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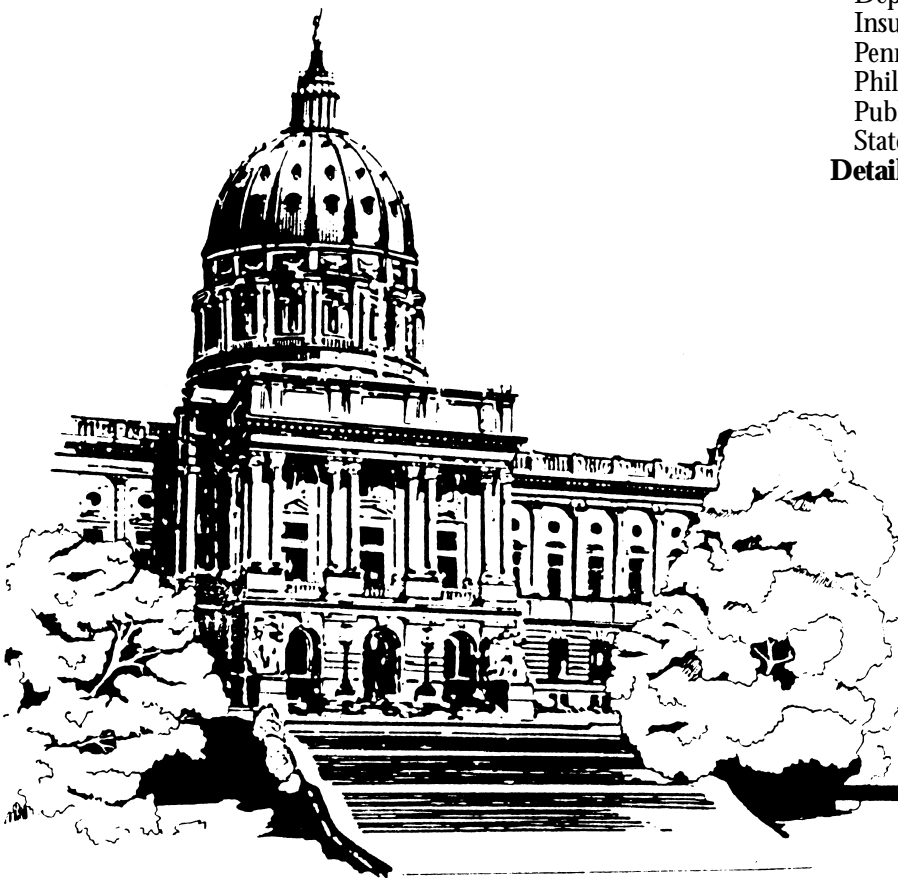
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**Latest Pennsylvania Code Reporter
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No. 365, April 2005

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW [204 PA. CODE CH. 71]

Adoption of Rules 341 and 342 of the Pennsylvania Bar Admission Rules; No. 361 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 17th day of March, 2005, Rules 341 and 342 of the Pennsylvania Bar Admission Rules are adopted to read as follows.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendments adopted hereby shall be effective on September 1, 2005.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter C. RESTRICTED PRACTICE OF LAW FOREIGN LEGAL CONSULTANTS

Rule 341. Licensing of foreign legal consultants.

(a) *Required qualifications.* An applicant may be licensed to practice in this Commonwealth as a foreign legal consultant, without examination, if the applicant:

(1) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(2) for at least five of the seven years immediately preceding his or her application has been a member in good standing of such legal profession in the foreign country and has actually been engaged in the practice of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country;

(3) possesses the good moral character and general fitness requisite for a member of the bar of this Commonwealth;

(4) is at least 26 years of age;

(5) intends to practice as a foreign legal consultant in this Commonwealth and to maintain an office in this Commonwealth for that purpose; and

(6) has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203.

(b) *Application.* An applicant under this rule shall file with the Board an application in the form prescribed by the Board, which shall be accompanied by:

(1) a certificate from the professional body or public authority in the foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof, and as to his or her good standing as such attorney or counselor at law or the equivalent;

(2) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of the foreign country;

(3) a duly authenticated English translation of the certificate and the letter if, in either case, it is not in English;

(4) a statement indicating his or her understanding of, and commitment to observe, the Rules of Professional Conduct and the Enforcement Rules to the extent applicable to the legal services authorized under Rule 342;

(5) appropriate evidence of professional liability insurance, in such amount as the Board may prescribe, to assure his or her proper professional conduct and responsibility;

(6) such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Subdivision (a) of this Rule as the Board may require;

(7) a written statement agreeing to notify the Secretary of the Disciplinary Board of the Supreme Court of Pennsylvania of any change in the applicant's good standing as a member of the foreign legal profession referred to in Subdivision (a)(1) of this Rule and of any final action of the professional body or public authority referred to in Subdivision (b)(1) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

(8) a duly acknowledged instrument, in writing, setting forth his or her address in this Commonwealth and designating the Secretary of the Disciplinary Board of the Supreme Court as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of this Commonwealth, whenever after due diligence service cannot be made upon him or her at such address or at such new address in this Commonwealth as he or she shall have furnished in the last registration statement filed by him or her in accordance with Enforcement Rule 219(d) (relating to periodic assessment of attorneys), or which has been filed in the Administrative Office by means of a duly acknowledged supplemental instrument in writing.

(c) *Application fee.* An applicant for a license as a foreign legal consultant under this Rule shall pay an application fee fixed by the Board.

(d) *Action by the Board.* The Board may, in its discretion, issue to an applicant its certificate recommending his or her licensure as a foreign legal consultant if the applicant has met the requirements of this Rule. In

considering whether to issue a certificate recommending an applicant to practice as a foreign legal consultant under this Rule, the Board may in its discretion take into account whether a member of the bar of this Commonwealth would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission. Any member of the bar who is seeking or has sought to establish an office in that country may request the Board to consider whether applicants from that country should be denied the opportunity to be licensed as foreign legal consultants under this Rule, or the Board may do so sua sponte.

(e) *Motion for licensure.* An applicant shall file a motion for licensure as a foreign legal consultant with the Prothonotary of the Supreme Court, accompanied by the certificate from the Board recommending such licensure. If the motion is in proper order, the Prothonotary shall:

(1) Enter the name of the applicant upon the docket of persons licensed as foreign legal consultants in this Commonwealth.

(2) Notify the Administrative Office of the licensure of the foreign legal consultant.

(3) If the requisite fee has been paid therefor, issue an engrossed certificate of licensure under seal.

(f) *Subsequent admission to bar.* In the event that a person licensed as a foreign legal consultant under this Rule is subsequently admitted as a member of the bar of this Commonwealth under Subchapter B (relating to admission to the bar generally), the license granted to such person under this Rule shall be deemed superseded by the license granted to such person to practice law as a member of the bar of this Commonwealth.

Rule 342. Practice by foreign legal consultants.

(a) *Prohibited activities.* A person licensed to practice as a foreign legal consultant under Rule 341 (relating to licensing of foreign legal consultants) may render legal services in this Commonwealth with respect to the law of the foreign country where the foreign legal consultant is admitted to practice law, subject, however, to the limitations that he or she shall not:

(1) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this Commonwealth (other than upon admission pro hac vice pursuant to Rule 301 (relating to admission pro hac vice));

(2) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;

(3) prepare:

(i) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or

(ii) any instrument relating to the administration of a decedent's estate in the United States of America;

(4) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

(5) render professional legal advice on the law of this Commonwealth, of any other jurisdiction in which he or she is not authorized to practice law or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise);

(6) be, or in any way hold himself or herself out as, a member of the bar of the Supreme Court of Pennsylvania; or

(7) carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:

(i) his or her own name;

(ii) the name of the law firm with which he or she is affiliated;

(iii) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country; and

(iv) the title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

(b) *Rights and obligations.* Subject to the limitations set forth in Subdivision (a) of this Rule, a person licensed as a foreign legal consultant under Rule 341 shall be considered a lawyer affiliated with the bar of this Commonwealth and shall be entitled and subject to:

(1) the rights and obligations set forth in the Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this Commonwealth under the Enforcement Rules; and

(2) the rights and obligations of a member of the bar of this Commonwealth with respect to:

(i) affiliation in the same law firm with one or more members of the bar of this Commonwealth, including by:

(A) employing one or more members of the bar of this Commonwealth;

(B) being employed by one or more members of the bar of this Commonwealth or by any law firm that includes members of the bar of this Commonwealth or which maintains an office in this Commonwealth; and

(C) being a partner in any law firm that includes members of the bar of this Commonwealth or which maintains an office in this Commonwealth; and

(ii) attorney-client privilege, work-product privilege and similar professional privileges.

(c) *Discipline.* A person licensed to practice as a foreign legal consultant under Rule 341 shall be subject to professional discipline in the same manner and to the same extent as members of the bar of this Commonwealth. The license of a foreign legal consultant shall be revoked when he or she no longer meets the requirements and obligations for licensing set forth in Rule 341 (a)(1). A foreign legal consultant shall not be subject to the Pennsylvania Rules for Continuing Legal Education.

(d) *Service of process.* Service of process on the Secretary of the Disciplinary Board of the Supreme Court of Pennsylvania, pursuant to the designation filed under Rule 341(b)(8), shall be made by personally delivering to and leaving with the Secretary, or with a deputy or assistant authorized by him or her to receive such service, at his or her office, duplicate copies of such process together with a fee as set by the Disciplinary Board of the Supreme Court. Service of process shall be complete when the Secretary of the Disciplinary Board has been so served. The Secretary of the Disciplinary Board shall promptly send one of such copies to the foreign legal consultant to whom the process is directed, by certified

mail, return receipt requested, addressed to the foreign legal consultant at the address specified by him or her as provided in Rule 341(b)(8).

[Pa.B. Doc. No. 05-597. Filed for public inspection April 1, 2005, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CHS. 81 AND 83]

Amendments to the Pennsylvania Rules of Disciplinary Enforcement and Rule 5.5 of the Pennsylvania Rules of Professional Conduct; No. 39 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 17th day of March, 2005, Rules 102, 201, 203, 204, 212, 216, 217, 219 and 512 of the Pennsylvania Rules of Disciplinary Enforcement are amended to read as set forth in Annex A hereto and Rule 5.5 of the Pennsylvania Rules of Professional Conduct is amended to read as set forth in Annex B hereto.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect on September 1, 2005 and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

(a) *General rule.* Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

“Attorney.” Includes any person subject to these rules.

* * * * *

“Foreign legal consultant.” A person who holds a current license as a foreign legal consultant issued under Rule 341 of the Pennsylvania Bar Admission Rules.

* * * * *

“Military attorney.” An attorney holding a limited admission to practice under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys).

“Practice of law.” Includes the provision of legal services as a foreign legal consultant or military attorney, or pursuant to a Limited In-House Corporate Counsel License.

* * * * *

Subchapter B. MISCONDUCT

Rule 201. Jurisdiction.

(a) The exclusive disciplinary jurisdiction of the Supreme Court and the Board under these rules extends to:

(1) Any attorney admitted to practice law in this Commonwealth.

Official Note: The jurisdiction of the Board under this paragraph includes jurisdiction over a foreign legal consultant, military attorney or a person holding a Limited In-House Corporate Counsel License. See the definitions of “attorney,” “practice of law” and “respondent-attorney” in Rule 102.

* * * * *

Rule 203. Grounds for discipline.

* * * * *

(b) The following shall also be grounds for discipline:

* * * * *

(5) Ceasing to meet the requirements for licensure as a foreign legal consultant set forth in Pennsylvania Bar Admission Rule 341(a)(1) or (3).

* * * * *

Rule 204. Types of discipline.

* * * * *

(c) A reference in these rules to disbarment, suspension, temporary suspension, or transfer to or assumption of inactive status shall be deemed to mean, in the case of a respondent-attorney who holds a Limited In-House Corporate Counsel License, expiration of that license. A respondent-attorney whose Limited In-House Corporate Counsel License expires for any reason:

(1) shall be deemed to be a formerly admitted attorney for purposes of Rule 217 (relating to formerly admitted attorneys); and

(2) shall not be entitled to seek reinstatement under Rule 218 (relating to reinstatement) or Rule 219(h) or (l) (relating to periodic assessment of attorneys; voluntary inactive status) and instead must reapply for a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302.

Rule 212. Substituted service.

In the event a respondent-attorney cannot be located and personally served with notices required under these rules, such notices may be served upon the respondent-attorney by addressing them to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with Enforcement Rule 219(d) (relating to periodic assessment of attorneys) or, in the case of a foreign legal consultant, by serving them pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8).

Rule 216. Reciprocal discipline.

(a) Upon receipt of a certified copy of an order demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension or disbarment in another jurisdiction, the Supreme Court shall forthwith issue a notice directed to the respondent-attorney containing:

* * * * *

The Board shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with Enforcement Rule 219(d) (relating to periodic assessment of attorneys) **or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8).**

* * * * *

Rule 217. Formerly admitted attorneys.

* * * * *

(h) Within ten days after the effective date of an order of disbarment or suspension for a period longer than one year, the formerly admitted attorney shall surrender to the Board the certificate issued by the Court Administrator of Pennsylvania under Rule 219(e) (relating to periodic assessment of attorneys; voluntary inactive status) for the current year, along with any certificate of good standing issued under Pennsylvania Bar Admission Rule 201(d) (relating to certification of good standing) [**or**], certificate of admission issued under Pennsylvania Bar Admission Rule 231(d)(3) (relating to action by Prothonotary), **certificate of licensure issued under Pennsylvania Bar Admission Rule 341(e)(3) (relating to motion for licensure), Limited In-House Corporate Counsel License issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license) or limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys).** The Board may destroy the annual certificate issued under Rule 219(e), but shall retain other documents surrendered under this subdivision and shall return those documents to the formerly admitted attorney in the event that he or she is subsequently reinstated.

* * * * *

Rule 219. Periodic assessment of attorneys; voluntary inactive status.

(a) Every attorney admitted to practice law in [**any court of**] this Commonwealth, **other than a military attorney holding a limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys),** shall pay an annual fee of \$130.00 under this rule. The annual fee shall be collected under the supervision of the Administrative Office, which shall send and receive, or cause to be sent and received, the notices and statements provided for in this rule. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

* * * * *

(d) On or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office in accordance with the following procedures:

(1) The statement shall set forth:

(i) The date on which the attorney was first admitted to practice [**in this Commonwealth**], **licensed as a foreign legal consultant, or issued a Limited In-**

House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

* * * * *

(iii) The name of each financial institution in this Commonwealth in which the attorney on May 1 of the current year or at any time during the preceding 12 months held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The statement shall include the name and account number for each account in which the lawyer holds such funds, and each IOLTA Account shall be identified as such. **The statement provided to a person holding a Limited In-House Corporate Counsel License need not request the information required by this subparagraph.**

* * * * *

(4) Upon original admission to the bar of this Commonwealth, **licensure as a foreign legal consultant, or issuance of a Limited In-House Corporate Counsel License,** a person shall concurrently file a statement under this subdivision for the current assessment year, but no annual fee shall be payable for the assessment year in which originally admitted **or licensed.**

* * * * *

**Subchapter E. CLIENT SECURITY FUND
DISHONEST CONDUCT OF ATTORNEY**

Rule 512. Covered attorney.

This subchapter covers conduct of an active member of the bar of the Supreme Court, **an active foreign legal consultant, an active military attorney, or a person holding an active Limited In-House Corporate Counsel License,** which conduct forms the basis of the application to the Board. The conduct complained of need not have taken place in this Commonwealth for application to the Board to be considered by the Board and an award granted, **except that an award shall not be granted with respect to conduct outside of this Commonwealth of a foreign legal consultant, military attorney or person holding a Limited In-House Corporate Counsel License unless the conduct related to the provision of legal services to a resident of this Commonwealth.**

Annex B

**Subpart A. PROFESSIONAL RESPONSIBILITY
CHAPTER 81. RULES OF PROFESSIONAL
CONDUCT**

**Subchapter A. RULES OF PROFESSIONAL
CONDUCT**

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

LAW FIRMS AND ASSOCIATIONS

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law.

* * * * *

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules, **Pa.B.A.R. 302** or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

* * * * *

(d) A lawyer admitted in another United States jurisdiction [**or a foreign jurisdiction**], and not disbarred or suspended from practice in any jurisdiction, may, **subject to the requirements of Pa.B.A.R. 302**, provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission, **except that this paragraph (d) does not authorize a lawyer who is not admitted in this jurisdiction and who is employed by the Commonwealth, any of its political subdivisions or any of their organizational affiliates to provide legal services in this jurisdiction; or**

* * * * *

Comment

* * * * *

16. Paragraph (d)(1) applies to a lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The lawyer's ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the lawyer's qualifications and the quality of the lawyer's work. **A lawyer employed by the Commonwealth or one of its organizational affiliates, however, is not entitled to the exemption provided by paragraph (d) with respect to legal services provided in this jurisdiction. In the relatively rare instance that a lawyer employed by the Commonwealth or an organizational affiliate only provides legal services outside of the Commonwealth, paragraph (d) will be applicable and the lawyer will not be required to be admitted in this jurisdiction. But in most instances, lawyers employed by the Commonwealth or one of its organizational affiliates must be admitted in this jurisdiction.**

* * * * *

[Pa.B. Doc. No. 05-598. Filed for public inspection April 1, 2005, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 100]

Proposed Amendments to Rule 110 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 110 of the Rules of Conduct, Office Standards

and Civil Procedure for Magisterial District Judges¹ to increase the minimum amount of the bond that each magisterial district judge must file in accordance with the Rule. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Michael F. Krimmel, Counsel
 Supreme Court of Pennsylvania
 Minor Court Rules Committee
 5035 Ritter Road, Suite 700
 Mechanicsburg, PA 17055
 Fax 717-795-2175

or e-mail to: minorrules@pacourts.us

no later than Monday, May 9, 2005.

