insolvent, the Department also did some of the clean up and incurred more than \$3.5 million in Response costs at the Site.

The Site is within an enterprise zone and contains two distinct areas—the Battery property and the China property. In 1996, the Department's settlement with the owner of the Battery property included the donation of the property to the Lawrence County Economic Development Corporation (LCEDC). The Department then entered into a settlement with the LCEDC concerning the future redevelopment of and the maintenance of the Remedy at the Battery property.

In 2001, the Remedy was completed at the Battery property, which included the treatment of battery wastes and coverage by a soil cap. Thereafter, the LCEDC subdivided the Battery property into four parcels and Kleine purchased one (Kleine parcel). On February 26, 2004, the Department and Kleine executed a settlement concerning the Kleine parcel and its specific terms are set forth in the Consent Order and Agreement between the Department and Kleine.

The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments disclose facts or considerations that indicate that the Agreement is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement shall be effective upon the date that the Department notifies Kleine, in writing, that this Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the Agreement, or that no comments were received.

Copies of the Agreement are available for inspection at the Northwest Regional Office. Comments may be submitted, in writing, to Gary Mechtly, Project Manager, Hazardous Sites Cleanup, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Strathmann Lumber Company, Southampton Township, **Bucks County**. Jennifer Sherman, GHR Consulting Services, Inc., 300 Welsh Rd., Horsham, PA 19044, on behalf of Pete Iliff, Strathmann Lumber Co., 620 Knowles Ave., Southampton, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil no. 2, leaded gasoline, lead, MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet Background Standards.

Planned Minquas Fire Station, East Caln Township, **Chester County**. James F. Mullan, P. E., Hocage Consulting, Inc., 987 Haddon Ave., Collingswood, NJ 08108, on behalf of East Caln Township, Robert Glisson, Township Manager, P. O. Box 232, Downingtown, PA 19335,

has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with inorganics.

Hoppes Facility, Sadsbury Township, **Chester County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Michaels of Oregon Co., 1710 Red Soils Court, Oregon City, OR 08807, Peter Serruriler, Esq., Attorney for Michael's of Oregon, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents and other organics; and groundwater contaminated with chlorinated solvents and MTBE. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

RJ Power Equipment, Haverford Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting Services, Inc., 500 E. Washington St., Norristown, PA 19401, on behalf of Rick Jones, RJ Power Equipment, 64 W. Eagle Rd., Havertown, PA 19083, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, fuel oil no. 2, leaded gasoline and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Shez Ray, LLC, Norristown Borough, **Montgomery County**. Cliff Harper, P. G., Harper Environmental Associates, Inc., 771 Hideaway Lane, Harleysville, PA 19438, on behalf of Ray Cannon, Shez Ray LLC, 625 Beech St., Norristown, PA 19404, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents and PCB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Commercial/Industrial Warehouse Property, City of Philadelphia, **Philadelphia County**. Ethan E. Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951, on behalf of Alan E. Casnoff, Wheatsheaf Lane Associates, PNA, LP, 642 N. Broad St., Philadelphia, PA 19130, has submitted a Final Report concerning remediation of site soil contaminated with inorganics (arsenic). The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Xylene Area, CNH America, LLC, New Holland Borough, **Lancaster County**. RMT, Inc., 527 Plymouth Road, Plymouth Meeting, PA 19462, on behalf of CNH America, LLC, submitted a Final Report concerning remediation of site soils contaminated with xylene. The report is intended to document remediation of the site to the Statewide Health Standard.

Fogel Commercial Refrigeration Co., Topton Borough and Longswamp Township, **Berks County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of East Penn Manufacturing Co., Deka Road, Lyon Station, PA 19536, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics and PAHs. The report is intended to document remediation of the site to the Special Industrial Area standard as outlined in the report.

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

National Fuel Gas Co., Van Compressor Station, Rockland and Cranberry Townships, **Venango County**.

George W. Hermance, P. G., Parsons, 180 Lawrence Bell Dr., Suite 104, Williamsville, NY 14221 (on behalf of Patricia Flowers, National Fuel Gas, 6363 Main St., Williamsville, NY 14221, has submitted a Final Report concerning remediation of groundwater contaminated with benzene, pentane and butane. The report is intended to document remediation of the site to meet the Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Torres Residence, Bristol Township, Bucks County. Mark Zunich, GemChem, Inc., 53 N. Cedar St., P. O. Box 384, Lititz, PA, on behalf of Juan Torres, 65 Idolstone Rd., Levittown, PA 19057, has submitted a Final Report concerning the remediation of site soil contaminated with fuel oil no. 2. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 26, 2004.

Former Auto Service Station—Commerce Bank N. A., Warwick Township, Bucks County. Jason D. Plucinski, React Environmental Services, Inc., 6901 Kingessing Ave., Philadelphia, PA 19142, on behalf of Commerce Bank N. A., 1700 Atrium Way, Mount Laurel, NJ 08054, has submitted a Final Report concerning the remediation of site soil contaminated with benzene and groundwater contaminated with benzene and lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 26, 2004.

Kennett Square Inn, Kennett Square Borough, Chester County. Erik Stephens, Manko, Gold, Katcher & Fox LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Stephen Warner, 201 E. State St., Kennett Square, PA 19348, has submitted a Final Report concerning remediation of site soil contaminated with no. 2 heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 23, 2004.

Verizon, Inc., Pottstown Carport Facility, Pottstown Borough, Montgomery County. Sean M. Damon, Langan Engineering & Environmental Services, Inc., 500 Hyde Park, Doylestown, PA 18901, on behalf of Verizon, Inc., Cheryl Houghton, 966 S. Matlack St., West Chester, PA 19380, has submitted a Final Report concerning the remediation of site groundwater contaminated with volatile organics, semivolatile organics and metals. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 25, 2004.

Church Road Site, Lansdale Borough, Montgomery County. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of 1190 Church Rd. Associates, LP, 1001 E. Hector St., Suite 100, Conshohocken, PA 19428, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with chlorinated solvents, inorganics, lead and other organics. The report was approved by the Department on February 23, 2004.

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

Former Exxon Station 2-2979, Strausstown Borough, Berks County. Groundwater and Environmental Services, Inc., 410 Eagleview Blvd., Exton, PA 19341, on behalf of ExxonMobil Corporation, 1121 North Bethlehem Pike, Spring House, PA 19477, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with organics. The final report demonstrated attainment of the Statewide Health and Site-Specific Standards and the combined report was approved by the Department on February 24, 2004.

Former Waynesboro Gas Company, Waynesboro Borough and Washington Township, Franklin County.

GEI Consultants, Inc., P. O. Box 297, Colchester, CT 06415, on behalf of Landis/Gardner, A Division of UNOVA, Inc., 20 East Sixth Street, Waynesboro, PA 17268 and Penn Fuel Gas, Inc., A Subsidiary of PPL Resources, 55 South Third Street, Oxford, PA 19363, submitted a Remedial Investigation Report concerning remediation of site soils, groundwater and sediment contaminated with lead, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the requirements for Statewide Health and Site-Specific Standards. The Remedial Investigation Report was approved by the Department on February 25, 2004.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Carlucci Construction Company, Inc., 401 Meadow Street, Cheswick, PA 15024. License No. PA-AH 0297. Effective January 28, 2004.

Chem-Freight, Inc., 515 Lycaste Street, Detroit, MI 48214-3473. License No. PA-AH 0074. Effective February 26, 2004.

Coal City Cob Company, Inc., P. O. Box 516, Avalon, TX 76623. License No. PA-AH 0589. Effective February 24, 2004.

Detrex Corporation, P. O. Box 511, Southfield, MI 48086-5111. License No. PA-AH 0417. Effective February 10, 2004.

E. I. DuPont De Nemours and Company Experimental Station, P. O. Box 80249 RT, Wilmington, DE 19880-0249. License No. PA-AH S227. Effective February 10, 2004.

Elk Transportation, Inc., 1420 Clarion Street, Reading, PA 19061. License No. PA-AH 0413. Effective February 25, 2004.

Environmental Specialists, Inc., 243 Marshall Road, McDonald, OH 44437. License No. PA-AH 0587. Effective February 24, 2004.

GemChem, Inc., P. O. Box 384, Lititz, PA 17543. License No. PA-AH 0259. Effective February 13, 2004.

Interstate Chemical Company, Inc., 2797 Freeland Road, Hermitage, PA 16148. License No. PA-AH 0689. Effective January 28, 2004.

Schneider National Bulk Carriers, Inc., P. O. Box 2700, Green Bay, WI 54306. License No. PA-AH 0524. Effective February 24, 2004.

U. S. Bulk Transport, Inc., 205 Pennbriar Drive, Erie, PA 16509. License No. PA-AH 0408. Effective January 30, 2004.

Waste Management New England, P. O. Box 144, Portland, CT 06480-0144. License No. PA-AH 0664. Effective February 26, 2004.

Hazardous Waste Transporter License Expired

Four Seasons Environmental, Inc., 9413 Apsion Pike, Suite 200, Ooltewah, TN 37363. License No. PA-AH 0632. Effective January 31, 2004.

Northern A-1 Sanitation Services, Inc., P. O. Box 40, Kalkaska, MI 49646. License No. PA-AH 0526. Effective January 31, 2004.

Hazardous Waste Transporter License Reinstated

USL Environmental Services, Inc. d/b/a A & A Environmental. License No. PA-AH 0621. Effective February 27, 2004.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1–6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Cardinal Group, Inc., 828 N. Hanover Street, Pottstown, PA 16464-4253. License No. PA-HC 0213. Effective January 28, 2004.

Coast Medical Supply, Inc., 200 Tornillo Way, Suite 110, Tinton Falls, NJ 07712. License No. PA-HC 0214. Effective February 19, 2004.

Orchard Hill Memorial Park, Inc., 18 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Effective February 26, 2004.

HAZARDOUS WASTE INTENT TO ISSUE PERMIT

Proposed action on an application for a permit under the Solid Waste Management Act and regulations to operate a hazardous waste storage facility.

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. PAD000797548. Ashland, Inc. Operation of a hazardous waste storage facility in Freedom Borough, **Beaver County**. The application for a permit for storage of hazardous waste at the facility was considered for intent to issue by the Regional Office on February 27, 2004. The Regional Office also plans to reduce Ashland's bond liability from \$250,000 to \$116,000.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and concise statement to inform the Regional Office of the exact basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

RESIDUAL WASTE GENERAL PERMITS

Permits Issued under the Solid Waste Management Act, 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 Number WMGR085. Lehigh Coal and Navigation Company, P. O. Box 311, Route 209, Tamaqua, PA 18252-0311. General Permit WMGR085 authorizes processing and beneficial use of freshwater, brackish and marine dredge material, cement kiln dust, lime kiln dust, coal ash and cogeneration ash in mine reclamation. The permit was issued by Central Office on March 2, 2004.

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

General Permit Number WMGR097. The Department, Bureau of Land Recycling and Waste Management, authorizes small-scale research and development (R & D) activities to support the beneficial use or processing prior to beneficial use of residual and/or municipal waste under General Permit WMGR097. This is a Statewide residual waste general permit. This residual waste general permit was issued by the Central Office on March 1, 2004.