By the Minor Court Rules Committee

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES

Rule 110. Bonds of Magisterial District Judges.

Each magisterial district judge is required to give bond in such sum, not less than [**Two Thousand Five Hundred Dollars (\$2,500.00)**] **\$25,000**, as shall be directed by the president judge of the court of common pleas of the judicial district in which is located the magisterial district of the magisterial district judge, with one or more sufficient sureties[, **the**]. **The** bond shall be lodged with the [**Prothonotary**] **prothonotary** of the court of common pleas, be conditioned on the faithful application of all moneys that come into the hands of the magisterial district judge as an officer, and be for the benefit of the Commonwealth and its political subdivisions and all persons who may sustain injury from the magisterial district judge in his **or her** official capacity.

REPORT

Proposed Amendments to Rule 110 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Increase in Minimum Bond Amount

I. Background

The Minor Court Rules Committee (the Committee) undertook a review of Rule 110 (Bonds of Magisterial District Judges) at the direction of the Supreme Court of

¹ The title "district justice" was replaced in these rules by "magisterial district judge" effective January 29, 2005, in accordance with Act 207 of 2004 and Supreme Court of Pennsylvania Order No. 269, Judicial Administration Docket No. 1 (January 6, 2005).

Pennsylvania and in response to a recommendation of the Special Courts Administration Subcommittee of the Supreme Court's Intergovernmental Task Force to Study the District Justice System (the Task Force Subcommittee).² In its report to the Supreme Court, the Task Force Subcommittee recommended that Rule 110 be amended to increase the minimum amount of the bond that each magisterial district judge must file in accordance with the Rule.³ In response to this recommendation, the Supreme Court referred the matter to the Committee for its consideration, and the Committee is proposing that Rule 110 be amended as explained below.

II. Discussion and Proposed Rule Changes

Rule 110 currently provides that

[e]ach magisterial district judge is required to give bond in such sum, *not less than Two Thousand Five Hundred Dollars (\$2,500.00)*, as shall be directed by the president judge of the court of common pleas of the judicial district in which is located the magisterial district of the magisterial district judge, with one or more sufficient sureties, the bond shall be lodged with the Prothonotary of the court of common pleas, be conditioned on the faithful application of all moneys that come into the hands of the magisterial district judge as an officer, and be for the benefit of the Commonwealth and its political subdivisions and all persons who may sustain injury from the magisterial district judge in his official capacity.⁴

As the Task Force Subcommittee noted in its report, "[g]iven the case loads of and the amount of money collected by most district courts, the [\$2,500] minimum bond amount required by this rule is likely insufficient to cover" any loss that may result from the malfeasance of a magisterial district judge with regard to the handling of funds that are paid into his or her court.⁵ The Committee agreed, and believes that the minimum bond amount should be increased to a level that is more commensurate with the average bank account balances of the magisterial district courts. To assist the Committee in recommending an increased minimum bond amount, the Administrative Office of Pennsylvania Courts (the AOPC) was able to extract data from the Magisterial District Judge System (the MDJS)⁶ regarding average bank account balances in the district courts. Based on the MDJS data, the Committee proposes that the minimum bond amount to be required under Rule 110 be increased to \$25,000.⁷

The Committee was mindful that the Task Force Subcommittee's recommendation included, in addition to an increase in the minimum bond amount, a proposal to tie an individual magisterial district judge's bond amount to his or her district court's bank account balance. Specifically, the Task Force Subcommittee recommended that the bond amounts be "based on the average balance of that [magisterial] district [judge's] district court bank account in the preceding twelve months" and that "local

court administrators would be responsible for reviewing annual audit reports or other data to determine the average account balance, and then make recommendations to the president judge as to the appropriate bond amount for each [magisterial district judge] in the judicial district."⁸ While the Committee recognizes the merit in this proposal, the Committee chose an alternative to the Task Force Subcommittee's recommendation to avoid an unnecessary burden on court officials, whether on the president judges or on their designated agents, to monitor the more than 550 bank account balances annually and perhaps to change the bond amounts frequently. The Committee believes that a uniform minimum amount for all bonds for all courts will be more efficient and easier for compliance. As by this amendment, the minimum amount for the bond may be changed in the future if appropriate. In addition, the Committee notes that Rule 110 sets forth only the *minimum* bond amount, and a president judge is free to require higher bond amounts for some or all of the district courts in his or her judicial district.

Therefore, the Committee proposes that Rule 110 be amended to increase the minimum bond amount to \$25,000 while keeping the other essential provisions of the Rule as currently written. In addition to the substantive changes discussed here, the Committee proposes minor technical or "housekeeping" changes to enhance readability and address gender neutrality.

[Pa.B. Doc. No. 05-599. Filed for public inspection April 1, 2005, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Orphans' Court Rule 3.7.A.; President Judge General Court Regulation No. 2005-02

Order

And Now, this 9th day of March, 2005, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 17, 2005 to adopt Philadelphia Orphans' Court Rule 3.7.A., *It Is Hereby Ordered* that Philadelphia Orphans' Court Rule 3.7.A. is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

This General Court Regulation is issued in accordance with Pa.O.C. Rule 1.2, and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Clerk of the Orphans' Court, the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Orphans' Court Procedural Rules Committee. Copies of the Order shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of

² The Intergovernmental Task Force to Study the District Justice System was convened on May 30, 2001 "to examine the current state of the district justice court system" and to "propose clear standards for the decennial magisterial district reestablishment, identify immediate and long-term system problems and needs, and formulate solutions to ensure the prudent and effective administration of the district justice courts." Report of the Intergovernmental Task Force to Study the District Justice System vii (October 2001) (available online at <http://www.courts.state.pa.us/>) (hereinafter Task Force Report).

³ *Id.* at 51-52.

⁴ 246 Pa. Code Rule 110 (emphasis added).

⁵ Task Force Report at 51.

⁶ The MDJS is the computer system that automates all case processing and accounting functions of the magisterial district courts.

⁷ The AOPC staff used the MDJS data to examine the month-end bank account balances for 567 courts over an 18 month period (December 2002-August 2004) and found the average to be \$29,621.

⁸ Task Force Report at 51-52. The Task Force Subcommittee recommended that this provision be added to the Rule in addition to the minimum bond amount.

Pennsylvania and posted on the website of the First Judicial District: <http://courts.phila.gov>.

By the Court

FREDERICA A. MASSIAH-JACKSON,
President Judge

Philadelphia Orphans' Court Rule 3.7.A. Electronic Filing and Service of Legal Papers

(1) *Authorization for Electronic Filing.*

(a) Effective immediately, parties may file all legal papers with the Clerk by means of electronic filing in portable document format ("pdf").

(b) Commencing July 1, 2005, parties shall file all legal papers with the Clerk by means of electronic filing in pdf.

(c) Effective immediately, in the event any legal paper or exhibit is submitted in hard-copy format, the Clerk shall convert such legal paper or exhibit into pdf, without changing the content or format of the legal paper or exhibit, and shall accept the legal paper or exhibit for filing in pdf. The Clerk shall return the hard-copy legal paper or exhibit to the filing party for retention as required by Pa.O.C.R. 3.7(c)(3).

(2) *Website, Username and Password.*

(a) *Website.* The Orphans' Court Electronic Filing System shall be available at all times at the Court's website address, <http://courts.phila.gov>, or at such other website as the Court may designate from time to time.

(b) *Username and Password.* To obtain access to the Orphans' Court Electronic Filing System, counsel or a party not represented by counsel ("filing party") shall apply for a Username and Password at the Court's website.

(3) *Electronic Filing of Legal Paper.*

(a) A filing party shall file all legal papers and exhibits in pdf at the Court's website.

(b) In the event an exhibit is not available in pdf and the filing party is unable to convert the exhibit to pdf, the filing party shall submit the exhibit via facsimile utilizing the Electronic Filing Transmittal Form generated by the Electronic Filing System.

(c) The Clerk shall not maintain a hard copy of any legal paper or exhibit filed electronically under this rule.

(d) A hard copy of the legal paper shall be signed and, as required, verified prior to the electronic filing of the legal paper, and the filing party shall retain such hard copy as required by Pa.O.C.R. 3.7(b)(4) and 3.7(c)(3).

(4) *Redaction and Access.*

(a) All legal papers and exhibits filed electronically shall be available electronically to the filing parties, as the Court may provide from time to time. The Clerk shall maintain computer terminals in the Clerk's office for this purpose.

(b) The Clerk shall provide public access to a redacted copy of electronically-filed legal papers and exhibits, as the Court may provide from time to time. The Clerk shall maintain computer terminals in the Clerk's office for this purpose.

(c) The Clerk shall redact the following personal data identifiers from electronically-filed legal papers, including the Cover Sheet but excluding exhibits, for public access:

- i. The name of the minor in minors' estates.
- ii. Social Security numbers.

iii. Dates of birth.

iv. Financial account numbers.

v. Home addresses.

(d) A filing party shall redact the personal data identifiers listed in subsection (c) from all exhibits to a legal paper. The Clerk shall not review exhibits to determine whether personal data identifiers have been redacted.

(5) *Filing Date.*

(a) Immediately upon receipt of the legal paper, the Court shall provide the filing party with email notification that the legal paper has been received by the Court's Electronic Filing System.

(b) Within six (6) business hours of receipt of the legal paper, the Clerk shall provide the filing party with email notification that the legal paper has been accepted for filing or rejected.

(c) A legal paper accepted for filing shall be deemed to have been filed as of the date and time it was received by the Court's Electronic Filing System. If a legal paper is rejected, the Clerk shall specify the reason. Subject to the provisions of subsection (d), a rejected legal paper shall be deemed as not having been filed.

(d) Any filing party for whom the failure of the Court's website or the erroneous rejection of a legal paper resulted in an untimely filing may file a petition requesting that the legal paper be deemed filed as of the submission date. Such petition shall state the date and time of the alleged failure or rejection. A petition alleging failure of the Court's website shall state why the legal paper could not be timely filed in person in the Clerk's office. A petition alleging erroneous rejection of a legal paper shall state why the rejection was erroneous and why the legal paper could not be timely resubmitted.

(6) *Automation Fee. Payment of Filing Fees.*

(a) Effective immediately, the Clerk shall collect, in addition to all other applicable fees, an automation fee of \$10.00 for each legal paper for which a filing fee is now charged.

(b) Commencing July 1, 2005, the Clerk is authorized to charge the sum of \$1.00 per page for each page of a legal document or exhibit which is not filed in pdf.

(c) All fees collected pursuant to this rule shall be set aside by the Clerk and remitted monthly to the First Judicial District's Procurement Unit.

(d) The Clerk shall not accept a legal paper as filed prior to payment of the required filing fee.

(7) *Local Procedures.* The Court may develop further administrative procedures, as needed, to implement this rule and to provide for security of the electronic filing system, as required by changing technology. All such administrative procedures shall be posted on the Court's website.

Probate Section Comment:

The Clerk's staff has traditionally functioned as the Court's gatekeeper by reviewing legal papers presented for filing to insure conformity with applicable rules and procedures. Any legal paper which did not comply with the Rules of Court was returned to the filing party. No change in the gatekeeper function is intended by reason of implementation of electronic filing. Instead, communication between the Clerk's staff and the filing party may now occur electronically as set forth in Local Rule 3.7.A(5)(c) and (d). Filing parties are encouraged to allow

sufficient time to correct deficiencies in time-sensitive matters. The Clerk's staff will continue to be available to review the hard copy of any legal paper prior to electronic filing to assure conformity with applicable rules and procedures.

Adopted by the Board of Judges of the Court of Common Pleas on February 17, 2005, and effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 05-600. Filed for public inspection April 1, 2005, 9:00 a.m.]

PHILADELPHIA COUNTY

Amendment of Philadelphia Civil Rules *208.3(a) and *208.3(b); President Judge General Court Regulation No. 2005-01

Order

And Now, this 9th day of March, 2005, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 23, 2004 to amend Philadelphia Civil Rule *208.3(a) and *208.3(b), *It Is Hereby Ordered* that Philadelphia Civil Rule *208.3(a) and *208.3(b) are amended as follows.

This General Court Regulation is issued in accordance with Pa.R.Civil.P. No. 239 and, as required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts for publication on its website, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

By the Court

FREDERICA A. MASSIAH-JACKSON,
President Judge

Rule *208.3(a). Motions Initially Considered Without Written Response or Briefs.

* * * * *

[208.3(b)(2)] (4) Discovery Motions.

(A) *Scheduling Requirements.* All Discovery Motions, except in designated Mass Tort cases, shall be presented to, argued before and determined by the appropriate Judge of Discovery for the particular program involved. The moving party shall file or fax a Discovery Argument Request Form (substantially in the form attached hereto) with the Discovery Clerk (Room 287 City Hall) setting forth the following information: the program to which the case is assigned; the next event and the date of that event (if the case is in the Arbitration Program, the arbitration hearing date must be provided), the Court Term and Number, and Caption of the case. The requisite filing fee in the form of a check made payable to the Prothonotary or credit card information must be included. Upon receipt of the requisite filing fee and a fully completed Discovery Argument Request Form, the Discovery Clerk shall assign the Discovery Motion for argument.

The filing party retains the original Motion[,] and proposed order [**and brief**] for submission to the Court on the argument date.

(B) *Service Requirements.* The moving party shall immediately serve a copy of the Discovery Motion[,] and proposed order (which shall contain no reference to the attorney proposing same) [**and brief or memorandum of law**], together with a Notice of Presentation **and Certificate of Service** (substantially in the form attached hereto) on all counsel of record and unrepresented parties as required by Pa.R.C.P. 440. Except in cases of emergency or waiver by consent of all parties, at least [**twenty (20)**] **ten (10)** days' prior written notice shall be required.

(C) *Argument Date.* On the argument date, the filing party shall hand to the Discovery Judge the following items: the original Discovery Motion[,] and proposed order (which shall contain no reference to the attorney proposing same), [**brief or memorandum of law,**] Notice of Presentation, and the Attorney Certification of Good Faith required by Phila.Civ.R. *208.2(e). Should all parties fail to appear for the argument, the court will deem the Discovery Motion moot. The Motion may not be rescheduled but a new Motion may be scheduled for argument as provided herein. Should all parties other than the moving party fail to appear, the Court will deem the Motion uncontested and will enter an appropriate order. Should the moving party fail to appear but one or more responding party appears pursuant to a Notice of Presentation served by the moving party, the court shall dismiss the Motion and may, upon the later filing of a motion for sanctions, enter monetary sanctions against the moving party and in favor of the party who appeared.

(D) *Response Requirement.* Any party opposing the Discovery Motion must respond, **orally or in writing**, on the argument date. Any party not opposing a discovery motion need not respond or appear for the argument.

(E) *Disposition of Discovery Motion.* On the argument date, the Discovery Judge shall:

- (i) enter appropriate orders concerning uncontested motions;
- (ii) entertain argument on contested motions and, if no issues of fact are raised, enter an appropriate order; or
- (iii) enter an appropriate order providing the procedure the parties are to follow to develop the record concerning any fact issue raised by the Discovery Motion or Response.

(F) *Notice of Entry of Order.* If the decision of the Court is issued immediately after the argument the party presenting the motion shall send a copy of the order to each attorney of record and unrepresented party who was not present on the argument date. The court shall send to each attorney of record and unrepresented party a copy of any order entered on any Discovery Motion held under advisement at the conclusion of the argument.

Rule *208.3(b). Motions Considered After Response Period. Briefs.

* * * * *

[(2) Discovery Motions.

(A) *Scheduling Requirements.* All Discovery Motions, except in designated Mass Tort cases, shall be presented to, argued before and determined by the appropriate Judge of Discovery for the particular

program involved. The moving party shall file or fax a Discovery Argument Request Form (substantially in the form attached hereto) with the Discovery Clerk (Room 287 City Hall) setting forth the following information: the program to which the case is assigned; the next event and the date of that event (if the case is in the Arbitration Program, the arbitration hearing date must be provided), the Court Term and Number, and Caption of the case. The requisite filing fee in the form of a check made payable to the Prothonotary or credit card information must be included. Upon receipt of the requisite filing fee and a fully completed Discovery Argument Request Form, the Discovery Clerk shall assign the Discovery Motion for argument. The filing party retains the original Motion, proposed order and brief for submission to the Court on the argument date.

(B) *Service Requirements.* The moving party shall immediately serve a copy of the Discovery Motion, proposed order (which shall contain no reference to the attorney proposing same) and brief or memorandum of law, together with a Notice of Presentation (substantially in the form attached hereto) on all counsel of record and unrepresented parties as required by Pa.R.C.P. 440. Except in cases of emergency or waiver by consent of all parties, at least twenty (20) days' prior written notice shall be required.

(C) *Argument Date.* On the argument date, the filing party shall hand to the Discovery Judge the following items: the original Discovery Motion, proposed order (which shall contain no reference to the attorney proposing same), brief or memorandum of law, Notice of Presentation, and the Attorney Certification of Good Faith required by Phila.Civ.R. *208.2(e). Should all parties fail to appear for the argument, the court will deem the Discovery Motion moot. The Motion may not be rescheduled but a new Motion may be scheduled for argument as provided herein. Should all parties other than the moving party fail to appear, the Court will deem the Motion uncontested and will enter an appropriate order. Should the moving party fail to appear but one or more responding party appears pursuant to a Notice of Presentation served by the moving party, the court shall dismiss the Motion and may, upon the later filing of a motion for sanctions, enter monetary sanctions against the moving party and in favor of the party who appeared.

(D) *Response Requirement.* Any party opposing the Discovery Motion must respond on the argument date. Any party not opposing a discovery motion need not respond or appear for the argument.

(E) *Disposition of Discovery Motion.* On the argument date, the Discovery Judge shall:

- (i) enter appropriate orders concerning uncontested motions;
- (ii) entertain argument on contested motions and, if no issues of fact are raised, enter an appropriate order; or
- (iii) enter an appropriate order providing the procedure the parties are to follow to develop the record concerning any fact issue raised by the Discovery Motion or Response.

(F) *Notice of Entry of Order.* If the decision of the Court is issued immediately after the argument the party presenting the motion shall send a copy of the order to each attorney of record and unrepresented party who was not present on the argument date. The court shall send to each attorney of record and unrepresented party a copy of any order entered on any Discovery Motion held under advisement at the conclusion of the argument.

(3)] (2) *Non-Discovery Motions*

* * * * *

Note: Adopted by the Board of Judges at the September 23, 2004 Board of Judges' Meeting.

[Pa.B. Doc. No. 05-601. Filed for public inspection April 1, 2005, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ERIE COUNTY

Adoption of Rule 1042.21 to Rules of Civil Procedure; No. 90009 Court Order 2005

Order

And Now, this 17th day of February, 2005, upon the recommendation of the committee of the Bar appointed by this Court, it is hereby *Ordered, Adjudged and Decreed* that proposed Rule 1042.21 relating to mediation in medical malpractice cases as more fully set forth as follows is adopted and shall hereafter be made a part of the Local Rules of the Court of Common Pleas of Erie County, Pennsylvania.

By the Court

ELIZABETH K. KELLY,
President Judge

1042.21 Pretrial Procedure in Medical Profession Liability Actions. Settlement Conference; Mediation

(a) Any motion by a healthcare provider requesting a court ordered mediation, shall set forth the following minimum information:

- (1) the date of the proposed mediation or the time frame during which the mediation will take place;
- (2) the identity of the proposed mediator;
- (3) the location of the proposed mediation; and
- (4) any other terms that has been consented to by the parties or which are being proposed by the moving health care provider.

(b) If the motion has been consented to, such consent shall be noted in the motion and, where possible, written consents from the parties shall be attached.

(c) Any party opposing a Motion for mediation shall file their objections within ten (10) days of service of the Motion.

[Pa.B. Doc. No. 05-602. Filed for public inspection April 1, 2005, 9:00 a.m.]

MONTGOMERY COUNTY

Amendment to Local Rule of Civil Procedure 1041.1* and Adoption of Local Rule of Civil Procedure 1041.2*; No. 05-00001-0001

Order

And Now, this 14th day of March, 2005, the Court approves and adopts the following Amendment to Montgomery County Local Rule of Civil Procedure 1041.1*—Asbestos Litigation—Special Provisions, and adoption of Local Rule of Civil Procedure 1041.2*—Diet Drug (Fen-Phen) Litigation—Special Provisions. The Rule and Amendment shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

S. GERALD CORSO,
President Judge

Rule 1041.1*—Asbestos Litigation—Special Provisions.

Asbestos litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

(a) Local Rule *262 (relating to trial lists) shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.

(b) In addition to the requirements of the Pennsylvania Rules of Civil Procedure and Local Rules 205.2(b) through 208.3 inclusive, 1028(c), 1034(a) and 1035.2(a), copies of motions, petitions, responses thereto, and briefs, shall be served upon the appointed judicial officer assigned to asbestos litigation. The filing of an argument praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the appointed judicial officer assigned to asbestos litigation.

(c) Local Rule 4019* pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided in Local Rule 4019*, counsel shall notify the appointed judicial officer assigned to asbestos litigation, who shall arrange for disposition of the matter by the Court.

(d) Arguments, hearings, and trials are ordinarily listed only before the Judge assigned to the asbestos litigation.

(e) The following procedure shall be in effect with respect to cases subject, or alleged to be subject to *Simmons v. Pacor, Inc.*, 543 Pa. 664, 674 A.2d 232 (1996):

(1) Within four months of the effective date of this subsection with respect to asbestos cases pending on the effective date, and within four months after the filing of each asbestos case filed after the effective date of this Rule, plaintiff in each such case shall either elect to pursue a claim for medical monitoring, or transfer the case to inactive status.

(2) A plaintiff desiring to pursue a claim for medical monitoring shall, by letter, notify the appointed judicial officer assigned to asbestos litigation, with copies to all other counsel. The appointed judicial officer assigned to asbestos litigation shall consult with the Court, which will issue appropriate Orders scheduling a conference, and thereafter list the case for arbitration or trial, as appropriate.

(3) With respect to cases in which plaintiff does not presently wish to pursue a claim for medical monitoring plaintiff shall file with the Prothonotary, and serve on all other counsel and on the appointed judicial officer assigned to asbestos litigation, a praecipe to transfer to inactive status. The praecipe shall be in the following form:

[Caption]

PRAECIPE TO TRANSFER INACTIVE STATUS
TO THE PROTHONOTARY:

Transfer the above-captioned matter to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1*(e).

Attorney for Plaintiff

[Certificate of Service]*

(4) Anytime after the expiration of four months from the effective date of this subsection with respect to asbestos cases pending on that date, and anytime after four months from the commencement of any action commenced after the effective date of this subsection, any defendant who asserts that any case should be transferred to inactive status because it falls within the rule of *Simmons v. Pacor, Inc., supra.*, shall file with the Prothonotary, a Motion to Transfer to Inactive Status. The Motion shall be in accordance with Pa.R.C.P. 208.1, et seq., and Montgomery County Local Rules of Civil Procedure 208.1, et seq, and 1041.1*(b). The argument court cover sheet shall request a rule return day in accordance with Montgomery County Local Rule of Civil Procedure 208.3(b)(1). Copies of the motion shall be served on all other counsel in accordance with Montgomery County local rules and practice, and shall also be served on the appointed judicial officer assigned to asbestos litigation. The moving party's proposed order shall be in the following form:

ORDER

AND NOW, this ____ day of _____, _____, IT IS ORDERED that the above-captioned matter is transferred to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1*(e).

BY THE COURT:

J.

Responses shall be filed at or before the time the rule is returnable, and shall be served on all counsel and on the appointed judicial officer assigned to asbestos litigation.

(5) Upon receipt of any responses, the appointed judicial officer assigned to asbestos litigation shall refer the petition to the Court, which will schedule the matter for argument or hearing as appropriate. If no responses are filed the Court Administrator will forward the Petition to the Signing Judge.

(6) After a case has been transferred to inactive status, whether by praecipe or by petition and order, the Prothonotary will maintain the case as an inactive file, the appointed judicial officer assigned to asbestos litigation will remove the case from the list of pending cases eligible for trial listing, and no party may take any action with respect to the case, except for the taking of depositions of an aged or infirm witness for purposes of preservation of testimony unless and until the Court, by Order shall direct that the case be retransferred to active status, upon petition and rule filed in accordance with the procedure set forth in subparagraph (4) above.

Comments:

1. The Honorable William J. Furber, Jr., is the Administrative Judge for Asbestos Litigation.

2. By Orders dated April 12, 1982 and January 27, 2005, the appointed judicial officer assigned to asbestos litigation is: Donald J. Martin, Esq., 22 West Airy St., Norristown, PA 19401-4769, Telephone: (610) 277-6772, Fax: (610) 277-4993.

3. The Orders scheduling cases for trial and settlement conferences ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

4. Except as stated in sub-paragraph D below, a discontinuance of an action as to less than all parties may not be entered without notice and an opportunity to respond to all other parties. This may be accomplished as follows:

A. If a stipulation is signed by counsel for all parties to the litigation, Pa.R.C.P. 229(b) does not require leave of court. The fully executed stipulation may be filed with the Prothonotary.

B. A motion for approval of discontinuance may be filed pursuant to Pa.R.C.P. 208.1 et seq., and Montgomery County Local Rules of Civil Procedure 208.2, et seq. A rule to show cause shall be requested on the cover sheet. The cover sheet should be followed by a form of order approving the discontinuance, by a petition, and by the original stipulation executed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued. Upon receipt of the return day from the Court Administrator counsel should serve all parties, and file with the Prothonotary a separate certification of service indicating service of the petition and the rule to show cause, noting the return day. If no answer is filed at or before the time the rule is made returnable, the petition will be forwarded by the Court Administrator to the Civil Signing Judge in accordance with the practice pertaining to any petition requiring a return day.

C. Stipulations for discontinuance signed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued may be presented to the Court at a scheduled settlement conference for the case in question. If no objection is raised at the conference, the

Court normally approves the stipulation and returns it to counsel for filing and for service on all parties.

D. If a case has been settled by all parties from whom plaintiff seeks a recovery, a discontinuance may be entered as to any other parties by stipulation signed by counsel for plaintiff, the original of which shall be transmitted to the appointed judicial officer assigned to asbestos litigation, with copies served on all other parties. The appointed judicial officer assigned to asbestos litigation shall transmit the stipulation to the appropriate judge for approval. Since parties who may have claims for contribution or indemnification have not been given the opportunity to object, such a stipulation is subject to being stricken on the petition of an interested party. Counsel may wish to proceed in accordance with subparagraph B, above, to minimize this risk.

5. Certificates of service shall indicate the name and address of counsel or the parties on which service has been made. A certificate of service "on all parties," or "on all counsel of record" without stating who they are, does not establish service on anyone.

6. At the time of the adoption of the addition of subparagraph (e) the Court was aware that litigation was pending in other jurisdictions relating to the manner in which claims for medical monitoring can be pursued, and if such claims can be pursued. The provisions of this subsection (e) creating a procedure to pursue medical monitoring claims does not express the Court's opinion on this issue. This Rule does not preclude any appropriate motion in any case.

Rule 1041.2*—Diet Drug (Fen-Phen) Litigation—Special Provisions

(a) In accordance with Pennsylvania Rule of Civil Procedure 1042.1, Pennsylvania Rule of Civil Procedure 1041.1(a) and (c) through (f) are applicable to actions to recover damages for injuries alleged to have been caused by the diet drugs known as "Fen-Phen."

(b) The diet drug litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

(1) The Local Rules governing certification and listing of cases for trial shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.

(2) In addition to the requirements of the Pennsylvania Rules of Civil Procedure, and Local Rules 205.2(b) through 208.3 inclusive, 1028(c), 1034(a) and 1035.2(a), copies of motions, petitions, responses thereto and briefs, shall be served upon the appointed judicial officer assigned to complex litigation. The filing of an argument praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the appointed judicial officer assigned to complex litigation.

(3) Local Rule 4019 pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided by Local Rule 4019, counsel shall notify the appointed judicial officer assigned to complex litigation, who shall arrange for disposition of the matter by the Court or hear the motion and make recommendations to the Court, as the Court shall determine.

(4) Arguments are ordinarily listed only before the judge assigned to the diet drug litigation.

(5) The Court has established a master docket for use in this litigation, No. 04-00007. This docket is for Orders

of general application to all the litigation or classes of cases within the litigation. It is not for the filing of motions of less than general application, and motions which have relevance to individual cases shall be filed under such individual case number, even if more than one case is involved. Upon the taking of an appeal by any party, if any Orders entered under the general number are relevant to the case on appeal, counsel shall, by praecipe, file a copy of the relevant document in the individual file.

Comments:

1. The Honorable Arthur R. Tilson is the judge assigned to the diet drug litigation.

2. The appointed judicial officer assigned to complex litigation is Donald J. Martin, Esquire, 22 West Airy Street, Norristown, Pennsylvania 19401-4769. Telephone: (610) 277-6772. Fax: (610) 277-4993.

3. Orders scheduling cases for trial and settlement conferences will ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling Order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

[Pa.B. Doc. No. 05-603. Filed for public inspection April 1, 2005, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the Thirty-Second Judicial District; No. 216 Magisterial Doc. No. 1

Order

Per Curiam

And Now, this 15th day of March, 2005, upon consideration of the Request to Revise the Descriptions of Magisterial Districts 32-1-33, 32-1-34, 32-1-35, 32-1-51, and

32-1-52 of the Thirty-Second Judicial District (Delaware County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition is hereby granted. This Order is effective immediately.

Said Magisterial Districts shall be as follows:

- | | |
|-------------------------------|--|
| Magisterial District 32-1-33: | Millbourne Borough |
| Magisterial District Judge | Upper Darby Township |
| Harry J. Karapalides | Ward 4, Precinct 1 |
| | Ward 5, Precinct 1 |
| | Ward 6, Precincts 1, 2, 3, 4, 10, & 12 |
| | Ward 7, Precincts 2, 3, 4, 5, 6, 8, & 10 |
| Magisterial District 32-1-34: | Upper Darby Township |
| Magisterial District Judge | Ward 1, Precincts 1, 2, 3, & 8 |
| Michael G. Cullen | Ward 3, Precincts 2, 3, 4, 5, 6, 7, 8, 9, & 10 |
| Magisterial District 32-1-35: | Upper Darby Township |
| Magisterial District Judge | Ward 1, Precinct 9 |
| Ann Berardocco | Ward 3, Precinct 1 & 11 |
| | Ward 4, Precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, & 11 |
| | Ward 5, Precincts 3, 7, & 8 |
| Magisterial District 32-2-51: | Upper Darby Township |
| Magisterial District Judge | Ward 5, Precincts 2, 4, 5, 6, & 9 |
| Christopher R. Mattox | Ward 6, Precincts 5, 6, 7, 8, 9, & 11 |
| | Ward 7, Precincts 1, 7, 9, 11, & 12 |
| Magisterial District 32-1-52: | Upper Darby Township |
| Magisterial District Judge | Ward 1, Precincts 4, 5, 6, & 7 |
| Kelly A. Micozzie-Aguirre | Ward 2, Precincts 1, 2, 3, 4, 5, 6, & 7 |

[Pa.B. Doc. No. 05-604. Filed for public inspection April 1, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF PRIVATE LICENSED SCHOOLS

[22 PA. CODE CH. 73]

General Provisions

The State Board of Private Licensed Schools (Board), under the Private Licensed Schools Act (24 P. S. §§ 6501—6518), amends Chapter 73 (relating to general provisions) to read as set forth in Annex A.

A. *Effective Date*

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information, contact Patricia Landis, Chief, Private Licensed Schools Division, Department of Education, 333 Market Street, Harrisburg, PA 17126, (717) 783-8228, TTY (717) 783-8445.

C. *Background and Need for the Final-Form Rulemaking*

The final-form rulemaking governs the operation of private licensed schools, including the licensing and enforcement procedures of the Board. Several amendments are proposed to clarify certain provisions. The main substantive changes are contraction of the definition of "student record," a new requirement for annual consolidation of student records, a new requirement for attendance at new school seminars and the limitation of new school applicants to one program approval for their new school application fee. These amendments will assist the Board in licensing and monitoring schools and will aid the Board in providing for the continuous regulatory supervision of private licensed and registered schools that enroll students from this Commonwealth.

D. *Statutory Authority*

Section 4 of act (24 P. S. § 6504) authorizes the Board to promulgate regulations regarding the approval or disapproval of initial and renewal licensure or registry, or both, of schools; the suspension or revocation of the licensure or registry, or both, of schools; the approval or disapproval of the licensing of in-State and out-of-State admissions representatives; and the establishment of qualifications for instructors, administrators and supervisors.

E. *Description of Amendments*

Section 73.1 (relating to definitions) has been amended to add a definition for "quarter credit hour" and remove the term "entry level" from the definition of "seminars."

Sections 73.21, 73.22a and 73.23 (relating to contents of student records; annual consolidation of student transcripts; and retention of transcript of academic performance) specify the content of student records and eliminate the distinction between long-term and short-term retention of records. The sections also require the annual consolidation of student records and relieve the schools of the requirement to maintain the enrollment agreement, financial records and financial aid documentation for 5 years following graduation, withdrawal or termination.

Section 73.25 (relating to content of disposition statement) has been amended to prescribe the content of the disposition of records agreement. The amendment in-

cludes a reference to the contents of the student records defined in § 73.21 to improve clarity.

Section 73.51(b) (relating to general requirements) has been amended to require applicants for licensure to attend a new school orientation. Section 73.51(d) has been amended to remove the requirement that the Board provide a signed receipt for all materials.

Section 73.52 (relating to contents of application) has been amended to authorize the Board to refuse to issue a license if the name of the proposed school or program is misleading.

Section 73.54 (relating to surety) has been amended to mandate that surety be maintained throughout the period of licensure.

Section 73.71 (relating to license required) has been amended to clarify the licensure requirement for admissions representatives.

Section 73.81 (relating to application requirements) has been amended to include the appropriate reference to credit hours and quarter credits and authorize the Board to refuse to approve a program if the name of the proposed program is misleading.