Under the terms and conditions of the residual waste general permit, persons who are permitted to conduct small-scale R & D activities will be required to meet, at a minimum, the following: compliance with The Clean Streams Law and the Solid Waste Management Act, maintenance of records and submission of reports.

The Department is authorized under the Solid Waste Management Act and 25 Pa. Code § 287.611 to issue general permits for any category of beneficial use or processing that results in the beneficial use of residual waste on a Statewide basis when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined R & D activities can be adequately regulated using standard conditions.

Persons requesting permit issuance to operate under the terms of the general permit will be required to register with the Department at least 30 days prior to commencing activities authorized under the general permit. The following minimum information will be required to register:

- a. Name and street address of applicant.
- b. Number and title of general permit.
- c. The information required in Condition 2 of the general permit for the initial R & D project.
- d. A description of the location, including a detailed site drawing showing the permit boundary and other significant features.

e. For projects involving processing, a plan for handling spills or emergencies at the site. For sites involving multiple projects or quantities exceeding 50 tons, the Department shall determine on a case-by-case basis if a Preparedness, Prevention and Contingency Plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" is needed.

f. Proof that copies of the notification have been submitted to the municipality, county, county planning agency and county health department in which the processing activities will be conducted.

g. Proof that the R & D activities will be consistent with the general permit.

h. Signed and notarized statement by the applicant who seeks to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit.

i. An application fee in the amount specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania."

j. Information that identifies the applicant (that is, individual, corporation, partnership, government agency, association, and the like), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company.

k. A list of all previous permits or licenses issued to the permittee by the Department or Federal government under the environmental protection acts; the date of issuance and current status of those permits; and the permittee's compliance history concerning the environmental protection acts.

l. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition 15.

m. Proof that the applicant has legal right to enter the land and operate the facilities approved under this permit.

n. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities.

o. If applicable, bonding in an amount acceptable to the Department with supporting documentation. (For projects involving quantities exceeding 50 tons or multiple projects by the same permittee, the Department may determine, on a case-by-case basis, that bonding is required.)

Persons interested in obtaining more information or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, 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.

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

GP1-65-00925: Department of Corrections (P. O. Box 598, Camp Hill, PA 17001) on February 24, 2004, to operate two boilers at Greensburg facility in Greensburg, **Westmoreland County**.

GP1-65-00163: Department of Welfare (P. O. Box 111, Torrance, PA 15779) on February 20, 2004, to operate boiler at Torrance State Hospital in Derry Township, **Westmoreland 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.

09-0133: Webcraft, LLC (181 Rittenhouse Circle, Bristol, PA 19007) on February 26, 2004, to operate two lithographic printing presses 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.

40-320-022: Offset Paperback Manufacturing, Inc. (P. O. Box N, 101 Memorial Highway, Dallas, PA 18612) on February 6, 2004, to construct a sheet fed offset lithographic printing press at their facility in Dallas Borough, **Luzerne County**.

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

21-03055A: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050) on February 27, 2004, to install an eight-unit double-web heatset web offset printing press controlled by an Ecotherm oxidizer system at their building no. 4 facility in Silver Spring Township, **Cumberland County**.

36-03147: A and M Composting, Inc. (2022 Mountain Road, Manheim, PA 17545) on February 25, 2004, to reconstruct their sludge composting facility in Penn Township, **Lancaster County**.

38-05028A: Curwood Specialty Films (Lebanon Valley Business Park, 5 Keystone Drive, Lebanon, PA 17042) on February 27, 2004, to add a flexographic printing press at their existing plant in South Lebanon Township, **Lebanon County**.

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

04-00034A: Engineered Polymer Solutions d/b/a Valspar Coatings (372 Cleveland Avenue, Rochester, PA

15074) on February 19, 2004, to install two existing batch reactors (K4 and K6) and weigh tanks (WT-4A and WT-6A).

56-00291A: RoxCoal, Inc. (P. O. Box 149, Friedens, PA 15541) on March 1, 2004, to construct a coal screening plant at Miller Mine in Lincoln Township, **Somerset County**. Emissions are suppressed by high moisture content of coal.

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

37-003D: Essroc Cement Corp. (Second Street, Bessemer, PA 16112) on February 24, 2004, to modify the cartridge collector (37-309-048) in Bessemer Borough, **Lawrence County**.

37-162B: Precision Plating Co., Inc. (407 Summitview Drive, New Castle, PA 16105) on March 1, 2004, to construct two hard chrome process tanks in Neshanock Township, **Lawrence County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.

AMS 03038: Coating and Converting Technologies (80 Morris Street, Philadelphia, PA 19148) on February 2, 2004, authorized to install an adhesive coater with twin bed regenerative oxidizer and 11 natural gas heaters in Philadelphia, **Philadelphia 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.

23-0066A: PyroPure, Inc. t/a Pyromet (5 Commerce Drive, Aston, PA 19014) on February 25, 2004, to operate three crucible and three rotary furnaces in Chester Township, **Delaware County**.

09-0007A: Waste Management Disposal Services (1121 Bordertown Road, Morrisville, PA 19067) on February 25, 2004, to operate a solid waste landfill expansion in Falls Township, **Bucks County**.

09-0024A: Waste Management Disposal Services (1121 Bordertown Road, Morrisville, PA 19067) on February 25, 2004, to operate a permitted landfill in Tullytown Borough, **Bucks County**.

23-0006D: Foamex LP (1500 East Second Street, Eddystone, PA 19022) on February 25, 2004, to operate a thermal reticulater in Eddystone Borough, **Delaware County**.

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

35-322-005A: Keystone Sanitary Landfill, Inc. (P. O. Box 249, Dunmore, PA 18512) on February 23, 2004, to construct the landfill Phase 2 project and associated air cleaning device at their facility in Throop Borough, **Lackawanna County**. The Plan Approval has been extended.

35-322-006: Alliance Sanitary Landfill, Inc. (398 South Keyser Avenue, Taylor, PA 18517) on February 23, 2004, to modify a landfill gas collection system and associated air cleaning device at their facility in Taylor

and Old Forge Boroughs, **Lackawanna County**. The Plan Approval has been extended.

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

41-00010D: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on February 20, 2004, to modify a natural gas-fired thermal foundry sand reclamation system by increasing the allowable nitrogen oxides emission rate from 2.07 pounds per hour to 3.1 pounds per hour to operate the respective thermal foundry sand reclamation system on a temporary basis, to June 19, 2004, in Muncy Borough, **Lycoming County**. The plan approval and authorization have been extended.

55-310-002A: National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842) on February 27, 2004, to construct various pieces of stone crushing, screening and conveying equipment and to operate various other pieces of stone crushing, screening and conveying equipment on a temporary basis, to June 26, 2004, in Franklin Township, **Snyder County**. The plan approval and authorization have been extended.

53-00005B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222) on February 27, 2004, to operate a 4,735 horsepower natural gas-fired reciprocating internal combustion compressor engine on a temporary basis to June 26, 2004, at their Greenlick Compressor Station in Stewardson Township, **Potter County**. The plan approval and authorization have been extended.

60-303-003: Eastern Industries, Inc. (220 Park Road, Winfield, PA 17889) on June 27, 2004, to operate a drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis to June 26, 2004, in Buffalo Township, **Union 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.

04-00721A: Beaver Valley Asphalt Corp. (6010 Woodlawn Road, Aliquippa, PA 15001) on February 26, 2004, to install an asphalt plant in Aliquippa, **Beaver County**. This plan approval was extended.

32-00311A: IA Construction Corp. (P. O. Box 290, Homer City, PA 15748) on March 1, 2004, to modify Condition Number 13 in plan approval to define standardized methods of analysis to determine levels of certain contaminants in waste derived liquid fuel at their Homer City Plant in Center Township, **Indiana County**.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

07-05004: Eldorado Properties Corp. (P. O. Box 2621, Harrisburg, PA 17105) on February 27, 2004, to operate a petroleum bulk station and terminal in Allegheny Township, **Blair County**. This is a renewal of their operating permit.

67-05020: Exelon Generation Co. (1848 Lay Road, Delta, PA 17314) on February 27, 2004, to operate their electric generating facility at their Peach Bottom Atomic Power Station in Peach Bottom Township, **York County**. This is a renewal of their operating permit.

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

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

21-03006: Nestle Purina PetCare Co. (6509 Brady Lane, Mechanicsburg, PA 17050) on February 27, 2004, to operate pet food production lines controlled by fabric collectors at their facility in Hampden Township, **Cumberland County**.

22-03055: Kimmel's Coal and Packaging, Inc. (Machamer Avenue, P. O. Box 1, Wiconisco, PA 17097) on February 25, 2004, to operate their coal preparation facility in Wiconisco Township, **Dauphin County**.

36-03023: Penncast Corp. (601 East Market Street, P. O. Box 303, Marietta, PA 17547-0303) on February 23, 2004, to operate their steel foundry in the Marietta Borough, **Lancaster County**.

36-03085: Goodhart Sons, Inc. (2515 Horseshoe Road, Lancaster, PA 17605) on February 25, 2004, to operate a paintbooth in Upper Leacock Township, **Lancaster County**.

67-03034: B-Way Corp. (599 Davies Drive, York, PA 17402) on February 25, 2004, to operate a metal container manufacturing facility in Springettsbury Township, **York County**.

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

04-00689: Rome Metals, Inc. (P. O. Box 106, Rochester, PA 15074) on February 24, 2004, a renewal for operation of a steel fabricating operation that utilizes shot blasting operations, grinders and abrasive saw to cut the metals in Rochester Township, **Beaver County**.

65-00677: Hempfield Area School District (R. D. 6 Box 76, Greensburg, PA 15601) on February 19, 2004, for operation of two Spronz incinerators at the senior high school in Hempfield Township, **Westmoreland County**.

63-00540: Box USA (10 Wilson Road, Eighty Four, PA 15330) on February 26, 2004, for operation of facility in South Strabane Township, Eighty-Four, **Washington County**. The plant produces corrugated fiber sheets, corrugated shipping containers, corrugated paper products from raw rolls of pulp paper.

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

10-00341: Wholesale Auto Rehab Services, Inc. (3419 Harts Run Road, Glenshaw, PA 15116) on March 1, 2004, for a Natural Minor Operating Permit to operate an automobile repair surface coating operation in Cranberry Township, **Butler County**.

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

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

04-00600: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on February 26, 2004, to revise the Operating Permit to incorporate the transfer of ownership of their facility from M. J. Mining Co. to Rosebud Mining Company, the names of the new Responsible Official and the new permit contact for the Beaver Valley Mine in Greene Township, **Beaver County**.

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

10-00021: INDSPEC Chemical Corp. (113 Main Street, P. O. Box 307, Petrolia, PA 16050) on February 25, 2004, for an administrative amendment to incorporate changes brought about through Plan Approvals 10-021J and 10-021K. Their facility is in Petrolia Borough, **Butler County**. The EPA and public comment periods were addressed during the plan approval process.