Section 73.104 (relating to instructor) has been amended to eliminate the maintenance of attendance records from the responsibilities of instructors.

Section 73.136 (relating to period of refund) has been amended to include a student's failure to return from a leave of absence under the conditions for which a refund must be made within 30 days.

Section 73.141 (relating to issuance) has been amended to include authorization for the Board to refuse to issue a license if the name of the school is misleading.

Section 73.151 (relating to fees) has been amended to specify that only one program approval is included under the \$1,500 initial license application fee paid by a new school. Applicants with multiple programs will henceforth be required to pay a \$700 program application fee for each additional program to be offered.

Section 73.173 (relating to advertisements and representations) has been amended to include the general public under sectors that may not be misled by advertisements or representations on behalf of a licensed school. The amendment broadens the prohibition against misleading advertising and representations to include the general public instead of prospective students only.

F. *Summary of Comments and Responses on the Proposed Rulemaking and Changes in the Final-Form Rulemaking*

§ 73.22a. *(regarding the consolidation and storage of student records)*

The Pennsylvania Association of Private School Administrators noted that these sections required clarification regarding the consolidation and electronic storage of student records. Thus, the Board added § 73.22a, which requires schools to consolidate copies of transcripts on an annual basis and store them in either a hard-copy file format or as a printable electronic record.

§ 73.51(b) *(regarding the orientation seminar requirement)*

The Independent Regulatory Review Commission (IRRC) suggested that the Board should add language

that states how often orientation seminars are held and the location of the seminars. The Board agrees, and the final-form rulemaking has been revised to state that orientation seminars will be conducted monthly at the Department of Education.

§ 73.54 (relating to surety)

IRRC suggested that the proposed language in subsection (b)(5) was unrelated to the other provisions under subsection (b), and therefore should be a separate item. IRRC recommended that it be moved to subsection (c) and that all of the subsequent sections be renamed. The Board agrees that it should be included in a separate section. However, the Board chose to put it under subsection (f) rather than subsection (c). This placement did not substantively affect IRRC's suggestion.

§ 73.151 (relating to fees)

IRRC recommended that the Board more clearly delineate the "\$1,500 annually" language to make it consistent with subsection (a)(3). The Board agrees and has amended the section to clarify that the fee for an original school license or registration includes the user fee for the application for approval of one new program, and that each additional new program application submitted with a license application must be accompanied by an additional program approval fee.

G. Fiscal Impact

The final-form rulemaking creates minimal fiscal impact. The revenues generated by the orientation seminar and additional program application fees are estimated at \$44,100 per year and will cover staff and Board costs for the review of these applications, which is not currently recovered. The costs of complying with the changes to the requirements for records compilation and storage are estimated at \$1 per student for copying, materials, storage and staff time. This cost will be assumed by the school and recovered through student fees and tuition. This activity will not generate any revenue for the State.

H. Paperwork Requirement

The amendments to §§ 73.21—73.23 will relieve the regulated community of paperwork requirements regarding the maintenance of student records. The amendment to § 73.51 relieves the Board of the paperwork requirement of providing a signed receipt for all application materials received. The amendment to § 73.104 will relieve the schools of the additional paperwork to maintain student attendance records. No additional forms or reporting are required by the regulated schools or the State.

I. Sunset Date

The act requires that the Board monitor its revenues and costs on a biennial basis and revise its regulations as necessary. Therefore, no sunset date has been assigned.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 21, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 2885 (June 21, 2003), to IRRC and the Chairpersons of the House and Senate Committees on Education 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 February 9, 2005, 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 10, 2005, and approved the final-form rulemaking.

K. Findings

The Board finds that:

(1) Public notice of the 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) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 33 Pa.B. 2885.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in Part C of this preamble.

L. Order

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 73, are amended by amending §§ 73.1, 73.21, 73.23, 73.25, 73.51, 73.52, 73.54, 73.71, 53.81, 73.104, 73.136, 73.141, 73.151 and 73.173, by deleting § 73.22 and by adding § 73.22a to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General 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 takes effect on publication in the *Pennsylvania Bulletin*.

PATRICIA A. LANDIS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 1487 (February 26, 2004).)

Fiscal Note: Fiscal Note 6-286 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 22. EDUCATION

PART III. STATE BOARD OF PRIVATE LICENSED SCHOOLS

CHAPTER 73. GENERAL PROVISIONS

DEFINITIONS

§ 73.1. Definitions.

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

* * * * *

Quarter credit hour—A unit of curricular material which normally can be taught in a minimum of 10 clock hours of lecture. For laboratory and shop instruction, a quarter credit hour represents a minimum of 20 clock hours. For externship/internship experiences, a quarter credit hour represents a minimum of 30 clock hours.

* * * * *

Seminar—Training or instruction that is one of the following:

(i) Noncumulative short-term training of no more than 15 hours duration, not scheduled in a regular calendar format and offered as an introduction or orientation to an occupation.

(ii) Instruction for an occupation offered at a total contract price, of less than \$300, which includes all costs charged to students, including tuition, fees, books and supplies, provided that the total contract price for all courses to any enrolled student is less than \$300 in any one calendar year.

* * * * *

STUDENT RECORDS

§ 73.21. Contents of student records.

Student records must contain a transcript of academic performance, which includes student name, identifying number, program or course attended, grades for all subjects taken, date of entrance, date of graduation or withdrawal and the award received upon completion.

§ 73.22. (Reserved).

§ 73.22a. Annual consolidation of student transcripts.

Annually, a school shall consolidate copies of all transcripts of academic performance for all students who have graduated, terminated or withdrawn during the previous calendar year. These transcripts of academic performance, for each year, shall be stored separately in a hard copy file or printable electronic record.

§ 73.23. Retention of transcript of academic performance.

A school shall provide for a method of maintenance of and access to the transcript of academic performance for 50 years after graduation, termination or withdrawal.

§ 73.25. Content of disposition statement.

(a) The statement must include the name and address of the depository, agreement of the depository and terms of the agreement.

(b) Proper disposition of student records shall be subject to approval of the Board and shall include a means of access by the student for copies of records as defined in § 73.21 (relating to contents of school records).

APPLICATION FOR SCHOOL LICENSE OR REGISTRATION

§ 73.51. General requirements.

(a) A school may not advertise, solicit students, collect fees or conduct courses or programs unless licensed or registered.

(b) A person, partnership or corporation desiring to operate a private licensed school in this Commonwealth shall attend a new school orientation seminar conducted by Board staff in Harrisburg and shall file an application for licensure or registration with the Board in the manner

prescribed by the Board. Orientation seminars will be conducted monthly at the Department.

(c) A person, partnership or corporation operating a school located outside this Commonwealth which employs an admissions representative to enroll students from inside this Commonwealth shall file an application for registration with the Board in the manner and form prescribed by the Board.

(d) Original letters, proof of surety, forms and applications sent to the Board shall become the property of the Board, constitute records of the Board and may be retained by the Board.

(e) A license will not be issued to a franchised school unless the franchise agreement contains a provision that the school may not be terminated by the franchisor until sufficient arrangements have been made to assure approved teachout arrangements. This requirement is in addition to other license requirements described in this section.

§ 73.52. Contents of application.

An application for an original license or registration shall contain, at a minimum, the following prepared in a manner and form prescribed by the Board:

(1) Draft copies of student information publications in accordance with §§ 73.61 and 73.62 (relating to general student information publications; program and course brochures; supplements; and nonresident instruction publications).

(2) The name of the school, ownership or governing body and officials. A copy of a fictitious name registration, articles of incorporation or charter. School names which the applicant wishes to appear on the license or registration shall be submitted, along with a fictitious name registration for each name. The Board may refuse to issue a license, when, in the Board's judgment, a name chosen by the applicant appears to be misleading to the public regarding the nature or scope of the school.

(3) The schedule of tuition and fees.

(4) The enrollment agreement or an alternative under § 73.122 (relating to contents of enrollment agreement).

(5) The address of the school, certificate of occupancy or equivalent statement, designation of available space, facilities and equipment of the school under §§ 73.91 and 73.92 (relating to equipment; and facilities).

(6) Descriptions of proposed courses or programs of instruction prepared under §§ 73.81—73.83 (relating to approval of programs). The Board may refuse to approve a program, when, in the Board's judgment, the name of the program chosen by the applicant appears to be misleading to the public regarding the nature or scope of the program.

(7) The maximum enrollment to be accommodated on equipment available in each program.

(8) A listing of the names of administrative, supervisory and instructional staff and evidence that their qualifications meet the requirements of §§ 73.102—73.105.

(9) If a school offers a program where graduates will find employment in a trade or activity whose employees are required by law to be free of contagious, infectious and communicable diseases, the school shall file a statement that students in these programs have provided a

bona fide health certificate as a prerequisite of enrollment.

(10) A signed statement on reasonable service and business ethics in accordance with §§ 73.111 and 73.112 (relating to statement requirement; and statement of reasonable service and business ethics).

(11) A signed statement regarding disposition of student records as set forth in §§ 73.23—73.25 (relating to long-term retention of transcript of academic performance; disposition of student records statement; and content of disposition statement).

(12) A financial report under § 73.53 (relating to financial resources).

(13) Evidence of surety under § 73.54 (relating to surety).

(14) The appropriate fee as stipulated in § 73.151 (relating to fees).

§ 73.54. Surety.

(a) *Forms of surety.* A school applying for a license or registration or for renewal shall include with its application evidence of surety, the purpose of which is to reimburse the unearned tuition due students whenever the licensed or registered school closes. Schools may select one of the following forms of surety or a combination thereof, in sufficient amount to meet the requirements of subsection (b):

(1) Surety bond.

(2) Participation in a Board-approved private surety fund.

(b) *Levels of surety.* Regardless of the form of surety selected by the school, surety shall be demonstrated to exist at the following levels:

(1) For a prospective licensee applying for an original license, the required minimum surety level is \$10,000.

(2) For a licensee applying for a renewal license, the required minimum surety level is \$10,000 for licensees with gross tuition collected during the previous fiscal year of \$500,000 or less. For licensees with gross tuition collected during the previous fiscal year in excess of \$500,000, the minimum surety level is \$10,000 for each \$500,000 or portion thereof of gross tuition collected during the previous fiscal year.

(3) For a licensee applying for a renewal license, the maximum surety level is \$100,000.

(4) For a registered school, the minimum surety level is \$10,000, with subsequent surety levels to be based on tuition generated by residents of this Commonwealth. The maximum required amount is \$100,000.

(c) *Approval.* The form and level of surety established by a school are subject to the approval of the Board. Board approval constitutes a condition precedent to the granting or renewal of a license or registration.

(d) *Alteration by school.* A school may apply to the Board for alteration of its approved form or level of surety. An application for alteration of surety will be approved by the Board prior to its taking effect.

(e) *Alteration by Board.* The Board may direct that a school alter its approved form or level of surety with cause. A school which fails, within 30 days, to comply

with a directive of the Board may be subject to suspension or revocation of its license or registration.

(f) Schools are required to maintain surety at the levels under subsection (b) throughout the period of licensure.

ADMISSIONS REPRESENTATIVES

§ 73.71. License required.

A person may not solicit or procure through an enrollment agreement off the premises of the school, a prospective student within this Commonwealth to enroll in a licensed or registered school unless the person has been licensed as an admissions representative of the school.

APPROVAL OF PROGRAMS

§ 73.81. Application requirements.

A school seeking original licensure or registration shall submit programs to the Board for approval in the manner and form established by the Board. This section applies to licensed or registered schools wishing to offer new programs.

(1) Minimum requirements for program approval include the following:

(i) Courses of study shall conform to the standards and training practices of the occupational fields for which students are being prepared.

(ii) Each program—curriculum—shall be outlined in detail showing the courses, major subjects, hours/lessons (in clock hours, credit hours or quarter credit hours) devoted to each subject and the award at completion of the program. The school shall provide a list of instructional equipment.

(iii) Entrance requirements and occupational objectives of each program.

(iv) A method of recording, evaluating and reporting to every student his academic progress. These reports shall be individualized. Schools shall provide prompt, accurate and educationally beneficial correction of tests, lessons and other assignments.

(v) Prerequisite requirements for individual courses.

(vi) Course content shall include instruction in hygiene and safety, where applicable, in the field for which training is offered.

(vii) Programs may be offered at a branch facility or remote training facility only if the facility is approved.

(viii) Instructional materials used shall be current, accurate, comprehensive and at a reading level adapted to the ability of the average student enrollee.

(2) Programs shall be approved by the Board before they can be advertised or offered.

(i) Schools proposing to offer nonresident programs shall submit detailed outlines of the programs and a detailed list of instructional materials plus the lessons in typed draft form. Schools shall make individual arrangements with the staff within a month of approval if they require these materials to be returned.

(ii) Schools offering resident programs shall submit detailed outlines of the programs, complete descriptions of each course which include prerequisites, course objectives, a summary of content and a detailed equipment list.

(iii) Schools shall submit documentation that qualified instructors as defined in § 73.104 (relating to instructor) are assigned to teach each course.

(iv) If the name that is proposed for the program may be misleading in regard to the program's nature and scope, the Board may refuse to approve the program.

ADMINISTRATORS, SUPERVISORS AND INSTRUCTORS

§ 73.104. Instructor.

(a) *Duties.* The primary duties of an instructor involve teaching, advising students and maintaining accurate academic records.

(b) *Qualifications.* An instructor shall have one of the following:

(1) A baccalaureate degree with a major in the specific field of instruction.

(2) At least 2 years' work experience in the specific field of instruction which is acceptable to the Director.

(3) Two years' teaching experience in the specific field of instruction.

(4) A journeyman's license relevant to the specific field of instruction.

(5) Demonstrated competency in the specific field for which training is offered.

(6) Vocational education certification in the specific field of instruction.

TUITION AND FEES; REFUND AND WITHDRAWAL POLICIES; SCHOLARSHIP

§ 73.136. Period of refund.

Refunds shall be made within 30-calender days of the date the student fails to enter, leaves the program or fails to return from a leave of absence.

ISSUANCE AND RENEWAL OF SCHOOL LICENSE OR REGISTRATION

§ 73.141. Issuance.

The Department will issue an original school license or registration to a school approved by the Board as meeting the requirements of the act and this chapter. The Board may refuse to issue a license when the Board determines that the applicant's school name appears to be misleading to the public concerning the nature or scope of the school.

FEES

§ 73.151. Fees.

(a) *License fees.* The fees for school and admissions representative licenses shall accompany both original and renewal license and registration applications. The fee schedule is:

(1) For an original school license or registration—\$1,500. The fee for an original school license or registration includes the user fee for the application for approval of one new program. Each additional new program application submitted with a new license application shall be accompanied by an additional new program approval fee as set forth in subsection (b)(1).

(2) For an original school license or registration of a school that only presents seminars—\$750.

(3) For a renewal school license or registration—biennial fee based on gross tuition revenue:

<i>Gross Tuition Revenue</i>	<i>Fee</i>
\$0—2,499	\$ 500
\$2,500—4,999	\$1,000
\$5,000—9,999	\$2,000
\$10,000—49,999	\$2,200
\$50,000—99,999	\$2,300
\$100,000—199,999	\$2,600
\$200,000—499,999	\$3,000
\$500,000—999,999	\$3,500
\$1,000,000—1,999,999	\$4,100
\$2,000,000 and over	\$4,400

(4) For an admission representative license—\$300 annually.

(b) *User fees.* Fees will also be assessed for other services provided by the Board, which services are in addition to the processing and issuance of original or renewal school licenses or registration and admissions representative licenses. These user fees are as follows:

(1) A \$700 fee shall accompany each application for approval of a new program.

(2) A \$1,200 fee shall accompany notification to the Board of a change in ownership of the school.

(3) A \$200 fee per participant will be charged for participation in new school orientation seminars.

(4) A \$500 fee will be charged for each site inspection of the following types: new school, change in location, expansion of instructional space, temporary relocation, branch facility and remote training facility. This fee shall be paid before commencement of the visit.

(5) The fee for a Board-directed visit is \$500 per day if the visit is conducted by staff; \$800 per day plus team member expenses for a visit conducted by a team with nonstaff members. The fee for a Board-directed visit shall be paid before commencement of the visit.

REQUIREMENTS FOR LICENSURE AND OPERATION

§ 73.173. Advertisements and representations.

(a) The advertising and representations made by a person representing the school may neither misrepresent facts relating to the school nor mislead prospective students or the general public.

(b) A school may not use a name, other than the name appearing on its license or registration, for advertising or publicity purposes. A school may not advertise or imply that it is supervised, recommended, endorsed, accredited or approved by the Department or the Board.

(c) A statement on licensure or registration shall read, "Licensed (Registered) by the Pennsylvania State Board of Private Licensed Schools."

(d) A school may not claim or imply that it is endorsed by colleges, universities or other institutions of higher learning.

(e) A school may not claim or imply that it will guarantee one of the following upon completion of its course or program:

(1) Admission to an educational institution.

(2) Employment.

(3) A specific wage.

(f) A school may not solicit prospective students to enroll in the school by means of blind advertisements or

advertisements in the help wanted or other employment columns of newspapers and other publications.

(g) A school may not use the words "college" or "university" in the school name or in another manner.

(h) A school is prohibited from bait and switch advertising or solicitation.

(i) The words "engineer" or "engineering" may not be used in a name or title that might lead to the assumption that a school prepares engineers or teaches engineering.

The words may be used as adjectives, such as engineering drafting, engineer's aide or engineering technology.

(j) A school may not use descriptive phrases in the superlative degree in advertising.

(k) A school may not offer premiums, special endorsements or discounts to prospective students.

(l) A school may not demean another school.

[Pa.B. Doc. No. 05-605. Filed for public inspection April 1, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 22, 2005.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-18-05	The Marion Center National Bank Marion Center Indiana County	Marion Center	Approved
	<i>To:</i> Marion Center Bank Marion Center Indiana County		

Represents conversion from a National association to a State-chartered banking institution.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-05	Clearfield Bank & Trust Company Clearfield Clearfield County	Clearfield	Filed
	Purchase of assets/assumption of liabilities of one branch of First Commonwealth Bank, Indiana Located at: 511 Pine Grove Road State College Centre County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-21-05	S & T Bank Indiana Indiana County	R. R. 6, Box 98 Route 30 Latrobe Westmoreland County	Opened
3-15-05	Community Banks Millersburg Dauphin County	500 North Main Street Spring Grove York County	Opened
3-17-05	West Milton State Bank West Milton Union County	Corner of Pine Street and US Route 522 Beaver Springs Spring Township Snyder County	Filed
3-21-05	Premier Bank Doylestown Bucks County	Southeast Corner of York and Street Roads Warminster Warminster Township Bucks County	Approved
3-21-05	Pocono Community Bank Stroudsburg Monroe County	Route 209 Brodheads ville Monroe County	Filed
3-21-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	3900 Welsh Road Willow Grove Montgomery County	Opened

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-21-05	Jersey Shore State Bank Jersey Shore Lycoming County	<i>Into:</i> 2050 North Atherton Street State College Centre County <i>From:</i> 1952 Waddle Road State College Centre County	Approved
3-21-05	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> 1105 Corporate Boulevard Lancaster Lancaster County <i>From:</i> 1400 Stony Battery Road Lancaster Lancaster County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-16-05	Lafayette Ambassador Bank Easton Northampton County	1401 Easton Road Bethlehem Northampton County	Filed
3-21-05	The Legacy Bank Harrisburg Dauphin County	140 Can-Do Expressway Hazleton Luzerne County	Approved
3-22-05	Lebanon Valley Farmers Bank Lebanon Lebanon County	2 Micro Drive Jonestown (Lickdale) Lebanon County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Conversion to Community Charters**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-17-05	Callery Credit Union Mars Butler County	Mars	Effective

Conversion from an occupational-based to a community charter will result in an amendment to the credit union's Articles of Incorporation, Article 8, to read: "The members of the Callery Credit Union shall consist of individuals who live, work, worship, and/or attend school within the described areas listed below: the six townships of Cranberry, Adams, Forward, Jackson, Middlesex, and Penn Townships in the southwest corner of Butler County and the boroughs located within these townships, including: Evans City, Marks, Zelenople, Harmony, Callery, Seven Fields, Valencia, and Connequenessing. Furthermore, membership shall include members of their households, members of their immediate family, and immediate family of any credit union members."

Conversions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-27-04	Service Station Dealers Credit Union Philadelphia Philadelphia County <i>To:</i> Service Station Dealers Federal Credit Union Philadelphia Philadelphia County	Philadelphia	Effective

Represents conversion from State-chartered credit union to a Federally-chartered credit union.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-18-05	Pittsburgh Teachers Credit Union, Pittsburgh, and MHE Federal Credit Union, McKeesport Surviving Institution— Pittsburgh Teachers Credit Union, Pittsburgh	Pittsburgh	Approved

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-22-05	TruMark Financial Credit Union Trevose Bucks County	1141 Baltimore Pike Springfield Delaware County	Opened

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-606. Filed for public inspection April 1, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0035009	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne County, Lehman Township	East Fork of Harvey's Creek (5B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0036790 (Sewage)	Paradise Mobile Home Park— Pfautz Rentals 101 Pfautz Road Duncannon, PA 17020	Perry County Wheatfield Township	UNT Dark Run/7A	Y
PA0082465 (Sewage)	Camp Penn Central PA Conference 8005 Old Forge Road P. O. Box 511 Waynesboro, PA 17268	Franklin County Waynesboro Borough	Trucker Run/13-C	Y
PA0081213 (Sewage)	Clay Township 870 Durlach Road Stevens, PA 17578	Lancaster County Clay Township	UNT to Middle Creek/7-J	Y
PA0085936 (Sewage)	Eldorado Properties Corporation 900 Eisenhower Blvd Harrisburg, PA 17105	Blair County Allegheny Township	Beaverdam Branch of Juniata River/11-A	Y
PAR10Y492-1	Homewood Eanist Angell P. O. Box 250 Williamsport, PA 21795	York County Penn Township	Plum Creek/WWF	Y
PAR10Y468R	Kinsley Equities II Limited Partnership, Lot 7 6255 Reynolds Mill Road Seven Valleys, PA 17360	York County	UNT to Codorus Creek/WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0024538	Beech Creek Borough Authority Wastewater Treatment Plant P. O. Box 216 Beech Creek, PA 16822	Beech Creek Borough Clinton County	Beech Creek (SWP 9C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0222879	Hickory Creek Wilderness Ranch 158 Main Street P. O. Box 93 Tidioute, PA 16351	Limestone Township Warren County	UNT to Camp Run 16-F	Y

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0221384	GTE Operations Support, Inc. HQE 03E75 600 Hidden Ridge Drive Irving, TX 75038	Oil Creek Township Venango County	UNT to Pine Creek 16-E	Y
PA0101664	Orchard Park Plan of Lots 2077 Bredinsburg Road Franklin, PA 163233-8115	Cranberry Township Venango County	UNT to Two Mile Run 16-E	Y
PA0222771	Honeywell International Titusville Plant 1100 East Main Street Titusville, PA 16354	City of Titusville Crawford County	Oil Creek 16-E	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.

PA0026867, Sewage, SIC 59, **Abington Township**, 1176 Old York Road, Abington, PA 19001-3713. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 3.91 mgd of treated sanitary sewage from a facility located at 1000 Fitzwatertown Road, Roslyn, PA 19001-4008.

The receiving stream, Sandy Run, is in the State Water Plan watershed 3F (Lower Schuylkill) and is classified for: TSF. The nearest downstream public water supply intake for City of Philadelphia—Queen Lane Intake is located on the Schuylkill River.

The proposed effluent limits for Outfall 001, effective from permit issuance through 36 months, are based on a design flow of 3.91 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅					
(5-1 to 10-31)	326	489	10	15	20
(11-1 to 4-30)	652	978	20	30	40
Total Suspended Solids	978	1,467	30	45	60
Ammonia as N					
(5-1 to 10-31)	65		2.0		4.0
(11-1 to 4-30)	130		4.0		8.0
Phosphorus as P			Monitor and Report		Monitor and Report
Nitrite + Nitrate as N			Monitor and Report		
Iron, total			Monitor and Report		
Iron, dissolved			Monitor and Report		
Aluminum, total			Monitor and Report		
Fecal Coliform			200#/100 ml as a geometric mean		
Dissolved Oxygen			Minimum of 5.0 at all times		
pH			Within limits of 6.0 to 9.0 standard units		

The proposed effluent limits for Outfall 001, effective from 37 months through permit expiration, are based on a design flow of 3.91 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅					
(5-1 to 10-31)	245	367	7.5	11.25	15
(11-1 to 4-30)	489	734	15	22.5	30
Total Suspended Solids	978	1,467	30	45	60
Ammonia as N					
(5-1 to 10-31)	23		0.72		1.44
(11-1 to 4-30)	70		2.16		4.32
Phosphorus as P			Monitor and Report		Monitor and Report
Orthophosphate-P	59		1.82		3.64
Nitrite + Nitrate as N			Monitor and Report		
Iron, total			Monitor and Report		
Iron, dissolved			Monitor and Report		

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
Aluminum, total			Monitor and Report		
Fecal Coliform			200#/100 ml as a geometric mean		
Dissolved Oxygen			Minimum of 7.0 at all times		
pH			Within limits of 6.0 to 9.0 standard units		

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. UV Disinfection.
9. Sludge Disposal Requirements.
10. TMDL/WLA Analysis.
11. WET Tests Required for Renewal.
12. Chronic WET Monitoring.
13. Instantaneous Maximum Limits.
14. Requirements Applicable to Stormwater Outfalls.
15. Operations and Maintenance Plan.
16. Laboratory Certification.
17. Copper/ Water Effects Ratio.

The EPA waiver is not in effect.

PA0026794, Sewage, SIC 4952, **Conshohocken Borough Authority**, 601 East Elm Street, Conshohocken, PA 19428-1914. This existing facility is located in Conshohocken Borough, **Montgomery County**.

Description of Proposed Activity: Issuance of NPDES renewal permit for an existing discharge of treated sewage.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River, approximately 6.8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.3 mgd average annual flow.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		
Ammonia as N				60
(5-01 to 10-31)	8.0			
(11-1 to 4-30)	20.0			16.0
Fecal Coliform (#col/100 ml)	200			40.0
Dissolved Oxygen	Monitor			
	(Instantaneous Minimum and Average Monthly)			
pH (Standard Units)	6.0, Instantaneous Minimum			
Total Residual Chlorine	0.5			9.0
Copper, Total	Monitor		Monitor	1.6
Lead, Total	Monitor		Monitor	
Zinc, Total	Monitor		Monitor	

The proposed effluent limits for Outfalls 002 and 003 are based on an average flow of a stormwater event and are as follows:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor		Monitor	
COD	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
pH	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Total Kjeldahl Nitrogen	Monitor		Monitor	

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus	Monitor		Monitor	
Iron, Dissolved	Monitor		Monitor	
Fecal Coliform (#col/100ml)	Monitor		Monitor	

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

1. Definition of Average Weekly.
2. Remedial Measures if Public Nuisance.
3. No Stormwater to Sanitary Sewers.
4. Necessary Easements.
5. Change in Ownership.
6. Chlorine Minimization and Facility Maintenance.
7. Sludge Handling.
8. WETT Results with Renewal.
9. Operator Training Plan.
10. Instantaneous Maximum Limits.
11. Pretreatment Program.
12. Stormwater Requirements.
13. TMDL Data Submission.
14. Daily Operating Logs.

The EPA waiver is not in effect.

PA0026603, Sewage, SIC 4952, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002-4476. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Issuance of NPDES renewal permit for an existing discharge of treated sewage.

The receiving stream, Wissahickon Creek, is in the State Water Plan watershed 3F and is classified for: TSF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River, approximately 12.95 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.5 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		
Total Suspended Solids	30	45		40
NH ₃ -N				
(5-1 to 10-31)	1.5			60
(11-1 to 4-30)	4.5			3.0
Dissolved Oxygen	7.0, I-min.			9.0
pH (Std. Units)	6.0, I-min.			
Fecal Coliform (#col/100 ml)	200			9.0
Phosphorus as P				
(Issuance through Year 2)	Monitor			
(Year 3 through Expiration)	2.0			
Aluminum, Total				4.0
(Issuance through Year 2)	Monitor		Monitor	
(Year 3 through Expiration)	0.74		1.16	
Copper				
Total	0.17		0.226	
Dissolved	Monitor		Monitor	
Chromium				
Hexavalent	Monitor		Monitor	
Total	Monitor		Monitor	
Silver, Total	Monitor		Monitor	
Lead, Total	Monitor		Monitor	
Arsenic, Total	Monitor		Monitor	
Cadmium, Total	Monitor		Monitor	
Mercury, Total	Monitor		Monitor	
Nickel, Total	Monitor		Monitor	
Zinc, Total	Monitor		Monitor	
Cyanide, Free	Monitor		Monitor	
Selenium, Total	Monitor		Monitor	
Phenolics, Total	Monitor		Monitor	

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine (NO ₂ +NO ₃) as N	0.1			0.3
	Monitor			

The proposed effluent limits for Stormwater Outfall 006 are based on a design flow of an average storm event:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor	Monitor	
COD	Monitor	Monitor	
Oil and Grease	Monitor	Monitor	
pH	Monitor	Monitor	
Total Suspended Solids	Monitor	Monitor	
Total Kjeldahl Nitrogen	Monitor	Monitor	
Total Phosphorus	Monitor	Monitor	
Iron, Dissolved	Monitor	Monitor	
Fecal Coliform (#col/100 ml)	Monitor	Monitor	

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

1. Stormwater Requirements.
2. Pretreatment Program.
3. Upstream Monitoring.
4. Specification of Test Methods.
5. Definition of Average Weekly.
6. Remedial Measures if Public Nuisance.
7. No Stormwater to Sanitary Sewers.
8. Necessary Property Rights.
9. Instantaneous Maximum Limitations.
10. Proper Sludge Handling.
11. Whole Effluent Toxicity Testing with Renewal.

The EPA waiver is not in effect.

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

NPDES Permit No. 3605403, Sewage, **Millersville Sewer Authority**, 10 Colonial Avenue, Millersville, PA 17551. This proposed facility is located in Millersville Borough, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of a pump station at the Millers Crossing property for Lafayette Place.

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

PAS10F079-1R, Construction Stormwater Discharge, **Department of Transportation**, P. O. Box 342, Clearfield, PA 16830. The proposed facilities are located in Huston and Patton Townships, **Centre County**.

Description of Proposed Activity: Stormwater detention basins, associated with the I-99 construction project, used for treatment of water affected by contact with pyritic materials.

The receiving streams are as follows:

<i>Stream Name</i>	<i>State Water Plan Watershed</i>	<i>Classification</i>
Bald Eagle Creek	9C	TSF
Buffalo Run	9C	HQ-CWF
Waddle Creek	9C	HQ-CWF

The nearest existing downstream public water supply intake for PA American Water Company, located on West Branch Susquehanna River at Milton, PA is 132 river miles below the points of discharge.

On March 17, 2005, the Department approved a Social or Economic Justification (SEJ), under 25 Pa. Code § 93.4c(b)(1)(iii) for interim discharges, at technology based treatment levels, from Outfalls 003—008 to Buffalo Run and Outfall 009 to Waddle Creek. The SEJ approval is valid only for an interim period ending December 31, 2007, at which time the discharge of pollutants from these Outfalls must either meet nondegrading effluent quality, or be abated by the removal of polluting pyritic materials from the discharge source areas.

This notice is for a redraft of the renewal permit, the first draft of which was published at 35 Pa.B. 34 (January 1, 2005).

The proposed interim effluent limits, effective until December 31, 2007, for all Outfalls 001—009, which will discharge to Bald Eagle Creek, Buffalo Run and Waddle Creek are as follows:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/L)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		Monitor and Report	
Copper		Monitor and Report	
Lead		Monitor and Report	
Aluminum dissolved total	1.0	Monitor and Report 1.5	2.0
Iron dissolved total	3.0	Monitor and Report 6.0	7.0
Manganese dissolved total	2.0	Monitor and Report 4.0	5.0
Nickel		Monitor and Report	
Zinc dissolved total	0.5	Monitor and Report 0.75	1.0
Cadmium		Monitor and Report	
Chromium		Monitor and Report	
Alkalinity		Monitor and Report	
Sulfates		Monitor and Report	
Total suspended solids	35	70	90
pH		6.0 to 9.0 (standard units)	

The proposed effluent limits, effective from January 1, 2008, for Outfalls 001 and 002, which will discharge to Bald Eagle Creek, are as follows:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/L)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		Monitor and Report	
Copper		Monitor and Report	
Lead		Monitor and Report	
Aluminum dissolved total	1.0	Monitor and Report 1.5	2.0
Iron dissolved total	3.0	Monitor and Report 6.0	7.0
Manganese dissolved total	2.0	Monitor and Report 4.0	5.0
Nickel dissolved total	0.5	Monitor and Report 0.75	1.0
Cadmium		Monitor and Report	
Chromium		Monitor and Report	
Alkalinity		greater than acidity	
Sulfates		Monitor and Report	
Total suspended solids	35	70	90
pH		6.0 to 9.0 (standard units)	

The proposed effluent limits, effective from January 1, 2008, for Outfalls 003—008, which will discharge to Buffalo Run, are as follows:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/L)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		nondetect	
Copper		nondetect	
Lead		nondetect	
Aluminum dissolved total	0.032 0.061	0.048 0.092	0.064 0.122

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			
dissolved	0.024	0.036	0.048
total	0.078	0.117	0.156
Manganese			
dissolved	0.002	0.003	0.004
total	0.006	0.009	0.012
Nickel		nondetect	
Zinc			
dissolved	0.006	0.009	0.012
total	0.006	0.009	0.012
Cadmium		nondetect	
Chromium		nondetect	
Alkalinity		greater than acidity	
Sulfates	14	21	28
Total suspended solids	8	12	16
pH		6.5 to 9.0 (standard units)	

The proposed effluent limits, effective from January 1, 2008, for Outfall 009 which will discharge to Waddle Creek, are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		nondetect	
Copper		nondetect	
Lead		nondetect	
Aluminum			
dissolved	0.032	0.048	0.064
total	0.061	0.092	0.122
Iron			
dissolved	0.024	0.036	0.048
total	0.078	0.117	0.156
Manganese			
dissolved	0.002	0.003	0.004
total	0.006	0.009	0.012
Nickel		nondetect	
Zinc			
dissolved	0.006	0.009	0.012
total	0.006	0.009	0.012
Cadmium		nondetect	
Chromium		nondetect	
Alkalinity		greater than acidity	
Sulfates	21	31.5	42
Total suspended solids	28	42	56
pH		6.5 to 9.0 (standard units)	

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

1. Sampling requirements.
2. Requirements for retention of records.
3. Recording requirements.
4. Testing requirements.
5. Quality assurance/quality control requirements.
6. Submission of Discharge Monitoring Reports.
7. Requirements for management of precipitated solids.