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.

54830103R4. K & K Coal Company (133 Valley Furnace Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County**, affecting 160.0 acres. Receiving streams: unnamed tributary to East Branch Schuylkill River. Application received July 10, 2003. Renewal issued February 23, 2004.

54830109R4. Joe Kuperavage Coal Company (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County**, affecting 625.0 acres. Receiving streams: Schuylkill River. Application received November 6, 2003. Renewal issued February 23, 2004.

54030102. Gale Mining Company (1441 Oak Road, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine operation in Porter and Hegins Townships, **Schuylkill County**, affecting 300.0 acres. Receiving streams: East Branch Rausch Creek. Application received July 23, 2003. Permit issued February 26, 2004.

40030202. McClure Enterprises, Inc. (3 East McClure Avenue, Old Forge, PA 18518), commencement, operation and restoration of a coal refuse reprocessing

operation in Duryea and Hughestown Boroughs, **Luzerne County**, affecting 159.0 acres. Receiving streams: None. Application received July 25, 2003. Permit issued February 26, 2004.

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

03921602. NPDES Permit No. PA0214388, Glacial Sand and Gravel Company (P. O. Box 1022, Kittanning, PA 15201), to renew the permit for the Glacial Coal Tipple in East Franklin Township, **Armstrong County** and related NPDES Permit. No additional discharges. Permit issued February 24, 2004.

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

16-03-04. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Proposal to enter into a Government Financed Reclamation Contract on an 80.0-acre site in Perry Township, **Clarion County**. The proposal includes 64.0 acres of abandoned mine lands as well as 32.5 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: unnamed tributary to the Allegheny River. Application received August 5, 2003. Contract issued February 26, 2004.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56890108 and NPDES Permit No. PA0598488. Godin Brothers, Inc. (136 Godin Drive, Boswell, PA 15531), permit renewal reclamation only in Jenner Township, **Somerset County**, affecting 71.8 acres. Receiving streams: unnamed tributary to Quemahoning Creek and unnamed tributary to Hoffman Run (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Quemahoning surface water withdrawal. Application received January 29, 2004. Permit issued February 20, 2004.

56980110 and NPDES Permit No. PA0234940. Fritz Coal, Inc. (412 Brownstown Hill, Stoystown, PA 15563), permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 50.9 acres. Receiving streams: unnamed tributaries to and Wells Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Hooversville Borough Somerset County Municipal Authority Stonycreek Surface Water Withdrawal. Application received January 20, 2004. Permit issued February 20, 2004.

56733072 and NPDES Permit No. PA0608521. Scurfield Coal, Inc. (228 Main Street, Berlin, PA 15530), permit renewal reclamation only in Paint Township, **Somerset County**, affecting 170.76 acres. Receiving streams: Seese Run and unnamed tributary to Paint Creek (CWF, TSF). There are no potable water supply intakes within 10 miles downstream. Application received January 27, 2004. Permit issued February 20, 2004.

11823011 and NPDES Permit No. PA0607614. L & J Energy Company, Inc. (P. O. Box I, Grampian, PA 16838), permit renewal reclamation only in Susquehanna Township, **Cambria County**, affecting 75 acres. Receiving streams: unnamed tributary to Susquehanna River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 26, 2004. Permit issued February 20, 2004.

32930107 and NPDES Permit No. PA0212687. TLH Coal Company (4401 Pollock Road, Marion Center, PA

15759), surface mining permit renewal for reclamation only in Grant Township, **Indiana County**, affecting 93.3 acres. Receiving streams: unnamed tributary to and East Run (HQ CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 22, 2004. Permit issued February 20, 2004.

32030110 and NPDES Permit No. N/A. Fossil Fuel, Inc. (690 Weaver Road, Marion Center, PA 15759), commencement, operation and restoration of a bituminous surface and auger mine in East Mahoning and Grant Townships, **Indiana County**, affecting 43.0 acres. Receiving streams: unnamed tributaries to Crooked Run to Little Mahoning Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 10, 2003. Permit issued February 26, 2004.

32020101 and NPDES Permit No. PA0249165. Alverda Enterprises, Inc. (P. O. Box 87, Alverda, PA 15710), commencement, operation and restoration of a bituminous surface and coal refuse processing mine and for discharge of treated mine drainage in Pine Township, **Indiana County**, affecting 18.3 acres. Receiving streams: Yellow Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 25, 2002. Permit issued February 26, 2004.

56010106 and NPDES Permit No. PA0249076. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), permit transfer from Heritage Mining Company (P. O. Box 126, Cresson, PA 16630), for continued operation of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 317.1 acres. Receiving streams: Dixie Run and Fallen Timber Run (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stonycreek Surface Water Withdrawal. Application received October 7, 2003. Permit issued February 26, 2004.

32020107 and NPDES Permit No. PA0249092. K. M. P. Associates (1094 Lantz Road, Avonmore, PA 15618), commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Blacklick Township, **Indiana County**, affecting 59.1 acres. Receiving streams: Aultmans Run to Conemaugh River to Kiskiminetas River (TSF). There are no potable water supply intakes within 10 miles downstream. Application received October 18, 2002. Permit issued February 26, 2004.

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

17930128 and NPDES Permit No. PA0219720. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830). Renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County**, affecting 106.2 acres. Receiving streams: unnamed tributaries to Bell Run to West Branch Susquehanna River. Application received October 20, 2003. Permit issued February 18, 2004.

17030901 and NPDES Permit No. PA0243523. RAMM Coal Company (R. R. 1, Box 16, Rockton, PA 15856). Commencement, operation and restoration of an incidental coal extraction permit in Brady Township, **Clearfield County**, affecting 3.7 acres. Receiving streams: LaBorde Branch and unnamed tributary to Luthersburg Branch. Application received June 23, 2003. Permit issued February 17, 2004.

17030107 and NPDES Permit No. PA0243485. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830). Commencement, operation and restoration of a

bituminous surface mine-auger permit in Lawrence Township, **Clearfield County**, affecting 45.2 acres. Receiving streams: unnamed tributary to Moose Creek to Moose Creek to West Branch Susquehanna River. Application received May 2, 2003. Permit issued February 18, 2004.

Noncoal Permit Actions

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

58040803. Guy E. Vandermark (R. R. 7 Box 7298, Montrose, PA 18801), commencement, operation and restoration of a Small Industrial Minerals Quarry operation in Dimock Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: tributary to Meshoppen Creek. Application received January 9, 2004. Permit issued February 24, 2004.

58032802. Powers Stone, Inc. (R. D. 5, Box 124, Montrose, PA 18801), commencement, operation and restoration of a Small Bluestone Quarry operation in Middletown Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: tributary to Middle Branch Wyalusing Creek. Application received February 24, 2003. Permit issued February 24, 2004.

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

08030805. Anthony P. Bennett (R. R. 4, Box 4056, Wyalusing, PA 18853). Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Pike Township, **Bradford County**, affecting 3 acres. Receiving streams: Johnson Creek. Application received August 20, 2003. Permit issued February 17, 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.

67044010. Thomas J. Angelozzi, Inc. (7845 Kabik Court, Woodbine, MD 21797), construction blasting at Taylor Estates in Windsor Township, **York County**, with an expiration date of March 15, 2005. Permit issued February 25, 2004.

21044004. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting at Hallwood West Development Phase 2 in Shippensburg Borough, **Cumberland County**, with an expiration date of February 28, 2005. Permit issued February 25, 2004.

28044006. Charles E. Brake Company, Inc. (6450 Lincoln Way West, St. Thomas, PA 17252), construction blasting at Meno Haven in Greene Township, **Franklin County**, with an expiration date of September 30, 2004. Permit issued February 25, 2004.

36044007. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Advanced Trim Specialties Project in Salisbury Township, **Lancaster County**, with an expiration date of September 19, 2004. Permit issued February 25, 2004.

48044004. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Com-**

pany (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Sterling Oaks Lot No. 17 in Lower Nazareth Township, **Northampton County**, with an expiration date of May 1, 2004. Permit issued February 25, 2004.

40044002. Mericle Construction, Inc. (100 Baltimore Drive, Wilkes-Barre, PA 18702), construction blasting at East Mountain Corporate Center in Plains Township, **Luzerne County**, with an expiration date of February 28, 2005. Permit issued February 26, 2004.

66044002. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Robert Shupp Road Cut, Foundation and Trenches in Clinton Township, **Wyoming County**, with an expiration date of February 28, 2005. Permit issued February 26, 2004.

48044003. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Bethlehem Township Community Center in Bethlehem Township, **Northampton County**, with an expiration date of December 31, 2005. Permit issued February 26, 2004.

06044004. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Stonehedge in Bern Township, **Berks County**, with an expiration date of December 31, 2005. Permit issued February 26, 2004.

06044005. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Reedy Run Road Widening in Spring Township, **Berks County**, with an expiration date of December 31, 2005. Permit issued February 26, 2004.

67044011. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Lauxman Farms Subdivision in Lower Windsor Township, **York County**, with an expiration date of March 15, 2005. Permit issued February 26, 2004.

01044004. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Deatrick Village in Cumberland Township, **Adams County**, with an expiration date of March 15, 2005. Permit issued February 26, 2004.

45044007 Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Lot No. 10 Van Ams Way in Jackson Township, **Monroe County**, with an expiration date of February 13, 2005. Permit issued February 26, 2004.

21044005. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting at 110 Woods Drive Lot 5 in Silver Spring Township, **Cumberland County**, with an expiration date of March 31, 2005. Permit issued February 26, 2004.

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

16034003. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Blasting activity permit to blast on the Culbertson Reclamation Project (Government Financed Construction Contract) in Perry Township, **Clarion County**, for 365 days. Application received June 4, 2003. Application issued February 26, 2004.

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

03044001. Canterbury Coal (R. D. 1, Box 119, Avonmore, PA 15618). Blasting activity permit for demolition of a coal silo, at Kiskiminetas Township, **Armstrong County**, with an expected duration of 30 days. Blasting permit issued February 26, 2004.

02044002. Dick Corp. Contractors (P. O. Box 10896, Pittsburgh, PA 15236). Blasting activity permit for construction of the southern beltway transportation project in Findlay Township, **Allegheny County**, with an expected duration of 180 days. Blasting permit issued February 26, 2004.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-866. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Newtown Township, **Bucks County**, ACOE Philadelphia District.

To remove the existing four span bridge structure carrying SR 0332 (Richboro Road Bridge) over the Neshaminy Creek (WWF, MF) and to construct and maintain a three-span prestressed concrete bridge at the same location measuring 280 feet long with a 17.8-foot underclearance. The removal and construction of the bridge will require three temporary causeways across the Neshaminy Creek impacting 264 linear feet of stream. The project also includes the relocation of an unnamed intermittent channel and construction of a temporary crossing to facilitate access during demolition and construction of the bridge noted previously and to facilitate a proposed bike path and pedestrian walkway.

The site is approximately 1 mile west of the intersection of Newtown bypass/PA 413 and Richboro Road (Langhorne, PA Quadrangle N: 18 inches; W: 23.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

E09-862. Gold For Three Daughters, 800 Haunted Lane, Bensalem, PA 19020, Bensalem Township, Bucks County, ACOE Philadelphia District.

To perform activities associated with the Wells Drive Channel Relocation project:

1. To relocate 335 linear feet of stream channel of an unnamed tributary of the Neshaminy Creek (WWF).
2. To install a total of 75 linear feet of temporary cofferdam across the stream at three different locations along the stream channel to accommodate work associated with the proposed channel relocation.
3. To conduct minor grading work associated with the new stream banks adjustment.

4. To construct a temporary road crossing to facilitate the smooth passage of construction vehicles.

The project proposes to directly and permanently affect a total of 335 linear feet and 380 linear feet temporarily. The project site is on Wells Drive approximately 160 feet west of the intersection of Bridgewater Road and Wells Drive in Bensalem Township, Bucks County (Beverly-NJ, PA Quadrangle N: 18.25 inches; W: 7.00 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

E40-620. Hazle Township Supervisors, P. O. Box 506, Harleigh, PA 18225-0506, Hazle Township, Luzerne County, Army Corps of Engineers Baltimore District. Subbasin 5-D.

To construct and maintain a road crossing of Little Black Creek (CWF, perennial), consisting of a 12.0-foot by 6.0-foot open-bottomed precast concrete box culvert. The project includes relocation of approximately 90 linear feet of channel upstream of the culvert and 80 linear feet downstream. The project, known as the Vine Street Extension, is approximately 1,000 feet upstream of the confluence of Little Black Creek and Black Creek, between 28th Street and 30th Street (Hazleton, PA Quadrangle N: 19.1 inches; W: 14.7 inches). The project proposes to directly affect 200 linear feet of stream channel.

DAM SAFETY

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

D63-114 Maple Creek Mining, Inc. To modify, operate and maintain Maple Creek Slurry Pond 3, Dam No. 1 across a tributary to Pigeon Creek (WWF) for the purpose of the disposal of waste slurry (Monongahela, PA Quadrangle N: 11.95 inches; W: 14.8 inches) in Carroll Township, **Washington County**.

SPECIAL NOTICES

Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act

The Department of Environmental Protection announces the following grants to counties under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by the act, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land

Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral	Dauphin	Dauphin County	Substantial Plan Revision	\$80,000
	Dauphin	Dauphin County	Nonsubstantial Plan Revision	\$75,840
Northwest	Butler	Butler County	Plan Revision	\$43,852

Application Period for Municipal Recycling Program Performance Grant Applications under section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act; Calendar Year 2003 Recycling

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act). Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A. This application period is for eligible materials recycled and marketed in calendar year 2003.

Municipal recycling program performance grant funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in section 1501(c)(1)(i) of the act recovered by municipal recycling programs and the population of the municipality as determined by the most recent decennial census. Municipalities will be eligible to receive an award based on a formula of \$5 for each Department approved ton of eligible recyclable materials recycled or marketed and \$1 per approved ton for each percentage of municipal waste calculated by the Department to be diverted from disposal. The weight of eligible materials allowable from nonresidential (commercial, institutional and municipal) sources under the preceding formula will be limited to no more than the weight of approved eligible materials from residential sources. Any Department approved materials from nonresidential sources not factored into the preceding formula will be awarded a bonus of \$10 per ton. The Department will not award grants calculated to be less than \$10.

Applicants that have failed to comply with the conditions set forth in previously awarded grants, the grant requirements of the act or the regulations of the act may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with 25 Pa. Code § 272.314(b)(2) regarding the submittal of the annual recycling report.

Eligible materials include post-consumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 2003, to and including, December 31, 2003. Grant funds will not be awarded for residues, materials not listed as eligible including, but not limited to, leaf and yard wastes or any materials which cannot be documented as being recycled into a new product or use.

Documentation to support all claims that eligible recyclable materials were generated within the municipality

and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application.

Acceptable supporting documentation: weight slips or receipts verifying that the materials were recycled or marketed are required as supporting documentation for the grant application. The documentation must include: (1) the date the materials were recycled/marketed; (2) the type of material recycled/marketed; (3) the name of the municipality where the material was generated; and (4) weight, stated in pounds or tons, of the material recycled/marketed. Documentation supporting materials source separated from municipal waste by commercial/institutional establishments and recycled/marketed must bear the name of the establishment and the municipality where the establishment is located.

Acceptable documentation must be provided in one of the following formats: (1) a dated weight/market receipt identifying the generator of the recyclable materials and the market; (2) a dated report submitted by the hauler or market on company letterhead clearly indicating the name of the company generating the recyclable materials; or (3) a dated report submitted by the generator, which is signed by the hauler or market vendor that received the materials. Reports may be submitted on annual, monthly, weekly or other time period format. All information must be legible.

Estimates of weight will not be accepted except in cases where: (1) the material is packaged in uniform bales and the average weight of a bale can be demonstrated and supported by weight receipts and a record of the number of bales was provided by the market vendors; or when (2) multiple generators contribute to a known quantity of marketed material and the hauler or market estimates the quantities attributable to any individual establishment or municipality and verifies the estimate with a signature.

Although the supporting documentation is not required to be submitted with the grant application, documentation provided must conform to the requirements or the materials claimed will not be credited toward the grant award.

Grant applications must be on forms provided by the Department for calendar year 2003. Grant applications must be delivered by 3 p.m. on September 30, 2004, or postmarked on or before that day. Applications received by the Department after the deadline will be returned to the applicant. Grant awards are predicated on the receipt

of recycling fees required by sections 701 and 702 of the act and the availability of moneys in the Recycling Fund.

Municipalities wishing to file an application should contact their county recycling coordinator or the Department at the following address. Applicants who filed a performance grant application for calendar year 2002 will be mailed a current application by the Department as soon as they are available. Applications may also be obtained from the Department's website: www.dep.state.pa.us (DEP Keyword: Recycle). Inquiries concerning this notice should be directed to Todd Pejack, Bureau of Land Recycling and Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, tpejack@state.pa.us.

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of February 2004, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Air Quality Control, Inc.	241 King Manor Drive Suite D King of Prussia, PA 19406	Mitigation
Timothy Bach	826 Lowry Avenue Jeannette, PA 15644	Testing
William Cairnes	9 Sunset Drive Auburn, PA 17922	Testing and Mitigation
Christopher Cavalline	R. R. 3, Box 42 Brockway, PA 15824	Testing
Mark Garland, Sr.	5970 West Webb Road Mineral Ridge, OH 44440	Testing
Gregory Hancock	147 Mountainstone Trail Lock Haven, PA 17745	Testing
Robert Harris, Jr.	2843 North Front Street Harrisburg, PA 17110	Testing
Scott Jacobs	618 North Maple Avenue Ridgway, PA 15853	Mitigation
Donald John	P. O. Box 211 Worthington, PA 16262	Testing
George Kasimirsky, II	P. O. Box 145 Hickory, PA 15340	Testing
Leonard Kelsey	800 Sunset Lane Stroudsburg, PA 18360	Testing
John Marryott	P. O. Box 145 Washington Crossing, PA 18977	Mitigation
Thomas O'Connor	8260 Rochester Road Pittsburgh, PA 15237	Testing
Realty Inspection Services	R. R. 7, Box 7229 Suite 101 Moscow, PA 18444	Testing
Kathleen Remsnyder	2843 North Front Street Harrisburg, PA 17110	Testing
Jeffrey Schlaline Absolute Radon Mitigation, LLC	800 Locust Grove Road York, PA 17402	Mitigation
Igor Smetaniuk	P. O. Box 300 454 High Road Glen Spey, NY 12737	Testing
Roy Stirling National Property Inspections, Inc.	P. O. Box 145 Geigertown, PA 19523	Testing
Wayne Thomas Environmental Abatement Associates, Inc.	143 West Main Street Plymouth, PA 18651	Testing

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Brush Creek Watershed in Westmoreland County

Greensburg District Mining Office: Ron Horansky, Watershed Manager, Armbrust Professional Center, R. D. 2, P. O. Box 603-C, Greensburg, PA 15601.

The Department of Environmental Protection is holding a public meeting on March 25, 2004, at 7 p.m. at the North Huntingdon Township Municipal Building, North Huntingdon, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. One stream segment in the Brush Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to metals. The listed segments and miles degraded are as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
37246	Brush Creek	0.5

The proposed plan provides calculations of the stream's total capacity to accept iron, aluminum, manganese and acidity and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.50	30 day average; Total Recoverable
Manganese	1.00	Total Recoverable
pH *	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal from 1900 to the 1950s. The effects of this are still present. All of the allocations made in the TMDL are load allocations that are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation (MCS) to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 2 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ron Horansky, R. D. 2, Box 603C, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by May 12, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by March 23, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-431. Filed for public inspection March 12, 2004, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed.

Final Technical Guidance

DEP ID: 383-2125-001. Title: Proposals to Add or Remove Fluoridation Treatment by a Community Water System. Description: This document provides guidance to community water systems (CWS) to clarify existing regulatory requirements regarding the addition or removal of water fluoridation treatment under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) and 25 Pa. Code Chapter 109 (relating to safe drinking water). Although the use of fluoride by a CWS is discretionary, a CWS that adds fluoride during water treatment must meet and follow certain regulatory requirements. This guidance explains these requirements as well as the procedures that must be followed if a CWS decides to discontinue fluoridation. Notice soliciting public com-

ments on a draft of this guidance was published at 33 Pa.B. 5572 (November 8, 2003). No public comments were received during the 30-day public comment period, which concluded on December 8, 2003. Effective Date: March 13, 2004. Contact: Jeff Gordon, (717) 772-4018, jegordon@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-432. Filed for public inspection March 12, 2004, 9:00 a.m.]

Coastal Zone Advisory Committee Meeting

The Coastal Zone Advisory Committee will hold a meeting on June 23, 2004, from 9:30 a.m. to 12 p.m. in the 2nd Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Andy Zemba, Water Planning Office, (717) 772-4785, azemba@state.pa.us. The agenda and meeting materials for this meeting will be available on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 772-4785 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-433. Filed for public inspection March 12, 2004, 9:00 a.m.]

NOx Budget Trading Program; New Source Set-Aside Allocations

In accordance with 25 Pa. Code § 145.41(d) (relating to timing requirements for NOx allowance allocations), the Department of Environmental Protection (Department) is publishing the allowance allocations from the new source set-aside allowance allocations for the 2004 control period

(May 1, 2004, through September 30, 2004). The new source set-aside contains 2,542 allowances, 1,734 of which are available for new sources after allocation corrections. For each NOx budget unit, the following table lists: the allowances applied for under the "request" column; the maximum potential number of allowances authorized by the regulation under the "maximum" column; and the final, pro rata allocation under the "allocation" column.

New source operators are advised that this allocation is for one control period only. To receive allocations from the new source set-aside for future control periods, source operators must submit new requests to the Department by January 1 each year.

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 at (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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and 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.