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

PA0001619, Industrial Waste, SIC, 4911, **Orion Power MidWest, L.P.**, P. O. Box 87, Pittsburgh, PA 15219-0087. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Phillips Power Station in Crescent Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Arco Chemical Company, Beaver Valley Plant, located at Monaca, 14 miles below the discharge point.

Outfall 002: existing discharge, design flow of 0.14 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			50		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0097462, Industrial Waste, SIC, 4941, **Cherry Tree Borough Municipal Authority**, P. O. Box 155, Cherry Tree, PA 15724. This application is for renewal of an NPDES permit to discharge treated process water from the Cherry Tree water Treatment Plant in Susquehanna Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Peg Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Clearfield Municipal Water Treatment Plant, located at Clearfield, 30 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0009 mgd.

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

The EPA waiver is in effect.

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

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

WQM Permit No. 1505407, Sewerage, **Borough of Phoenixville**, Borough Hall, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station.

WQM Permit No. 1505408, Sewerage, **Borough of Phoenixville**, Borough Hall, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a gravity interceptor sewer.

WQM Permit No. 4605404, Sewerage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490. This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system for 23 lot single family residential development.

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

WQM Permit No. 5405402, Sewerage, **Mahanoy City Sewer Authority**, 130 East Centre Street, Mahanoy City, PA 17948. This proposed facility is located in Mahanoy Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project involves upgrades to the existing 1.38 mgd wastewater treatment plant in Mahanoy Township, Schuylkill County to improve overall plant operation.

WQM Permit No. 5405201, Industrial Waste, **WMPI PTY., LLC**, P. O. Box 311, Frackville, PA 17931. This proposed facility is located in West Mahanoy and Mahanoy Townships, **Schuylkill County**, PA.

Description of Proposed Action/Activity: This project consists of the construction and operation of a new wastewater treatment facility to discharge .73 mgd of treated processed wastewater into the Mahony Valley Mine Pool. The wastewater is generated from a coal-to-clean fuels processing plant which will produce approximately 5,000 barrels-per-day of high quality ultra clean diesel fuel and naphtha.

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

WQM Permit No. 3805401, Sewerage, **South Annville Township Authority**, 829 South Spruce Street, Annville, PA 17003. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of public sewer system which will consist of approximately 44,000 feet of gravity collection system, two pumping stations and 18,000 feet of force main pipe.

WQM Permit No. 0105401, Sewerage, **Straban Township**, 1745 Granite Station Road, Gettysburg, PA 17325-8232. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Construction of the Granite Station Road Low Pressure Sewer Extension.

WQM Permit No. 3605201, CAFO, **Rohrer Dairy, LLC**, 124 Charlestown Road, Washington Borough, PA 17582. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Expansion of existing operation by building a 114.5 × 420 building.

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

WQM Permit No. 0205402, Sewerage, **Allegheny County Sanitary Authority**, 3300 Preble Avenue, Pittsburgh, PA 15233-1092. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for mechanical improvements and the construction and operation of concrete tanks at the headworks facility.

WQM Permit No. 0205403, Sewage, **Jefferson Hills Borough**, 925 Old Clairton Road, Clairton, PA 15025-3197. This proposed facility is located in Jefferson Hills Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for construction and operation of a pump station and sanitary sewer.

WQM Permit No. 0405401, Sewage, **Chippewa Township**, 2811 Darlington Road, Beaver Falls, PA 15010. This proposed facility is located in Chippewa Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage extension to serve a 28 single-family home development.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905008	Selvaggio Enterprises, Inc. GVC Capital Plaza 523 Selvaggio Drive, Suite 200 Nazareth, PA 18064-8981	Bucks	Milford Township	Unami Creek (HQ-TSF)
PAI011505016	MLH Realty, LLC Willistown Township SSS Extension 813 Old Lancaster Road Bryn Mawr, PA 19010	Chester	Willistown Township	UNT Ridley Creek (HQ)
PAI011505017	Chrome Road, Ltd. 245 Commerce Street Development 157 West Locust Street Oxford, PA 19363	Chester	Oxford Borough	Little Elk Creek (HQ-TSF-MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S087-R	Pocono Mulch Products, Inc. R. R. 3 Box 3337 Stroudsburg, PA 18360	Monroe	Jackson Township	Reeders Run HQ-CWF
PAI024505006	Meadow Run Builders R. R. 5 Box 5138 A Stroudsburg, PA 18360	Monroe	Stroud Township	Meadow Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505005	Gerald Gay R. R. 5 Box 5138 A Stroudsburg, PA 18360	Monroe	Stroud Township	Flagler Run HQ-CWF and Big Meadow Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033605002	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Lancaster	Rapho Township	UNT to Chickies Creek/WWF UNT to Shearers Creek/HQ-CWF

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

PAS 10F079-1R, Construction Stormwater Discharge, **Department of Transportation**, P. O. Box 342, Clearfield, PA 16830. The proposed facilities are located in Huston and Patton Townships, **Centre County**.

Description of Proposed Activity: Stormwater detention basins, associated with the I-99 construction project, used for treatment of water affected by contact with pyritic materials.

The receiving streams are as follows:

<i>Stream Name</i>	<i>State Water Plan Watershed</i>	<i>Classification</i>
Bald Eagle Creek	9C	TST
Buffalo Run	9C	HQ-CWF
Waddle Creek	9C	HQ-CWF

The nearest existing down stream public water supply intake for PA American Water Company, located on West Branch Susquehanna River at Milton, PA is 132 river miles below the points of discharge.

On March 17, 2005, the Department approved a Social or Economic Justification (SEJ), under 25 Pa. Code § 93.4c(b)(1)(iii), for interim discharges, at technology based treatment levels, from Outfalls 003—008 to Buffalo Run and Outfall 009 to Waddle Creek. The SEJ approval is valid only for an interim period ending December 31, 2007, at which time the discharge of pollutants from these Outfalls must either meet nondegrading effluent quality, or be abated by the removal of polluting pyritic materials from the discharge source areas.

This notice is for a redraft of the renewal permit, the first draft of which was published at 35 Pa.B. 34 (January 1, 2005).

The proposed interim effluent limits, effective until December 31, 2007, for all Outfalls 001—009, which will discharge to Bald Eagle Creek, Buffalo Run and Waddle Creek are as follows:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/L)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		Monitor and Report	
Copper		Monitor and Report	
Lead		Monitor and Report	
Aluminum dissolved total	1.0	Monitor and Report 1.5	2.0
Iron dissolved total	3.0	Monitor and Report 6.0	7.0
Manganese dissolved total	2.0	Monitor and Report 4.0	5.0
Nickel		Monitor and Report	
Zinc dissolved total	0.5	Monitor and Report 0.75	1.0
Cadmium		Monitor and Report	
Chromium		Monitor and Report	
Alkalinity		greater than acidity	
Sulfates		Monitor and Report	
Total suspended solids	35	70	90
pH		6.0 to 9.0 (standard units)	

NOTICES

2001

The proposed effluent limits, effective from January 1, 2008, for Outfalls 001 and 002, which will discharge to Bald Eagle Creek are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		Monitor and Report	
Copper		Monitor and Report	
Lead		Monitor and Report	
Aluminum		Monitor and Report	
dissolved			
total	1.0	1.5	2.0
Iron		Monitor and Report	
dissolved			
total	3.0	6.0	7.0
Manganese		Monitor and Report	
dissolved			
total	2.0	4.0	5.0
Nickel		Monitor and Report	
Zinc		Monitor and Report	
dissolved			
Total	0.5	0.75	1.0
Cadmium		Monitor and Report	
Chromium		Monitor and Report	
Alkalinity		greater than acidity	
Sulfates		Monitor and Report	
Total suspended solids	35	70	90
pH		6.0 to 9.0 (standard units)	

The proposed effluent limits, effective from January 1, 2008, for Outfalls 003—008, which will discharge to Buffalo Run are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		nondetect	
Copper		nondetect	
Lead		nondetect	
Aluminum			
dissolved	0.032	0.048	0.064
total	0.061	0.092	0.122
Iron			
dissolved	0.024	0.036	0.048
total	0.078	0.117	0.156
Manganese			
dissolved	0.002	0.003	0.004
total	0.006	0.009	0.012
Nickel		nondetect	
Zinc			
dissolved	0.006	0.009	0.012
total	0.006	0.009	0.012
Cadmium		nondetect	
Chromium		nondetect	
Alkalinity		greater than acidity	
Sulfates	14	21	28
Total suspended solids	8	12	16
pH		6.5 to 9.0 (standard units)	

The proposed effluent limits, effective from January 1, 2008, for Outfall 009, which will discharge to Waddle Creek are as follows:

<i>Parameter</i>	<i>Concentration (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Arsenic		nondetect	
Copper		nondetect	
Lead		nondetect	

Parameter	Concentration (mg/L)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum dissolved	0.032	0.048	0.064
Aluminum total	0.061	0.092	0.122
Iron dissolved	0.024	0.036	0.048
Iron total	0.078	0.117	0.156
Manganese dissolved	0.002	0.003	0.004
Manganese total	0.006	0.009	0.012
Nickel		nondetect	
Zinc dissolved	0.006	0.009	0.012
Zinc total	0.006	0.009	0.012
Cadmium		nondetect	
Chromium		nondetect	
Alkalinity		greater than acidity	
Sulfates	21	31.5	42
Total suspended solids	28	42	56
pH		6.5 to 9.0 (standard units)	

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

1. Sampling requirements.
2. Requirements for retention of records.
3. Recording requirements.
4. Testing requirements.
5. Quality assurance/quality control requirements.
6. Submission of Discharge Monitoring Reports.
7. Requirements for management of precipitated solids.

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

Armstrong County Conservation District: Armsdale Administration Building, 124 Armsdale Road, Suite B-2, Kittanning, PA 16201, (724) 548-3425.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI050305002	Department of Transportation 2550 Oakland Avenue Indiana, PA 15701-0429	Armstrong	Valley and Rayburn Townships	South Fork Pine Creek (HQ-CWF)

Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI051105003	Fiberblade, LLC 1 South Broad Street Philadelphia, PA 19107	Cambria	Cambria Township	Stewart Run (HQ-CWF)

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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 in-

clude 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 should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4605502, Public Water Supply

Applicant	Pottstown Borough Authority
Township	Lower Pottsgrove
County	Montgomery
Responsible Official	Jack Layne
Type of Facility	PWS
Consulting Engineer	BCM Engineers, Inc.
Application Received Date	March 15, 2005
Description of Action	Installation of a 500,000 gallon steel finished water storage tank.

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

Permit No. 4005502, Public Water Supply

Applicant	Richard Angelicola 180 Wellington Drive Shavertown, PA 18708
Township or Borough	Lehman Township
County	Luzerne
Responsible Official	Richard Angelicola
Type of Facility	Public Water System
Consulting Engineer	Milnes Engineering, Inc. 12 Frear Hill Road Tunkhannock, PA 18657
Application Received Date	March 9, 2005
Description of Action	A water system for a new assisted living and elderly housing facility.

Permit No. 4505504, Public Water Supply

Applicant	Stroudsburg Municipal Authority
Township or Borough	Stroud Township
County	Monroe
Responsible Official	Kenneth R. Brown, Manager Stroudsburg Municipal Authority 410 Stokes Avenue East Stroudsburg, PA 18301
Type of Facility	Public Water System

Consulting Engineer	Russell D. Scott, IV, P. E. R.K.R. Hess Associates, Inc. 112 North Courtland Street East Stroudsburg, PA 18301
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Application Received Date	March 15, 2005
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Description of Action	The applicant proposes the addition of a supplemental well (Well No. 3), the construction of a wellhouse and transmission main from the well to the existing water main on North Road. The construction of a water main extension along Glenbrook Road to provide service connection to three property owners potentially affected by the construction of the supplemental water supply well and the replacement of existing 6-inch water mains along North Road with 8 foot ductile iron pipe water mains are also proposed.
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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 pub-

lished 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.

PWD SW Water Pollution Control Plant, City of Philadelphia, **Philadelphia County**. Roy Romano, PWD Planning & Research, 1101 Market Street, Philadelphia, PA 19107-2994 on behalf of Dennis Blair and Roy Romano, City of Philadelphia Water Department has submitted a Notice of Intent to Remediate. Groundwater at the site was impacted with chlorinated solvents, inorganics, lead other organics, PAH, PCBs and pesticides.

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

Kerrigan & Heller Residences, Tyrone Township, **Adams County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Raymond and Lois Kerrigan, 630 Game Lands Road, Aspers, PA 17304 and Environmental Products & Services, Inc., 5140 Paxton Street, Harrisburg, PA 17111, submitted a Notice of Intent to Remediate site soils contaminated with home heating oil. The applicants propose to remediate the site to meet the Statewide health standard requirements. The intended future use of the properties will be residential.

Station Mall, Altoona City, **Blair County**. Mountain Research LLC, 825 25th St., Altoona, PA 16601 on behalf of Joseph Grappone, Grappone Law Office, 411 A Logan Boulevard, Altoona, PA 16602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals, PAHs and VOCs. The applicant proposes to remediate the site to meet site-specific and statewide health standards. The intended future use of the property is to remain a commercial retail shopping complex and medical center.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Application received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.

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

General Permit Application No. WMGI014. Medical Waste of America, LLC, 2069 Fletcher Avenue, Fort Lee, NJ 07024. The application from Medical Waste of America, LLC is for an infectious waste general permit for the Positive Impact Waste Solutions (PIWS 3000 Grinder) mobile processing unit to be utilized for the processing of infectious waste at the site of waste generation. The processing is limited to the grinding and disinfection of the infectious waste in the PIWS unit using the Cold-Ster (a proprietary chemical) disinfectant at a minimum concentration of 7.5% per pound of waste. The application was determined to be administratively complete by Central Office on March 16, 2005.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application should contact the Central Office at (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

General Permit Application No. WMGR065D001. Lehigh Valley Industrial Park Inc, Suite 160, 100 Brodhead Road, Bethlehem, PA 18017. General Permit No. WMGR065 authorizes beneficial use, in the Northeast Region, of various wastes from steelmaking and foundry operations for use as construction fill at a site undergoing remediation under Act 2. The application for determination of applicability was accepted the application as administratively complete by Central Office on March 16, 2005.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Modification Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and

Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301311. Eagle Environmental II LP, Floor 2, 9 Logan Blvd, Altoona, PA 16602, Chest Township, **Clearfield County**. The permit modification for changes to the truck approach route to the landfill was received by the Williamsport Regional office on March 7, 2005.

AIR QUALITY

NOTICE OF INTENT TO ISSUE PLAN APPROVALS AND OPERATING PERMITS

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

The Department has received applications and intends to issue plan approvals and/or operating permits to the following facilities.

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The comments should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. If a hearing is scheduled, notice will be provided to each applicant, protestant, or other participants in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, except where the Department determines that notification by telephone will be sufficient. Notice will also be provided to anyone who requests in writing to be notified concerning the scheduling of a hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-43, the Federal Clean Air 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.

66-315-035C: The Procter and Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629) for modification of the 7M and 8M paper production lines and associated air cleaning devices at their facility on Route 87, Washington Township, **Wyoming County**.

48-318-137: Victaulic Co. of America (4901 Kesslersville Road, Easton, PA 18045) for modification of a surface coating operation (dip process) at their facility in Forks Township, **Northampton County**.

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

67-05092E: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) for construction of two batch coffee roasters and two cooling trays controlled by dedicated catalytic oxidizers and cyclones, respectively, at their York Roasting Plant in East Manchester Township, **York County**.

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

43-339A: Supreme Manufacturing, Inc. (327 Billy Boyd Road, Stoneboro, PA 16153) for post construction/modification of a blasting operation and post construction of a coating operation in the municipality of Stoneboro, **Mercer County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

09-0039B: BMCA Quakertown, Inc. (60 Pacific Drive, Quakertown, PA 18951) for installation of a new fiberglass shingle production line in Quakertown Borough, **Bucks County**. This facility is a Major for VOC. The emissions from the proposed sources are 31.05 tons of VOC per year. The new emissions will be offset by the removal of an existing saturator from the shingle production line. The net emission increase will be 23.54 tons of VOC per year. The plan approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

46-0158A: Colorcon—Division of BPSI (415 Moyer Boulevard, West Point, PA 19486-0024) for relocation of two processes within an existing facility with changes in the equipment used in these sources and the addition of two new dust collectors. The facility is in Upper Gwynedd Township, **Montgomery County**. Two small boilers are also added to the facility. The site level particulate matter limit has been changed to 21 tons per 12-month rolling period and the site level VOCs limit has been changed to 14.6 tons per 12-month rolling period.

23-0014F: Kimberly Clark PA LLC (Front Street and Avenue of the States, Chester, PA 19013-4471) for their

paper manufacturing facility at Front Street and Avenue of the States, Chester City, **Delaware County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval, 23-0014F, to Kimberly Clark PA LLC, Front Street and Avenue of the States, Chester, PA 19013-4471 for their paper manufacturing facility located at Front Street and Avenue of the States, Chester City, Delaware County. The facility currently has a Title V Permit No. TVOP-23-00014. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 23-0014F is for the installation of a ventilation system in the tissue converting area. Based on the information provided by the applicant and the Department's own analysis, the ventilation system may emit up to 3.12 tons per year of particulate matter with an aerodynamic diameter of 2.5 micrometer or smaller.