Questions concerning this notice should be directed to Randy Bordner, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105, (717) 772-3423, ranbordner@state.pa.us.

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
AES Ironwood, LLC	55337	1	92	92	31
AES Ironwood, LLC	55337	2	92	92	31
PEI Power (Archbald)	50279	2	78	78	26
Allegheny Energy 1	55196	1	41	41	14
Allegheny Energy 2	55196	2	41	41	14
Allegheny Energy 3	55710	1	37	37	13
Allegheny Energy 4	55710	2	37	37	13
Allegheny Energy 8	55377	8	50	50	17
Allegheny Energy 9	55377	9	50	50	17
Allegheny Energy 12	55654	12	49	49	17
Allegheny Energy 13	55654	13	49	49	17
UGI Hunlock	31760	4	38	38	13
Conectiv Bethlehem	55690	1	26	26	9
Conectiv Bethlehem	55690	2	26	26	9
Conectiv Bethlehem	55690	3	26	26	9

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Conectiv Bethlehem	55690	5	26	26	9
Conectiv Bethlehem	55690	6	26	26	9
Conectiv Bethlehem	55690	7	26	26	9
Grays Ferry	54785	2	310	310	105
Grays Ferry	54785	25	205	205	69
Williams Hazleton	10870	2	39	39	13
Williams Hazleton	10870	3	39	39	13
Williams Hazleton	10870	4	39	39	13
PPL Mt. Bethel	55667	1	49	49	17
PPL Mt. Bethel	55667	2	49	49	17
Merck Turbine No. 3	52149	40	34	34	12
Liberty Elec. Power	55276	1	76	76	26
Liberty Elec. Power	55276	2	76	76	26
Hunterstown LLC	31100	CT101	52	52	18
Hunterstown LLC	31100	CT201	52	52	18
Hunterstown LLC	31100	CT301	52	52	18
Duke Energy Armaugh	880071	31301	52	52	18
Duke Energy Entriiken	880072	31602	53	53	18
Ontelaunee Energy	55193	CT1	27	27	9
Ontelaunee Energy	55193	CT2	27	27	9
Duke Energy Fayette	55516	CTG1	43	43	15
Duke Energy Fayette	55516	CTG2	43	43	15
Reliant Energy Seward, LLC		1	697	697	235
Reliant Energy Seward, LLC		2	697	697	235
Armstrong Energy, LLC	55347	1	278	278	93
Armstrong Energy, LLC	55347	2	278	278	93
Armstrong Energy, LLC	55347	3	278	278	93
Armstrong Energy, LLC	55347	4	278	278	93
Fairless Energy, LLC	555298	1A	39	39	13
Fairless Energy, LLC	555298	1B	39	39	13
Fairless Energy, LLC	555298	2A	39	39	13
Fairless Energy, LLC	555298	2B	39	39	13
FPL Energy Marcus Hook, L. P.	55801	CT1	54	54	18
FPL Energy Marcus Hook, L. P.	55801	CT2	54	54	18
FPL Energy Marcus Hook, L. P.	55801	CT3	54	54	18
FPL Energy Marcus Hook, L. P.	55801	AB1	43	43	15
FPL Energy Marcus Hook, L. P.	55801	AB2	43	43	15
FPL Energy Marcus Hook, L. P.	55801	AB3	43	43	15
FPL Energy Marcus Hook, L. P.	55801	AB4	43	43	15
Totals =	—	—	5,123	5,123	1,734

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-434. Filed for public inspection March 12, 2004, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers Meeting Cancellation

The State Board for Certification of Sewage Enforcement Officers meeting scheduled for Friday, March 19, 2004, has been canceled. The next meeting is scheduled for June 18, 2004, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting should be directed to Renee Nease, (717) 705-8024, mnease@state.pa.us. The agenda and meeting materials for the June 18, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the June 18, 2004, meeting should contact the Department at (717) 787-6045 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to

discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-435. Filed for public inspection March 12, 2004, 9:00 a.m.]

Stream Redesignation Evaluations; Water Quality Standards Review

The Department of Environmental Protection (Department) gives notice that evaluations will be conducted on the following stream sections. Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessments. These assessments may lead to recommendations to the Environmental Quality Board (Board) for redesignation. This notice is provided under

25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use).

Data should be submitted to Bob Frey, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Water Quality Assessment and Standards, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637, rofrey@state.pa.us. Data should be submitted by April 13, 2004.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
French Creek—Basin, from and including Beaver Run to the junction of West Vincent, East Vincent and East Pikeland Townships	Chester	Schuylkill River
Two Lick Creek—Main Stem, from the Two Lick Creek Reservoir Dam to the Risinger Discharge near Homer City	Indiana	Blacklick Creek

French Creek is being evaluated for possible redesignation to Exceptional Value Waters in response to a petition submitted to the Board by the Green Valleys Association. This portion of the French Creek basin is currently designated High Quality-Trout Stocking (HQ-TSF), Migratory Fishes.

Two Lick Creek is being evaluated for possible redesignation to HQ-Cold Water Fishes as a result of a petition submitted to the Board by the Ken Sink Chapter of Trout Unlimited. This portion of the main stem is currently designated TSF.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Bob Frey 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. 04-436. Filed for public inspection March 12, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, 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. 04-437. Filed for public inspection March 12, 2004, 9:00 a.m.]

Application of Good Shepherd Rehabilitation Hospital—Allentown, Good Shepherd Rehabilitation Hospital—Bethlehem and Good Shepherd Specialty Hospital—Allentown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Shepherd Rehabilitation Hospital—Allentown, Good Shepherd Rehabilitation Hospital—Bethlehem and Good Shepherd Specialty Hospital—Allentown have requested an exception to the requirements of 28 Pa. Code § 107.62(b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, 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. 04-438. Filed for public inspection March 12, 2004, 9:00 a.m.]

Application of Holy Spirit Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Spirit Hospital has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administration of drugs).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, 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. 04-439. Filed for public inspection March 12, 2004, 9:00 a.m.]

Application of John A. Zitelli Ambulatory Surgery Center and Zitelli South Ambulatory Surgical Facility for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that John A. Zitelli Ambulatory Surgery Center and Zitelli South Ambulatory Surgical Facility have requested an exception to the requirements of 28 Pa. Code Chapters 553, 555, 557 and 563.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, 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. 04-440. Filed for public inspection March 12, 2004, 9:00 a.m.]

Application of Riddle Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riddle Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, 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. 04-441. Filed for public inspection March 12, 2004, 9:00 a.m.]

Application of St. Mary's Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary's Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 51.22 and 138.1 (relating to cardiac catheterization; and principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hear-

ing 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. 04-442. Filed for public inspection March 12, 2004, 9:00 a.m.]

Governor’s Council on Physical Fitness and Sports Meeting

The Governor’s Council on Physical Fitness and Sports will hold a meeting on Wednesday, March 17, 2004, from 10 a.m. to 12 p.m. in 125 North, Room C, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. This meeting is open to the public.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact James Domen, Acting Manager, Physical Activity Program, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-2957, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-443. Filed for public inspection March 12, 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):

Tel Hai Retirement Community
1200 Tel Hai Circle
Honey Brook, PA 19344
SAIS 200102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Health Care Center at White Horse Village
535 Gradyville Road
Newtown Square, PA 19073
SAIS 235902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses’ station):

Providence Care Center
900 Third Avenue
Beaver Falls, PA 15010

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 previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, 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. 04-444. Filed for public inspection March 12, 2004, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program)

Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of the maximum allowable prices. Effective April 1, 2004, through June 30, 2004, the maximum allowable prices the Department of Health (Department) will pay for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.95
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$1.80
1/2 gal. Kosher Milk	\$2.54
4 oz. Kosher Infant Juice	\$0.69
8 oz. Kosher Infant Cereal	\$1.92
1 doz. Grade A Eggs	\$2.39
1 lb. Fresh Carrots	\$0.98
14 to 16 oz. Canned Carrots	\$0.98
1 lb. Cheese	\$5.61
1 lb. Kosher Cheese	\$7.63
1 lb. Dry Beans or Peas	\$1.28
1 oz. Adult WIC Cereal	\$0.37
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.43
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.41
6 oz. Cans Juice	\$1.56
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.95
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Ready-to-Feed	\$8.59
32 oz. Alimentum Advance Ready-to-Feed	\$9.32
16 oz. Alimentum Advance Powder	\$26.82
13 oz. Isomil with Iron Concentrate	\$4.36
12.9 oz. Isomil with Iron Powder	\$13.29
13 oz. Isomil Advance Concentrate	\$4.70
32 oz. Isomil Advance Ready-to-Feed	\$5.80
12.9 oz. Isomil Advance Powder	\$14.42
12.9 oz. Isomil 2 Advance Powder	\$14.42
32 oz. Isomil DF Ready-to-Feed	\$6.07

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Nutramigen Lipil Concentrate	\$7.04
32 oz. Nutramigen Lipil Powder	\$24.42
32 oz. Nutramigen Lipil Ready-to-Feed	\$8.87
8 oz. Pediasure Ready-to-Feed	\$2.24
8 oz. Pediasure with Fiber Ready-to-Feed	\$2.34
13 oz. Similac Advance Concentrate	\$4.38
32 oz. Similac Advance Ready-to-Feed	\$6.20
12.9 oz. Similac Advance Powder	\$13.66
13 oz. Similac Lactose Free Advance Concentrate	\$4.38
32 oz. Similac Lactose Free Advance Ready-to-Feed	\$5.92
12.9 oz. Similac Lactose Free Advance Powder	\$14.74
12.8 oz. Similac Neosure Advance Powder	\$15.65
13 oz. Similac with Iron Concentrate	\$4.07
32 oz. Similac with Iron Ready-to-Feed	\$5.39
12.9 oz. Similac with Iron Powder	\$12.95
12.9 oz. Similac 2 Advance Powder	\$13.66

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape or Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-445. Filed for public inspection March 12, 2004, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting from 10 a.m. to 3 p.m. on Wednesday, March 24, 2004, in Hearing Room 3, Atrium Level, Keystone Building, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Annette D. Jacek, Program Manager, Special Conditions Section, Division of Child and Adult Health Services, (717) 772-4959, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-446. Filed for public inspection March 12, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Delegation of Authority to Make Findings

The Secretary of Transportation gives notice that, under the authority in section 213 of The Administrative Code of 1929 (71 P. S. § 73), Gary L. Hoffman, P. E., Deputy Secretary of Highway Administration, has been delegated the authority to make, and cause to be published in the *Pennsylvania Bulletin*, written findings required by section 2002(b)(23) of The Administrative Code of 1929 (71 P. S. § 512(b)(23)).

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-447. Filed for public inspection March 12, 2004, 9:00 a.m.]

Finding Erie County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Powell Avenue Bridge, carrying S.R. 0299 over the Norfolk Southern railroad tracks in Millcreek Township, Erie County. The existing Powell Avenue Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the existing Powell Avenue Bridge will be mitigated by the following measures to minimize harm to the resource.

A. The Department shall ensure that the Powell Avenue Bridge is documented to State-level standards prior to its demolition. The documentation will include a short narrative on the Powell Avenue Bridge and photographic recordation, which will be submitted to the State Historic Preservation Officer (SHPO) for review and comment. Copies of the approved documentation will be made available to the SHPO and the Erie County Historical Society.

1. The Department shall ensure that the narrative provides a physical description of the Powell Avenue Bridge.

2. The Department shall ensure that the photographic documentation of the Powell Avenue Bridge follows standards established by the Historical and Museum Commission. These standards include preparing archivally stable, 35mm black and white photographs printed in a 5" x 7" format and each print labeled in pencil with the name and location of the Powell Avenue Bridge, date of photograph and view shown. The photographs will be keyed to a site plan/map.

B. Prior to demolition of the Powell Avenue Bridge, the Department shall ensure that the SHPO or other parties identified by the SHPO will have the opportunity to remove the bridge plaques from the Powell Avenue Bridge for display and reuse in the aesthetic treatment of the new bridge. The Department shall ensure that the bridge plaques are removed in a manner that minimizes damage and are delivered with legal title to the SHPO or other parties.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-448. Filed for public inspection March 12, 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 26, 2004, and announced the following:

Regulations Approved

Environmental Quality Board #7-381: Safe Drinking Water; Radionuclides Rule (amends 25 Pa. Code §§ 109.301, 109.303 and 109.503)

Environmental Quality Board #7-382: Safe Drinking Water; Filter Backwash Recycling Rule (FBRR) (amends 25 Pa. Code Chapter 109)

Environmental Quality Board #7-357: Noncoal Underground Mines and Other Excavations (amends 25 Pa. Code Chapter 207)

Approval Order

Public Meeting held
February 26, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by proxy

*Environmental Quality Board—Safe Drinking Water;
Radionuclides Rule; Regulation No. 7-381*

On February 21, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code §§ 109.301, 109.303 and 109.503. The proposed regulation was published in the March 8, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 13, 2004.

This regulation incorporates provisions contained in a December 7, 2000, Federal rulemaking. The amendments are needed for the Department of Environmental Protection to retain primary enforcement authority of drinking water. The regulation is intended to minimize the risk of the public consuming drinking water that contains unsafe levels of radionuclides. This regulation revises monitoring requirements for both radium-226 and radium-228 and adds monitoring requirements for uranium and beta-particle and photon radioactivity. It also establishes additional monitoring requirements for community water sys-

tems designated as vulnerable or contaminated by effluent from nuclear facilities.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 721.4(a) and 71 P. S. § 510-20(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 26, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by proxy

*Environmental Quality Board—Safe Drinking Water;
Filter Backwash Recycling Rule (FBRR); Regulation No.
7-382*

On February 21, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 109. The proposed regulation was published in the March 8, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 13, 2004.

This regulation requires public water systems to review their recycling practices and institute changes, as needed, for the recycling of water contaminated by the treatment process.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 721.4(a)) 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 26, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by proxy

*Environmental Quality Board—Noncoal Underground
Mines and Other Excavations; Regulation No. 7-357*

On November 27, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 207. The proposed regulation was published in the December 8, 2001, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on January 13, 2004.

This regulation addresses safety at underground noncoal mines and mined-out underground noncoal mines that house other businesses.

We have determined this regulation is consistent with the statutory authority of the EQB (71 P. S. § 751-22 and 35 P. S. § 6018.105) 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. 04-449. Filed for public inspection March 12, 2004, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-4914	State Board of Medicine Continuing Medical Education (34 Pa.B. 56 (January 3, 2004))	2/2/04	3/3/04
16A-5312	State Board of Osteopathic Medicine Delegation of Medical Services (34 Pa.B. 58 (January 3, 2004))	2/2/04	3/3/04
16A-6314	State Board of Psychology Notice Requirements (34 Pa.B. 60 (January 3, 2004))	2/2/04	3/3/04

**State Board of Medicine Regulation No. 16A-4914
Continuing Medical Education
March 3, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Medicine (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on February 2, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 16.1. Definitions.—Reasonableness; Clarity.

We have two concerns pertaining to the definition of “approved course.” First, the definition states that the Accreditation Council for Continuing Medical Education (ACCME) must accredit a provider of a continuing education course. Did the Board intend to eliminate course accreditation provided by the State medical society to hospitals for Category I credits?

Second, Category II credits would be limited to courses provided by ACCME accredited providers. The American Medical Association Physician’s Recognition award program has a list of defined activities that qualify for Category II credits which do not have to be ACCME approved. The Board should either modify the definition of “approved course” to include Category II credits that are not formally accredited by the ACCME or add language to § 16.19 that states the remaining 70 credit hours may be Category II credits.

2. Section 16.19. Continuing medical education.—Clarity.

Subsection (a) requires “at least 10 credit hours shall be completed in approved courses in the area of patient safety and risk management.” It is not clear if the 10 credit hours required in risk management must be Category I credits. For clarity, the Board should specify whether the credits for risk management must be Category I or Category II credits.

**State Board of Osteopathic Medicine Regulation
No. 16A-5312
Delegation of Medical Services
March 3, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Osteopathic Medicine (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on February 2, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 25.217. Delegation.—Reasonableness; Consistency with the statute; Clarity.

Subsection (a)(5) requires that the nature and delegation of the medical service be explained to the patient. This subsection permits the explanation to be oral and given by “someone other than the osteopathic physician.” This is inconsistent with section 3 of the Osteopathic Medical Practice Act (63 P. S. § 271.3), which indicates

that delegated services are to be “rendered under the supervision, direction or control of a licensed physician.” If the services are “rendered under the supervision, direction or control” of a physician, then the proposed regulation should specify the physician’s role in the explanation given to the patient.

An example of an approach that places responsibility on the physician is the regulation recently adopted by the State Board of Medicine. The corresponding provision in the regulations of the State Board of Medicine at 49 Pa. Code § 18.402(a)(5) (relating to physician delegation) states the explanation will be given by “the physician or the physician’s designee.” This language is more precise than the proposed regulation because it identifies the physician’s involvement in the explanation given to the patient. Therefore, the Board should amend subsection (a)(5) to require that “the osteopathic physician or the osteopathic physician’s designee” give the explanation.

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State Board of Psychology Regulation No. 16A-6314
Notice Requirements
March 3, 2004

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Psychology (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on February 2, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 41.91. Reporting of crimes and disciplinary actions.—Consistency with the statute; Need; Reasonableness; Clarity.

Subsection (a)

This subsection states the following: “A licensee shall notify the Board of having been convicted of, or having pleaded guilty or nolo contendere to, a felony or misdemeanor, within 30 days of the conviction, verdict or plea.” We have three concerns with this subsection.

First, it requires the reporting of all misdemeanors, not just “those committed in the practice of psychology.” (The Professional Psychologists Practice Act (act) (63 P. S. § 1208(a)(6)).) A commentator is concerned that this would mandate the reporting of all misdemeanors, including “where the misdemeanor evidences that the licensee is unable to practice with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other material.”

Three health-related boards require their licensees to report misdemeanors related to their specific practice. The State Board of Chiropractic and the State Board of Medicine require notification of “a misdemeanor offense relating to a health care practice or profession.” (49 Pa. Code §§ 5.18(a)(3) and 16.16(a)(3), respectively.) The State Board of Optometry requires notification of a “misdemeanor relating to or arising out of the practice of optometry.” (49 Pa. Code § 23.65(a)(1).) In addition, the State Board of Osteopathic Medicine requires notification of a broader array of crimes that include “a felony, crime of moral turpitude or crime related to the practice of osteopathic medicine.” (49 Pa. Code § 25.271(a)(3).) Why is the Board imposing a higher reporting standard on their licensees than other health-related boards require of their licensees?

Second, the regulation is not consistent with the act. The regulation requires reporting when the licensee has been “convicted of, or having pleaded guilty or nolo contendere to, a felony or misdemeanor” The act includes broader provisions in 63 P. S. § 1208(a)(6) that define the term “convicted” to include “a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere or receiving probation without verdict, disposition in lieu of trial or an accelerated Rehabilitative Disposition in the disposition of felony charges.” The specific language in the act should be used in the regulation. Alternatively, the regulation should use the statutory term “convicted” and reference the act.

Third, this subsection requires licensees to notify the Board “within 30 days of the conviction, verdict or plea.” We recommend that this provision be amended to include the phrase “or on the biennial renewal application, whichever is sooner.” This would allow the Board to receive more timely notice of convictions, verdicts or pleas. It would also make it consistent with subsection (b), which contains a similar provision.

Subsection (b)

This subsection states the following:

A licensee shall notify the Board of disciplinary action in the nature of a final order taken against the licensee by the licensing authority of another state, territory or provincial board of psychology within 30 days of receiving notice of the disciplinary action, or on the biennial renewal application, whichever is sooner.

We have two concerns.

First, 63 P. S. § 1208.1 states that licensees must notify the Board of any disciplinary action taken in any other state, territory or country within 90 days. We recommend that the 30-day time frame included in this subsection be amended to be consistent with the act.

Second, this subsection uses the phrase “state, territory or provincial board of psychology” to describe other potential licensing authorities. The phrase “state, territory or country” is used in 63 P. S. §§ 1208 and 1208.1. Why has the Board decided to use the term “provincial board of psychology” instead of “country”?

2. Section 41.92. Notice of active suspension or revocation.—Protection of the public health, safety and welfare; Reasonableness; Implementation procedures; Clarity.

Under this section, a licensee whose license has been suspended or revoked is required to return the license to the Board. The licensee is also required to notify all current clients/patients of the disciplinary action in writing within 30 days of receiving notice of the disciplinary action. The written notice must include the nature of the violation, the sanction imposed, the effective date and length of the sanction and a statement that the licensee will assist patients in transferring records and obtaining alternative profession services. We have three questions.

First, would licensees who voluntarily surrender their licenses be required to abide by the provisions of this section? If so, we recommend that the final-form regulation be amended to reflect this requirement.

Second, this section requires licensees that have been suspended or have had their licenses revoked to assist patients with transferring records and obtaining alternative professional services. If a licensee has committed a felony, such as rape, and has their license revoked, we

question the reasonableness of requiring the licensee to make referrals. The final-form regulation should explain how the health, safety and welfare of the patient would be protected in this situation. An alternative to this requirement would be to limit patient referrals to instances where the Board orders the licensee to assist with referrals.

Third, would licensed psychologists employed by a school be required to comply with this regulation? If so, would they be required to notify all of the students who are patients or just the school administrators of the suspension or revocation?

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-450. Filed for public inspection March 12, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Michael P. Holland Agency under Act 143; Harleysville Insurance Companies; Doc. No. AT04-02-040

A pre-review telephone conference initiated by this office is scheduled for March 26, 2004, at 2 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 10, 2004. A date for a review shall be determined, if necessary, at the pre-review telephone conference.

Motion preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 22, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 25, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-451. Filed for public inspection March 12, 2004, 9:00 a.m.]