The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. To make an appointment, contact Records Management at (484) 250-5910.

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

54-303-016: Foster Materials—Division of Naceville Materials (1371 West Street Road, Warminster, PA 18974) for construction of a diesel generator and batch

asphalt plant that will utilize recycled asphalt pavement (RAP) and waste derived liquid fuel (WDLF) in the process at their Ryan Stone Quarry facility in Foster Township, **Schuylkill County**. This facility is not a Title V facility. The batch asphalt plant will incorporate no more than 22.5% RAP into the 350 ton per hour facility while using WDLF that will meet all regulatory specifications. The company has elected to take a voluntary production restriction of 300,000 tons of asphalt per year. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

39-309-062: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for installation of a mixing fan on the No. 3 cement kiln at their Whitehall Plant in Whitehall Township, **Lehigh County**. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

The installation and operation of a mixing fan on the No. 3 cement kiln will improve the combustion characteristics of the kiln by eliminating stratified air near the tire injection point. The cement kiln can be fired by either a combination of coke and bituminous coal; or a combination of coke, bituminous coal and tire-derived fuel (TDF). The emissions will not exceed the following emission limits (unchanged from the current permit) listed as follows:

<i>Pollutant</i>	<i>Pounds/Hour</i>	<i>Tons/Year</i>
Arsenic	0.00098	0.004
Cadmium	0.00131	0.005
Hexavalent Chromium	0.00088	0.004
Lead	0.043	0.18
Mercury	0.00482	0.02
Nickel	0.01225	0.05
Zinc	0.25076	1.04
Total VOCs	5.7	23.7
SO ₂	195.0	809.3
	(3-hour Block Average)	
NO _x	166.0	688.9
(with TDF)	(30-day Rolling Average)	
(without TDF)	202.3	839.5
	(30-day Rolling Average)	
Particulates	7.3	30.3

The plan approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will be required to continue to operate and maintain a Continuous Emission Monitoring System, which is certified by the Department for opacity, SO_x and NO_x. In addition the company is required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs and particulates due to the kiln being fired by TDF.

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

28-03049A: Thomas L. Geisel Funeral Home, Inc. (333 Falling Spring Road, Chambersburg, PA 17201) for construction of a human crematory controlled by an afterburner at their funeral home in Guilford Township, **Franklin County**. The facility has the following annual potential air emissions: 3 tons NO_x; 1 ton PM₁₀; 0.4 ton SO_x; and 0.2 ton CO. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-05139A: AFP Advanced Food Products, LLC (158 West Jackson Street, New Holland, PA 17557) for

construction of a new boiler and the use of landfill gas as an alternate fuel source at their food packaging plant in New Holland Borough, **Lancaster County**. The addition of the new boiler and use of landfill gas will increase the facility's potential-to-emit PM by 3 tpy, NO_x by 17 tpy, CO by 33 tpy and SO₂ by 44 tpy. The new boiler is subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The approval will include fuel and emission restrictions, testing, monitoring, work practice standards, reporting and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

28-03039B: Warrior Roofing Manufacturing of Pennsylvania, LLC (3050 Warrior Road, Tuscaloosa, AL 35404) for installation of a regenerative thermal oxidizer at their existing facility in Greene and Letterkenny Townships, **Franklin County**. The facility's two asphalt roofing lines are subject to 40 CFR Part 60, Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture. Emissions from the oxidizer are negligible. The plan approval will include testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

PUBLIC HEARINGS

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.

N04-009: Household Metals, Inc. (645 East Erie Avenue, Philadelphia, PA 19134) for operation of a steel door manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include six spray booths, one 1 million Btu/hr natural gas fired washer and one 0.5 million Btu/hr natural gas fired oven.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00027: Johnson and Johnson Pharmaceutical Research and Development, LLC (Welsh and McKean Roads, Spring House, PA 19477) the Title V Operating Permit will be issued as an administrative amendment for a change of ownership of the facility formerly owned by Ortho-McNeil Pharmaceutical, Inc. in Lower Gwynedd Township, **Montgomery County**. The facility's major emission points include manufacturing equipment designed for pharmaceutical preparations, which emits major levels of VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The latest permit was issued August 18, 2004.

46-00036: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) for renewal of their Title V Operating Permit in Worcester Township, **Montgomery County**. The initial permit was issued on 06-01-2000. The facility is primarily involved assembly of automotive

electronic parts, primarily the production of printed wire board electronic assemblies of numerous dimensions and on various substrates. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit will contain Compliance Assurance Monitoring conditions under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

06-05068: Scranton Altoona Terminal Corp. (P. O. Box 2621, Harrisburg, PA 17105-2621) for operation of a bulk gasoline terminal controlled by three carbon adsorption/absorption units, various internal floating roofs and pressure/vacuum vents in the Borough of Sinking Spring and Spring Township, **Berks County**. The facility is a non-Title V (State only) facility. The facility will be required to limit their emissions to less than 100 tons for particulate matter, NO_x, SO_x and CO, 50 tons of VOCs and 10/25 tons of HAPs, during any 12-month period. Limits will be placed on the amounts of the various liquid products handled by the facility's sources. Records of emissions and product throughput will be required monthly and 12-month running totals. The permit will also include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements

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

33-00159: Brookville Equipment Corp. (175 Evans Street, Brookville, PA 15825) for operation of a State only operating permit to operate their facility in Pinecreek Township, **Jefferson County**. The facility is primarily engaged in the manufacturing of mining and railroad equipment. The source was previously permitted under permit no. 33-0159A.

10-00310: Air Products and Chemicals, Inc.—Lyndora Plant (300 Schaffner Road, Butler, PA 16001). A natural minor operating permit for their hydrogen production facility in Butler Township, **Butler County**.

25-00337: Custom Engineering Co. (2800 McClelland Avenue, Erie, PA 16510) a Natural Minor operating permit for metal fabrication, machining and surface coating in the City of Erie, **Erie County**.

43-00273: Select Industries, Inc. (242 Reynolds Industrial Park Road, Greenville, PA 16125) for issuance of a Natural Minor Operating Permit to perform metal coating operations, in Pymatuning Township, **Mercer County**. The facility's primary emission sources include coating and lithographic printing lines. The VOC and HAP emissions from this facility are below major source levels.

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 ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹			

¹ 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.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

Permit No. 32900103 and NPDES No. PA0598763. Black Oak Development Corporation, P. O. Box 205, Glen Campbell, PA 15742, permit renewal for reclamation only of a bituminous surface mine in Banks Township, **Indiana County**, affecting 133.8 acres. Receiving stream: UNTs to Cush Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 2, 2005.

56673133 and NPDES Permit No. PA0597228. Soberdash Coal Company, Box 55A, R. D. No. 2, Dunbar, PA 15431, permit renewal for reclamation only of

a bituminous surface mine in Black Township, **Somerset County**, affecting 507.6 acres. Receiving streams: UNT to Wilson Creek; to Wilson Creek and to Weimer Run classified for the following uses: WWF; CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 4, 2005.

32990105 and NPDES Permit No. PA0235083. Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774, revision of an existing bituminous surface and auger mine to add 10.3 additional acres for mining in Burrell Township, **Indiana County**, affecting 210.3 acres. Receiving streams: UNTs to Tom's Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 11, 2005.

Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, 724-925-5500.

02-04-04 and NPDES Permit No. PA0250678. Newgate Development Corp. (2201 Quicksilver Road, McDonald, PA 15057). Application for a government financed construction contract for reclamation of an abandoned mine lands, affecting 11.5 acres, located in Findlay

Township, **Allegheny County**. Receiving streams: Potato Garden Run and UNT to Potato Garden Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 8, 2005.

02-04-03 and NPDES Permit No. PA0250686. Coventry Park, LLC (533 Locust Place, Sewickley, PA 15143). Application for a government financed construction contract to reclaim approximately 890 feet of abandoned highwall, 5.1 acres of abandoned spoil and daylight 25.7 acres of an abandoned Pittsburgh deep mine, affecting 40.9 acres, located in Robinson Township, **Allegheny County**. Receiving stream: Moon Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 10, 2005.

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

33950103 and NPDES Permit No. PA0226971. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous surface mine in Snyder Township, **Jefferson County** affecting 82.0 acres. Receiving streams: UNTs to Little Toby Creek classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received March 11, 2005.

33930107 and NPDES Permit No. PA0211621. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface strip operation in Pine Creek and Warsaw Townships, **Jefferson County** affecting 383.3 acres. Receiving streams: UNT to Laurel Run, UNTs to Little Mill Creek, classified for the following uses: HQ-CWF; and three UNTs to Mill Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a land use change from forestland to unmanaged natural habitat. Application received: March 14, 2005.

33940105 and NPDES Permit No. PA0212121. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface strip operation in Pine Creek Township, **Jefferson County** affecting 118.1 acres. Receiving streams: Two UNTs to Five Mile Run to Mill Creek and Mill Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a land use change from forestland to unmanaged natural habitat. Application received: March 14, 2005.

33980103 and NPDES Permit No. PA0227722. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface mine operation in Warsaw Township, **Jefferson County** affecting 74.3 acres. Receiving Streams: UNT to Mill Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a land use change from forestland to unmanaged natural habitat. Application received: March 14, 2005.

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

18793005 and NPDES Permit No. PA0596129. Conifer Coal Company (P. O. Box 471, Milesburg, PA 16853). Renewal of an existing bituminous surface mine-auger

permit in Beech Creek Township, **Clinton County** affecting 329 acres. Receiving streams: South Fork of the Tangascootac Creek to Tangascootac Creek to West Branch of the Susquehanna River. Application received: January 20, 2005.

17990118 and NPDES Permit No. PA 0242730. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830). Renewal of an existing bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 121.4 acres. Receiving streams: UNTs to Moose Creek to Moose Creek, to the West Branch of the Susquehanna River. Application received: January 26, 2005.

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

40990101R. Hazleton Shaft Corporation (P. O. Box 435, Hazleton, PA 18201), renewal of an existing anthracite surface mine, coal refuse reprocessing, coal refuse disposal and prep plant operation in the City of Hazleton and Hazle Township, **Luzerne County**, affecting 481.0 acres, receiving stream: none. Application received: March 10, 2005.

54840205R4. Hegins Mining Company, (290 Swatara Road, Tremont, PA 17981), renewal of an existing anthracite coal refuse reprocessing and prep plant operation in Reilly Township, **Schuylkill County** affecting 63.6 acres, receiving stream: none. Application received March 10, 2005.

40850201R4. Beaver Brook Coal Company (406 Moon Hill Drive, Schuylkill Haven, PA 17972), renewal of an existing coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 312.0 acres, receiving stream: none. Application received March 15, 2005.

40940204R2. Northampton Fuel Supply Co., Inc. (1 Horwith Drive, Northampton, PA 18067), renewal of an existing coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 48.0 acres, receiving stream: none. Application received March 15, 2005.

54850107R4. Lone Eagle Coal Co., Inc. (P. O. Box 4210, Seltzer, PA 17974), renewal of an existing anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 59.9 acres, receiving stream: none. Application received March 16, 2005.

54643034R4. Reading Anthracite Company (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 42.0 acres, receiving stream: none. Application received March 16, 2005.

54663010R4. Reading Anthracite Company (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 173.0 acres, receiving stream: none. Application received March 16, 2005.

54713002R4 and NPDES Permit No. PA0123293. Reading Anthracite Company (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle Township, **Schuylkill County** affecting 218.0 acres, receiving stream: East Branch Norwegian Creek. Application received March 16, 2005.

54783702R4 and NPDES Permit No. PA0593010. Reading Anthracite Company (200 Mahantongo

Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse disposal and refuse reprocessing operation in New Castle and Norwegian Townships, **Schuylkill County** affecting 512.0 acres, receiving stream: West Branch Schuylkill River. Application received March 16, 2005.

<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
Alkalinity exceeding acidity ¹			
pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour 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 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

6774SM1C5 and NPDES Permit No. PA0594695. National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Snyder County**, receiving stream: North Branch Mahantongo Creek, classified for the following use: TSF. Application received March 10, 2005.

40930302C2 and NPDES Permit No. PA0223280. Linde Enterprises, Inc. (239 Golf Hill Road, P. O. Box A, Honesdale, PA 18431), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Pittston Township, **Luzerne County**, receiving stream: tributary to Mill Creek, classified for the following use: CWF. Application received March 11, 2005.

7274SM1A1C4 and NPDES Permit No. PA0595161. Lehigh Asphalt Paving & Construction Co. (P. O. Box 549, Tamaqua, PA 18252), renewal and correction of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Penn Township, **Schuylkill County**, receiving stream: UNT to Lizard Creek, classified for the following use: TSF. Application received March 14, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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:

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 should 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 19401.

E46-895. Schultz Enterprises, Inc., 541 Flint Hill Road, King of Prussia, PA 19406-2727, Upper Merion Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 33-foot long elliptical steel plate culvert consisting of 108-inch height by 24-inch width along an intermittent reach of Frog Run (WWF) to provide access to rear portion of the lot. Temporary impacts are proposed for 125 linear feet of stream channel. The site is located approximately 500 feet southeast of intersection of Union Avenue and Flint Hill Road (Norristown, PA, USGS Quadrangle N: 17.50 inches; W: 12.50 inches).

E15-578. Linden Hall Development, LLC, 30 Jackson Road, Suite C-3, Medford, NJ 08055, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To reissue and amend Joint Permit E15-578.

To construct and maintain the following water obstructions and encroachments associated with the proposed Linden Hall Subdivision. The site is located immediately to the north of the intersection of Lancaster Pike (SR 030) and Sproul Road (SR 0352), Malvern, PA Quadrangle, N: 6.9 inches; W: 8.4 inches).

Work will consist of:

1. The placement and maintenance of two stormwater outfall structures (EW No. 1 and No. 3) along the 100-year floodway of an UNT of Valley Creek (EV).

2. To place and maintain fill in 0.08 acre of wetland for the construction of an underground stormwater management and parking facility associated with the proposed shopping center.

E09-883. Creek Road Development, L.P., 2310 Terwood Road, Huntington Valley, PA 19006, Warwick Township, **Bucks County**, ACOE Philadelphia District.

Heritage Creek II, Creek Road Development Subdivision Project.

To perform the following water obstruction and encroachment activities associated with the proposed Heritage Creek II residential subdivision and golf course situated along the Little Neshaminy Creek (WWF-MF), four UNTs and an adjacent wetland:

1. To construct and maintain 36 linear feet of Con-span arch bridge crossing consisting of 36-foot span and 10-foot rise across a tributary to provide access to the golf course clubhouse.

2. To place fill in 0.28 acre of wetland (PEM) associated with fairway 10.

3. To relocate and restore 170 linear feet of obstructed channel and to place fill in 380 linear feet of intermittent stream channel and portions of the 100-year floodplain to facilitate construction of fairway 12 of the proposed golf course.

4. To construct and maintain a golf cart bridge, crossing 1, across the Little Neshaminy Creek associated with fairway 5.

5. To construct a multiple span (7-4 foot by 8 foot box) golf cart causeway, crossing 2, across the Little Neshaminy Creek associated with fairway 11 and 12.

6. To construct and maintain a golf cart bridge, crossing 3, across a UNT associated with fairway 5, including an attached irrigation line.

7. To construct and maintain a golf cart bridge, crossing 4, across a UNT associated with fairway 5, including an attached irrigation line.

8. To construct and maintain golf cart bridges, crossings 5 and 6, across a UNT associated with fairway 12 including attached irrigation lines.

9. To construct and maintain golf cart bridge, crossing 7, across a UNT associated with fairway 3 and 4, including an attached irrigation line.

10. To construct and maintain golf cart bridge, crossing 8, across a UNT and adjacent wetlands associated with fairway 18, including an attached irrigation line.

11. To construct and maintain golf cart bridge, crossing 9, across a UNT associated with fairway 16, including an attached irrigation line.

12. To construct and maintain to golf cart bridge, crossing 10, across a UNT associated with fairway 15 and 16, including an attached irrigation line.

13. To place fill 0.19 acre of wetland (PEM) associated with the proposed intersection of Gabriel Lane and Street C.

14. To install and maintain a series of 5 parallel, 52.2-foot long, 4-foot by 2-foot RCP box culverts as a road crossing of a UNT and 0.11 acre of adjacent wetland (PFO) associated with Gabriel Lane at station 2+90 to 3+40. Included with this crossing are various utilities including a 12-inch DIP water main and existing 8-inch DIP sewer, 8 inch PVC force main and a 16-inch water main located downstream of this crossing which were constructed under Heritage Creek I.

15. To construct and maintain an 18-inch RCP stormwater outfall, EW116 and riprap apron along little Neshaminy Creek associated with basin 10 of the residential construction and Gabriel Lane.

16. To construct and maintain a 30-inch RCP stormwater outfall, EW119 and riprap apron along little Neshaminy Creek associated with basin 16 of the residential construction and Gabriel Lane.

17. To construct and maintain a 24-inch RCP stormwater outfall, EW118 and riprap apron along little Neshaminy Creek associated with basin 15 of the residential construction and Gabriel Lane.

18. To construct and maintain a 24-inch RCP stormwater outfall, EW117 and riprap apron along little Neshaminy Creek associated with basin 14 of the residential construction and Gabriel Lane.