Alleged Violation of Insurance Laws; Patrick R. Rex; Doc. No. SC04-03-002

Notice is hereby given of the Order to Show Cause issued on March 2, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P. S. §§ 310.11 and 310.47.

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the

respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-452. Filed for public inspection March 12, 2004, 9:00 a.m.]

Allstate Property and Casualty Company; Private Passenger Auto Rate and Rating Plan Revision; Rate Filing

On February 24, 2004, the Insurance Department (Department) received from Allstate Property and Casualty Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 6.1% increase amounting to \$3.144 million annually, to be effective June 30, 2004.

Unless formal administrative action is taken prior to April 24, 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. 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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-453. Filed for public inspection March 12, 2004, 9:00 a.m.]

Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield; Rate Increase and Benefit Changes for CompleteCare Program (Western Region); Rate Filing

By filing no. 2-CCP-04-HBCBS, Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase the premium rates for its CompleteCare Program. The filing requests an increase of about 6.4% of current premium, or an average of \$13.92 per contract per month. This will affect about 33,000 contract holders and will produce additional annual premium income of about \$5.5 million. The requested effective date of the change is July 1, 2004.

In addition to the increase in premium rates, the following benefit changes are being made to the CompleteCare Program:

A contract year maximum of \$1 million per member is being added.

Effective January 1, 2005, the plan is requesting to change the prescription drug benefit design:

A deductible of \$100 per member per calendar year is being added. The prescription drug benefit will no longer be integrated with the medical deductible.

A \$50,000 calendar year prescription drug maximum is being added.

A \$10 minimum/\$100 maximum copayment for retail generic scripts and a \$20 minimum/\$100 maximum copayment for retail brand scripts are being added. For mail order drugs, a \$20 minimum/\$200 maximum copayment for generic scripts and a \$40 minimum/\$200 maximum copayment for brand scripts will apply. The 20% coinsurance will continue to apply otherwise.

The formulary is moving from open to closed.

The design is moving from a soft to a hard mandatory generic provision.

A copy of the filing is available on the Insurance Department's (Department) website: 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 available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, bpatel@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-454. Filed for public inspection March 12, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Larissa Zearfoss; file no. 03-181-12777; Erie Insurance Exchange; doc. no. P04-02-047; April 13, 2004, 1:30 p.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Aisha Monroe; file no. 04-265-00152; Rutgers Casualty Insurance Company; doc. no. PH04-02-046; May 12, 2004, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the

hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-455. Filed for public inspection March 12, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested hearings as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Gail Zumbach; file no. 03-124-12160; Keystone Insurance Company; doc. no. P04-02-049; April 6, 2004, 1:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Robert Dudley Burdge and Lisa A. Holgash; file no. 04-267-00456; Cumberland Mutual Fire Insurance Company; doc. no. PH04-02-043; May 11, 2004, 12:30 p.m.

Appeal of Arthur Paviglianiti; file no. 04-280-00098; The Philadelphia Contributionship; doc. no. PH04-02-048; May 11, 2004, 2:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-456. Filed for public inspection March 12, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Store #1513, 1006 Lancaster Avenue, Berwyn, PA 19312.

Lease Expiration: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,400 net useable square feet of new or existing retail commercial space within 2 miles of the intersection of Route 30 and Waterloo Avenue, Berwyn.

Proposals due: April 2, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Store #2310, 101 S. Bishop Avenue, Clifton Heights, PA 19018.

Lease Expiration: August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space along Baltimore Pike between Bishop Avenue and Route 320, Clifton Heights.

Proposals due: April 2, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Store #2331, 1072 Pontiac Road, Drexel Hill, PA 19026.

Lease Expiration: November 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Route 1 and Burmont Avenue, Drexel Hill.

Proposals due: April 2, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Store #2332, Lawrence Park Shopping Center, 1991 Sproul Road, Broomall, PA 19008.

Lease Expiration: March 31, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Route 320 and Lawrence Road, Broomall.

Proposals due: April 2, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Montgomery County, Wine & Spirits Store #4603, 416 Old York Road, Jenkintown, PA 19046.

Lease Expiration Date: September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space on Old York Road between Cheltenham Avenue and Fairway Road in Cheltenham Township.

Proposals due: April 2, 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

Montgomery County, Wine & Spirits Store #4604, 315 High Street, Pottstown, PA 19464.

Lease Expiration: July 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on High Street between Route 663 and Arm & Hammer Boulevard, Pottstown.

Proposals due: April 2, 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:

Chester County, Wine & Spirits Store #1525, Lionville, 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 Routes 113 and 100, Uwchlan Township.

Proposals due: April 2, 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

Delaware County, Wine & Spirits Store #2315, Eddystone, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Route 13 and Leiper Street, Eddystone.

Proposals due: April 2, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Store #2308, Concordville, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new

or existing retail commercial space within a 2-mile radius of the intersection of Routes 1 and 322, Concord Township.

Proposals due: April 2, 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

Montgomery County, Wine & Spirits Store #4624, Spring House, PA.

Lease storage 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 storage space within a 1-mile radius of the intersection of Summeytown Pike and Norristown Road, Lower Gwynedd Township.

Proposals due: April 2, 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. 04-457. Filed for public inspection March 12, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

C-20030388. Buffalo & Pittsburgh Railroad, Inc. (formerly the Pittsburgh and Shawmut Railroad Company). Condition of the bridge carrying State Road 3025 (Clinton Bridge) above the grade of the tracks of Buffalo & Pittsburgh Railroad, Inc. (formerly the Pittsburgh and Shawmut Railroad Company). The bridge weight limit is 10 tons. An emergency vehicle weighs 20 tons.

An initial hearing on this matter will be held on Tuesday, April 27, 2004, at 10 a.m. in an 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. 04-458. Filed for public inspection March 12, 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 ap-

plies 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 April 5, 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-00120508. George Maraglia and Makarious Chore, Copartners t/d/b/a Interstate Nursing Services (1971 Brooke Court, Whitehall, Lehigh County, PA 18052)—persons in paratransit service, between points in the Counties of Bucks, Carbon, Lehigh and Northampton, and from points in said counties, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-459. Filed for public inspection March 12, 2004, 9:00 a.m.]

Telecommunications

A-310183F7004. Sprint Communications Company, LP and ALLTEL Pennsylvania, Inc. Joint petition of Sprint Communications Company, LP and ALLTEL Pennsylvania, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Sprint Communications Company, LP and ALLTEL Pennsylvania, Inc., by its counsel, filed on February 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Sprint Communications Company, LP and ALLTEL Pennsylvania, Inc. 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. 04-460. Filed for public inspection March 12, 2004, 9:00 a.m.]

Telecommunications

A-310630F7001. Verizon North, Inc. and Focal Communications Corporation of Pennsylvania. Joint petition of Verizon North, Inc. and Focal Communications Corporation of Pennsylvania for approval of an interconnection agreement and Amendment No. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Focal Communications Corporation of Pennsylvania, by its counsel, filed on February 26, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and Amendment No. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Focal Communications Corporation of Pennsylvania 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. 04-461. Filed for public inspection March 12, 2004, 9:00 a.m.]

Telecommunications

A-310204F7001. Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network. Joint petition of Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network for approval of adoption of an interconnection agreement as Amendment A under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network, by its counsel, filed on February 26, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement as Amendment A under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network 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. 04-462. Filed for public inspection March 12, 2004, 9:00 a.m.]

Telecommunications

A-310972F7001. Verizon North Inc. and Worldx ChangeCorp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners. Joint petition of Verizon North Inc. and WorldxChange Corp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners for approval of adoption of an

interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and WorldxChange Corp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners, by its counsel, filed on February 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and WorldxChange Corp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners 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. 04-463. Filed for public inspection March 12, 2004, 9:00 a.m.]

Telecommunications

A-310204F7000. Verizon Pennsylvania Inc. and Full Service Computing Corporation t/a Full Service Network. Joint petition of Verizon Pennsylvania Inc. and Full Service Computing Corporation t/a Full Service Network for approval of adoption of an interconnection agreement as Amendment A under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Full Service Computing Corporation t/a Full Service Network, by its counsel, filed on February 26, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement as Amendment A under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Full Service Computing Corporation t/a Full Service Network 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. 04-464. Filed for public inspection March 12, 2004, 9:00 a.m.]

Telecommunications

A-310972F7000. Verizon Pennsylvania Inc. and WorldxChange Corp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners. Joint petition of Verizon Pennsylvania Inc. and WorldxChange Corp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and WorldxChange Corp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners, by its counsel, filed on February 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and WorldxChange Corp. d/b/a Acceris Communications Solutions d/b/a Acceris Communications Partners 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. 04-465. Filed for public inspection March 12, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

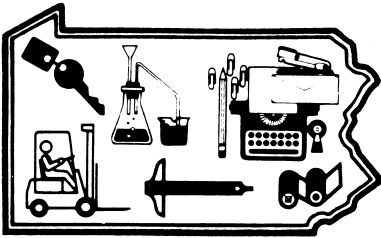
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@ptreasury.org

BARBARA HAFER,
State Treasurer



Commodities

934976 Two (2) Buchi R-205 Advanced Rotary Evaporation System without Safety Shield. Brinkmann #15 10 500 3

Department: Transportation
Location: PADOT, Bureau of Construction & Materials, 1118 State Street, Harrisburg, PA 17120
Duration: 90 Days
Contact: Cookie McWithey, (717) 783-5988

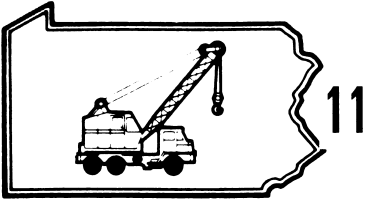
934975 Barnstead/Thermolyn Model F85938—Two (2) Asphalt Content/Binder Ignition Furnace. 208V, 60HZ, 23 amp, 4,800 watt, with internal automatic balance.

Department: Transportation
Location: PADOT, Bureau of Construction & Materials, 1118 State Street, Harrisburg, PA 17120
Duration: 90 Days
Contact: Cookie McWithey, (717) 783-5988

1142-21460 DC-14 Counselor filing system to include outside folder, detachable inside folder (manila stock) dividers and index tabs.

Department: Corrections
Location: State Correctional Institution at Camp Hill, 2500 Lisburn Rd, P. O. Box 8837, Camp Hill, PA 17001-8837
Duration: April 1, 2004 to June 30, 2004
Contact: Donna Veigle, (717) 975-5214

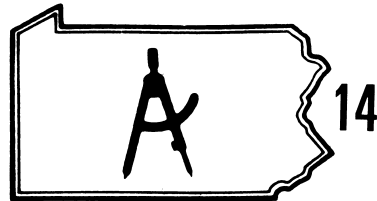
SERVICES



Demolition—Structural Only

0008-A05 The Department of Transportation will be accepting sealed bids for the sale and removal of both commercial and residential dwellings located along State Route 0008 (also known as William Flynn Highway) in the Borough of Etna and Shaler Township, Allegheny County. Contractors will be required to demolish or remove all structures, outbuildings, and site improvements. Contractors will also be required to comply with FHWA and State regulations. For bid information, specifications, and further information, please contact Michael Sudar, District Property Manager at (412) 429-4830.

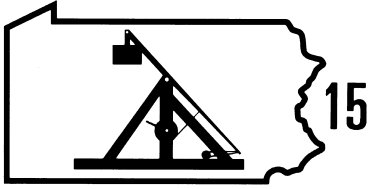
Department: Transportation
Location: Borough of Etna and Shaler Township
Duration: 30 days from Notice to Proceed
Contact: Michael Sudar, (412) 429-4830



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

BOGM 03-2B Cleaning Out and Plugging Twenty-Three (23) Abandoned Oil Wells, (Oil Creek State Park Property). The principal items of work include cleaning out and plugging twenty-three (23) abandoned oil wells, estimated to be 800-1,000 feet in depth, to Department specifications; preparing and restoring well sites; and mobilizing and demobilizing plugging equipment. This project issues on March 12, 2004 and bids will be opened on April 8, 2004 at 2:00 p.m. 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.

Department: Environmental Protection
Location: Cornplanter Township, Venango County, PA
Duration: 180 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

BOGM 03-8 Cleaning Out and Plugging Twenty-Seven (27) Abandoned Oil Wells, (Pennsylvania Game Commission Property). The principal items of work include cleaning out and plugging twenty-seven (27) abandoned oil wells, estimated to be 800 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on March 12, 2004 and bids will be opened on April 6, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Triumph Township, Warren County, PA
Duration: 220 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

OSM 17(4579)102.1 Mine Subsidence Control Project, Pleasant Hill West #2. The principal items of work and approximate quantities include 30 linear feet of overburden drilling and casing, steel or PVC, 20 linear feet of four-inch air rotary drilling, 20 linear feet of furnishing and installing four-inch nominal steel or PVC injection casing, 1,446 bags of cement, 482 tons of flyash, 20 tons of stone (AASHTO No. 57), and sealing four boreholes. This project issues on March 12, 2004 and bids will be opened on April 6, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$26.1 million for Pennsylvania's 2003 AML Grant.

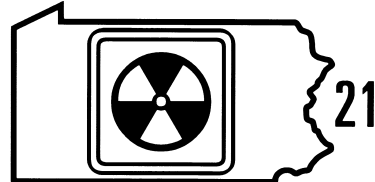
Department: Environmental Protection
Location: Decatur Township, Clearfield County, PA
Duration: 30 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

BOGM 03-5 Cleaning Out and Plugging Five (5) Abandoned Oil and Gas Wells, (Paul O. Everette, Leonard E. Beagle, Beaver Co. Corp. For Economic Development, Jeffrey L. Robson Properties). The principal items of work include cleaning out and plugging five (5) abandoned oil and gas wells, estimated to be 1,000-1,400 feet in depth, to Department specifications; preparing and restoring well sites; and mobilizing and demobilizing plugging equipment. This project issues on March 12, 2004 and bids will be opened on April 8, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project is 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.

Department: Environmental Protection
Location: North Sewickley and Hopewell Townships, Beaver County, PA
Duration: 100 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

BOGM 03-2C Cleaning Out and Plugging Fifteen (15) Abandoned Oil Wells, (Drake Well Museum Property). The principal items of work include cleaning out and plugging fifteen (15) abandoned oil wells, estimated to be 800-1,000 feet in depth, to Department specifications; preparing and restoring well sites; and mobilizing and demobilizing plugging equipment. This project issues on March 12, 2004 and bids will be opened on April 8, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project is 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.

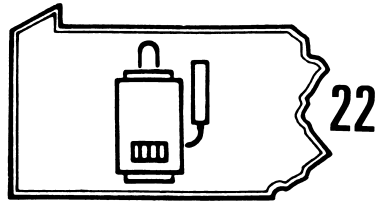
Department: Environmental Protection
Location: Cherrytree Township, Venango County, PA
Duration: 90 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



Hazardous Material Services

HSCP 3-036-101.1 Site Remediation Project, Gettysburg Foundry Site. The principal items of work and approximate quantities include obtaining bonds and certification of insurance, mobilization/demobilization, submittals, access and haul roads, implementation of erosion and sediment control plan, demolition, asbestos containing material abatement, clearing and grubbing, decontamination pad, well abandonment, monitoring well installation, wetland restoration and planting, office facility, and telephone service. This job also includes 100,000 tons of non-hazardous material, 1,400 tons of hazardous waste, 100 tons of asbestos containing material, 30 tons of tires, 500 tons of miscellaneous debris, 900 tons of salvage, 77,000 cubic yards of excavation, backfill and grading, 15,000 tons of imported fill, 115 post excavation soil sampling and analysis, 60 baghouse dust sampling and analysis, 1,200 cubic yards of topsoil and 10 acres of revegetation. This project issues on March 12, 2004 and bids will be opened April 6, 2004 at 2:00 p.m. Payment in the amount of \$20.00 must be received before bid documents will be sent. A mandatory pre-bid conference is scheduled for this job but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid. Please note that failure to attend the pre-bid will be cause for rejection of a submitted bid.

Department: Environmental Protection
Location: Cumberland Township, Adams County, PA
Duration: 290 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



HVAC Services

63-0225 West Chester University of the State System of Higher Education is soliciting sealed bids in the Construction Procurement Office, 201 Carter Drive, Suite 200, West Chester, PA 19383 for Project 63-0225, Unit Ventilator Replacement, Main Hall. Work included under this project consists of the removal of classroom unit ventilators, installation of new classroom units, replacement of an electric boiler with a new gas fired boiler, and building control system upgrades at Main Hall, West Chester University, West Chester, Pennsylvania. Work shall include, but is not necessarily limited to, the furnishing of all labor, superintendence, materials, tools and equipment and performing all work necessary to complete all General, HVAC, Plumbing, and Electrical Construction at the satisfaction of, and subject to approval of the Professional and the State System of Higher Education. Unit ventilators will be provided by the University.

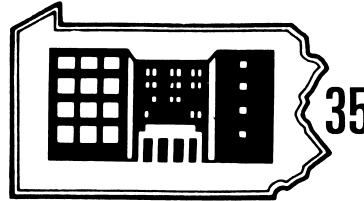
Department: State System of Higher Education
Location: West Chester University, West Chester, PA
Duration: Construction to begin 5-8-04. Access to the building will be unrestricted until 5-23-04 to allow double shifts. Access to the building will be restricted to 4:00 p.m. to 8 a.m. between 5/23/04 and 6/27/04. The completion date is 6/27/04.
Contact: Barb Cooper, (610) 436-2706



Janitorial Services

FM 8713 Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Erie District Enforcement Office. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, 717-705-5951.

Department: State Police
Location: PSP, Erie District Enforcement Office, 8349 Perry Highway, Erie, PA 16509
Duration: 06/01/04 to 06/30/07
Contact: Sandy Wolfe, (717) 705-5951



Real Estate Services

93661 LEASE WAREHOUSE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Transportation with 2,000 useable square feet of warehouse space within 5 miles of the PennDOT, District 2-0 Engineering Office located at 1924 Daisy Street, Clearfield, Clearfield County, PA. Downtown locations will be considered. For more information on SFP #93661 which is due on March 29, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-7412.

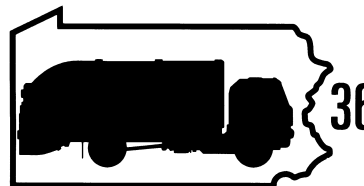
Department: Transportation
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. Jennings Ward, (717) 787-7412



Laundry/Dry Cleaning & Linen/Uniform Rental

SP1345041017 Vendor to provide laundry services to wash, dry, fold, and sort personal laundry of resident veterans of long-term care facility. Items include mens and ladies shirts, trousers, jackets, undergarments, outerwear, sweatshirts and sweatpants, dresses, socks, etc. All clothing will be labeled per resident and resident living unit. Also included in bid are occasional minor clothing repairs to zippers, hems, and seams, etc. All amounts are estimated and details are specified in special conditions and instructions to be sent upon request for bid packet. Estimated laundered amount @ 12,000 lbs/mo., estimated repairs @ 3 to 8 per month. Vendor to pick up and drop off three times weekly—Tues/Thurs @ 9 a.m. and either Friday 1 p.m./Saturday 9 a.m. (negotiable).

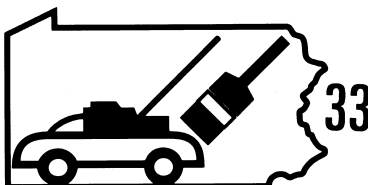
Department: Military Affairs Date:
Location: Southeastern Veterans' Center, Custodial/Laundry Department, One Veterans Drive, Spring City, PA 19475
Duration: Contract term to begin approximately July 1, 2004 and end approximately June 30, 2005 with four 1-year options to renew.
Contact: Joan A. Gutchen, (610) 948-2492



Sanitation

21098 Refuse Handling and Removal, disposal of solid waste material with recycling of aluminum cans, paper and organic waste. More detailed information can be obtained from the Institution.

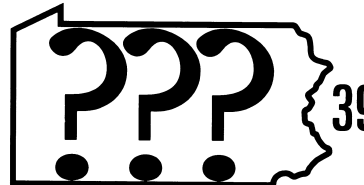
Department: Corrections
Location: SCI—Chester, 500 E. 5th Street, Chester, PA 19013
Duration: July 1, 2004 to June 30, 2006
Contact: Jacqueline Newson, Purchasing, (610) 490-4370



Property Maintenance

42719 Vendor to fabricate panels for Forensic Visitor's center. Center size is: 13'L x 7'W x 8'H. Fabrication consists of S. S. Frames; S. S. Panels and S. S. Wire Screen and Lexan inserts and door. Installation will be done by Warren State Hospital staff.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 04/01/04—06/30/04
Contact: John Sample, PA I, (814) 726-4448



Miscellaneous

SR1052-001 Sale of land no longer needed for transportation purposes located in the Borough of Luzerne, Luzerne County, Pennsylvania. Notice is hereby given that PennDOT, pursuant to 71 P.S. § 513(e)(7), intends to sell certain vacant land owned by it located at SR 1052, Section 0001. The 9,689 SF parcel was acquired as highway easement during the construction of the Cross Valley Expressway. The subject is a sloped, oddly-shaped parcel of ground bounded by the highway. Access to the site is gained by crossing other lands of the Borough of Luzerne. This parcel was acquired from the School District of the Borough of Luzerne. The subject lacks legal access. This parcel is mostly level and grass covered. The parcel is not buildable. It has been determined that the land is no longer needed for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within thirty (30) calendar days from the date of publication of this notice to Ralph DelRosso, Right-of-Way Administrator, PA Department of Transportation, P. O. Box 111, Scranton, PA 18501, (570) 963-4071.

Department: Transportation
Location: SR 1052, Sec. 0001, Luzerne Borough
Duration: 30 days
Contact: Ralph DelRosso, (570) 963-4071

[Pa.B. Doc. No. 04-466. Filed for public inspection March 12, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