19. To construct and maintain a 24-inch RCP stormwater outfall, EW115 and riprap apron along little Neshaminy Creek associated with basin 13 of the residential construction and Gabriel Lane.

20. To install and maintain an 8-inch water main utility crossing line across Little Neshaminy Creek constructed by open trench method.

21. To install and maintain an 8-inch DIP sewer line utility crossing line across Little Neshaminy Creek constructed by open trench method.

22. To construct and maintain 68.2 linear feet of Con-span arch bridge consisting of a 48-foot span and 11-foot rise across a tributary associated with Moland Drive.

23. To construct and maintain a low head dam having less than a 3 foot height in channel and a width less than 50 feet for stormwater purposes.

24. To construct and maintain a pedestrian boardwalk trail, crossings wetland areas in the open space.

25. To construct and maintain a paved pedestrian trail placed on grade in the floodplain/floodway.

26. To modify and maintain an existing headwall on a 72-inch RCP culvert under York Road.

27. The applicant will provide a minimum of 1.07 acres of replacement wetlands.

The site is situated on a 340-acre parcel south of the Meetinghouse Road with the western side commencing at the edge of SR 263 and running parallel to SR 263 for approximately 2,273 feet. The southern end of the site is approximately 1,590 feet southeast of the intersection of Tulip Road and Sterling Court in Warwick Township, Bucks County (Hatboro, PA Quadrangle N: 20.57 inches; W: 11.46 inches).

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

E35-381. Old Forge Borough, 310 South Main Street, Old Forge, PA 18518, in Old Forge Borough and Ransom Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a channel change in a tributary to Saint John's Creek (CWF) consisting of lining 600 feet of the channel with an impervious membrane and riprap. The project is located along Sonny Drive in Old Forge Borough and Ransom Township. (Ransom, PA Quadrangle N: 1.6 inches; W: 0.3 inch).

EA54-013NE. Schuylkill County Conservation District, 1206 AG Center Drive, Pottsville, PA 17901. East Union Township, **Schuylkill County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain an abandoned mine discharge (AMD) passive treatment system proposed along Catawissa Creek (CWF). The purpose of the project is to treat and reduce AMD loadings discharging from the Audenreid Mine Tunnel to restore the water quality of Catawissa Creek. The project is located approximately 2.5 miles east of SR 0924 in Sheppton and 1.9 miles west of SR 0081 (Conyngnam, PA Quadrangle N: 4.2 inches; W: 10.7 inches).

EA54-014NE. Schuylkill Headwaters Association, P. O. Box 1385, Pottsville, PA 17901. Schuylkill Township, **Schuylkill County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain an abandoned mine discharge (AMD) passive treatment system proposed in and along a tributary to Wabash Creek (CWF) and a de minimis area of wetlands. The purpose of the project is to treat and reduce AMD loadings discharging from the Reevesdale No. 2 Mine Outfall to restore the water quality of Wabash Creek. The project is located on the northern side of SR 0209, just east of the Village of Reevesdale (Delano, PA Quadrangle N: 0.7 inch; W: 6.4 inches).

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

E50-230: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Southwest Madison Township, **Perry County**, ACOA Baltimore District.

To rehabilitate and maintain the Adairs Covered Bridge over Sherman Creek (WWF) on SR 3008, Section 005, Segment 0110, Offset 1236 (Couchtown Road) by repairing the abutments and the middle pier, replacing the steel girders, beams and timber decking, removing the two steel piers and other associated improvements to improve the traffic safety condition located near Cisna School (Andersonburg, PA Quadrangle N: 18.26 inches; W: 6.85 inches) in Southwest Madison Township, Perry County.

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

E41-546. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Permit Application for SR 0220 Section 081 replacement over Fox Run, in Shrewsbury Township, **Lycoming County**, ACOE Susquehanna River Basin District (Picture Rocks, PA Quadrangle N: 9.00 inches; W: 9.06 inches).

To remove a single span concrete bridge and construct and maintain a single span reinforced concrete box culvert having a clear span of 20 feet, with a minimum

underclearance of 5 feet on a skew of 75° within Fox Run, along SR 0220, 2.2 miles north of Picture Rocks and to construct, maintain and remove a temporary causeway consisting of clean R-7 rock and three 36-inch diameter culvert pipes, all of which are located in Shrewsbury Township, Lycoming County. This project proposes to have a minimal impact on Fox Run, which is designated a HQ-CWF. This project does not propose to impact any jurisdictional wetlands.

E49-286. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Permit Application for SR 0061 Cameron bridge replacement over Shamokin Creek, in the City of Shamokin, **Northumberland County**, ACOE Susquehanna River Basin District (Shamokin, PA Quadrangle N: 7.8 inches; W: 9.0 inches).

To remove an existing single span steel bridge and steel utility line bridge and construct and maintain a single span PA bulb tee bridge having a clear span of 131 feet, with a minimum underclearance of 22 feet on a skew of 50° over Shamokin Creek, 75 feet downstream of the existing structure, at the intersection of SR 0061 and SR 0225 in the City of Shamokin, Northumberland County. This project proposes to have a minimal impact on Shamokin Creek, which is designated a WWF and three adjacent mine drainage openings. This project does not propose to impact any jurisdictional wetlands.

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

E11-306. Croyle Township Supervisors, P. O. Box 379, Summerhill, PA 15958. To replace a bridge in Croyle Township, **Cambria County**, Pittsburgh ACOE District. (Beaverdale, PA Quadrangle N: 15.9 inches; W: 17.2 inches and Latitude: 40° 20' 15"—Longitude: 78° 44' 54"). The applicant proposes to place and maintain fill in a de minimis wetland, approximately 0.03 acre in size and to construct a bridge having a normal span of 34'—10.9" and an underclearance of 8.3 feet over Laurel Run (CWF). The bridge is located on Plummer Road (TR 330) approximately 2,700' northwest of its intersection with SR 160. The total proposed impact to Laurel Run is approximately 185'.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-348.

E10-405, RBG Development Group, 1503 King Charles Drive, Pittsburgh, PA 15237. Adams Ridge Retail Development, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 11.45 inches; W: 7.70 inches).

To place fill within 0.02 acre of PEM, 0.06 acre of PEM/SS and 0.04 acre of PFO wetlands and 943 linear feet of UNTs to Kaufman Run (WWF) having a drainage area less than 100 acres all within the Adams Ridge Retail Development located 2.1 miles east of I-79 along SR 0228 west of Adams Ridge Boulevard. The permittee is required to provide 0.12 acre of replacement wetlands.

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

D23-028EA. Southeast PA Resource Conservation and Development Council, 1000 East Walnut Street, Suite 704, Perkaspie PA 18944. Nether Providence Township and City of Chester, **Delaware County**, ACOE Philadelphia District.

Project proposes to breach and remove an unnamed dam across Ridley Creek (TSF) for the purpose of elimi-

nating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 3,300 feet northwest of the intersection of Providence Avenue (SR 320) and McDade Boulevard (SR 2006) (Bridgeport, NJ—PA Quadrangle N: 22.1 inches; W: 17.15 inches).

EA46-014CO. Aqua Pennsylvania, Inc., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. Lower Moreland Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Spring Dam located across Pennypack Creek (TSF, MF) for the purpose of restoring the stream to a free flowing condition and providing unobstructed fish passage. The dam is located approximately 1,600 feet northwest of the inter-

section of Old Welsh Road (SR 63) and Huntingdon Pike (SR 232) (Frankford, PA—NJ Quadrangle N: 22.1 inches; W: 10.1 inches).

EA67-014CO. Borough of Goldsboro, 53 North York Street, Eppers, PA 17319. Goldsboro Borough, **York County**, ACOE Baltimore District.

Project proposes to breach and remove Goldsboro Dam across Fishing Creek (TSF) for the purpose of eliminating a threat to public safety and providing unimpeded fish passage. The restoration project will also provide fish habitat for a special regulation trout fishery for youth and handicap persons. The dam is located approximately 400 feet East of the intersection of SR 262 and Pines Road (SR 1009) (Hawley, PA Quadrangle N: 19.40 inches; W: 14.75 inches).

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063312 (Sewage)	Girardville Area Municipal Authority Fourth and B Streets P. O. Box 7 Girardville, PA 17935	Schuylkill County Butler Township	Mahanoy Creek (6B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0111945IW	Ward Manufacturing, Inc. P. O. Box 9 Blossburg, PA 16912-0009	Blossburg Borough Tioga County	Johnson Creek; Tioga River 4-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0102598	One Land Corporation P. O. Box 222 Valencia, PA 16059	Middlesex Township Butler County	UNT to Glade Run	Y

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

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

NPDES Permit No. PA0011541, Industrial Waste, **Sunoco Partners Marketing & Terminals, L. P.**, 1801 Market Street, 3/10 Penn Center, Philadelphia, PA 19103-1699. This proposed facility is located in Darby Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge the stormwater from and around the crude oil storage tanks into Darby Creek in Watershed 3G.

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

NPDES Permit No. PA0247219, Industrial Waste, **Susquehanna Valley Organics Corporation**, 3705 Trindle Road, Camp Hill, PA 17011-4334. This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge from Harrisburg Biosolids Processing Facility to the Susquehanna River in Watershed 7-C.

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

NPDES Permit No. PA0252697, Industrial Waste, **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714. This proposed facility is located in Northern Cambria Borough, **Cambria County**.

Description of Proposed Action/Activity: Renovation to the water treatment facility (four new water softeners).

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

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

WQM Permit No. 4604420, Sewerage, **New Hanover Township Authority**, 943 North Charlotte Street, Gilbertsville, PA 19525-9718. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary sewer pumping station.

WQM Permit No. 1504409, Sewerage, **Borough of Phoenixville**, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction of secondary clarifier and UV disinfection system aeration equipment modifications and misc. site, piping and installation of centrifuge and sludge dewatering pump station.

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

WQM Permit No. WQG016108, Sewerage, **Donald Farris**, 907 Third Street, Baden, PA 15005. This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Construction and operation of an onlot sewage system for a residential, small flow treatment facility.

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

WQM Permit No. WQG018365, Sewerage, **Bruce H. Zielger**, 891 Bullcreek Road, Butler, PA 16002. This proposed facility is located in Butler Township, **Butler County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. WQG018339, Sewerage, **William H. Semelka, Jr.**, 940 Dill Park Road, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904018	Anthony Salvo Salvo Property 157 Orchard Court Blue Bell, PA 19422	Bucks	Solebury Township	Aquetong Creek (HQ-CWF)
PAI010904020	Richard R. Haney Haney Subdivision 1471 State Road Coopersburg, PA 18036	Bucks	Springfield Township	Cooks Creek (EV)
PAI011504010	SCC Homes, Inc. Scaleby Farm Development 2 Huntrise Lane West Chester, PA 19382	Chester	Pocopson Township	Pocopson Creek (TSF, MF)
PAI011504015	Isaac Enterprises, LTD Isaac Enterprises Contractor's Yard 932 Jaine Lane Chester Springs, PA 19425	Chester	East Vincent Township	UNT Schuylkill River (HQ-TSF)
PAI011504048	Calvin L. and Richard Smoker Smoke Manufacturing Facility P. O. Box 520 Honey Brook, PA 19344-8647	Chester	Honeybrook Township	West Branch Brandywine Creek (HQ-TSF-MF)
PAI011504068	Honey Brook Partners Evergreen Ridge III Development 2500 East High Street Suite 610 Pottstown, PA 19464	Chester	Honeybrook Township	UNT Pequea Creek (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804043	Hecktown Fire Co. 230 Nazareth Pike Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Tributary to Monocacy Creek HQ-CWF
PAI024503013-1	Williams & Williams Real Estate P. O. Box 3655 Scranton, PA 18505	Monroe	Coolbaugh Township	Forest Hills Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants

PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Highland Township Chester County	PAG2001504003	Genterra Corporation, Inc. Meadow Ridge 101 Marchwood Road Exton, PA 19341	West Branch Brandywine Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Chester County	PAG2002304054	Campus Industries 25 LP 770 Township Line Road Yardley, PA 19067	Crum Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nether Providence Township Delaware County	PAG2002305015	Springhaven Club 600 South Providence Road Wallingford, PA 19086	Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Borough Delaware County	PAG2002305008	Estate of Christiana H. Keefe 880 Charming Circle Benicia, CA 94510	Harvey Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002305012	Eastern University 1300 Eagle Road St. Davids, PA 19087	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604086	Heritage Building Group Sterlington Estates aka MacDade Tract 2500 York Road Jamison, PA 18929	UNT Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004603158	Windlestrae Associates Windlestrae Interceptor— Phase I 1030 West Germantown Pike Fairview Village, PA 18969	UNT Minister Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004604222	Oxford Land Development Carriage Run 521 Stump Road, P. O. Box 841 Montgomeryville, PA 18936	Park Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Salford Township Montgomery County	PAG2004604078	Spring Hill Realty Shelly Road Commercial Dev. 528 Main Street Harleysville, PA 19438	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004604215	Pottstown Borough Authority Pleasant View Road Sewer and Water Replacement 100 East High Street Pottstown, PA 19464	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Frederick Township Montgomery County	PAG2004604104	Mark Schneider 1466 Snyder Road Green Lane, PA 18054	Deep Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004605022	Philomeno and Salamone Jefferson Crossing 545 West Germantown Pike Plymouth Meeting, PA 19462	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004604213	Upper Gwynedd Township WWTP Modifications One Parkside Place West Point, PA 19486	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004604182	Arcadia Estates Chipakitis Tract 600 East Main Street Lansdale, PA 19446	West Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004605028	Gwyn Holdings, LLC 425 West Main Street Lansdale, PA 19446	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105003	Desantis Development 683 Summit Avenue Subdivision 515 Gwynedd Avenue Blue Bell, PA 19422	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Towamensing Township and Parryville Borough Carbon County	PAG2001305001	Steven J. Miga 4136 Nazareth Pike Bethlehem, PA 18020	Fireline Creek CWF	Carbon County Cons. Dist. (610) 377-4894
Wayne Township Schuylkill County	PAG2005404030	Higher Ground Worship Center 1554 Long Run Rd. Schuylkill Haven, PA 17972	UNT Schuylkill River CWF	Schuylkill County Cons. Dist. (570) 622-3742
Centre Township, Perry County	PAG200500412	William Sheibley Centre Township Board of Supervisors P. O. Box 727 New Bloomfield, PA 17068	Little Juniata Creek/ CWF	Evan Ticehurst Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA 17068 (717) 582-5119

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Douglass Township Berks County	PAG2000605015	Leigh Berman 32 Hillsover Lane Malvern, PA 19355	Ironstone Creek/TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Ontelaunee Township Berks County	PAG2000604110	Glenn Wenger J K & B, Inc. 831 S. College St. P. O. Box 409 Myerstown, PA 17067	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
Windsor Township Berks County	PAG2000605022	John Smith Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608	UNT to Schuylkill River/CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Lower Paxton Township, Dauphin County	PAG2002205009	4760 Union Deposit Associates, LP 4760 Union Deposit Rd. Harrisburg, PA 17111	Spring Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
City of Harrisburg Dauphin County	PAG2002205013	Department of General Services 18th and Herr Sts. Harrisburg, PA 17125	Susquehanna River/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Paradise Township York County	PAG2006704123	Paradise Estates Jad Sneeringer JSS Building & Dev. 48 Cornell Drive Hanover, PA 17331	UNT to Beaver Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006704086	Stone Hill Subdivision Eric Barley Old Dutch Lane, LLC P. O. Box 525 Mountville, PA 17554 Able Construction P. O. Box 476 Mountville, PA 17554	Mill Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hopewell Township York County	PAG2006704078	Proposed Home Depot John Patton Home Depot USA, Inc. 3096 Hamilton Blvd. South Plainfield, NJ 07080	Deer Creek/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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2019

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wrightsville Borough York County	PAG2006704118	John Kemp Royal Farms 3611 Roland Ave. Baltimore, MD 21211	UNT to Kruetz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Washington Township York County	PAG2006705015	Samuel Kreider 1953 Baltimore Pike East Berlin, PA 17316	Red Run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAG2006704119	Dillsburg Area Auth. 98 W. Church Street P. O. Box 370 Dillsburg, PA 17019	UNT to Yellow Breeches Creek/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006704134	Central York School District 775 Marion Road York, PA 17402	Kreutz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006704135	Central York School District 775 Marion Road York, PA 17402	Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006705018	Yorktowne Medical Centre, L. P. Andrew Kagen 2675 Eastern Blvd. York, PA 17402 James Hogg Hogg Farm 2351 Freedom Way York, PA 17402	Mill Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Cumberland Township Adams County	PAG2000105002	John Kresky 720 Hoffman Home Road Gettysburg, PA 17325	UNT to Willoughby Run/WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325
Northumberland County Point Township	PAG2004905001	Franklin & Rubys Way at Ridge Point Northumberland, PA 17857	UNT Lithia Spring Creek CWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Allegheny County Franklin Park Borough	PAR10A540-1	Pitell Contracting 3413 Babcock Blvd. Pittsburgh, PA 15237	Bear Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County West Deer Township	PAG2000204105	Deer Lakes School Dist. P. O. Box 10 17 East Union Road Russellton, PA 15076	UNT to Little Deer Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000204118	Lad Construction Co., Inc. P. O. Box 612 Carnegie, PA 15106	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Bethel Park	PAG2000204122	Tri-Community South EMS 2470 Slater Road Bethel Park, PA 15120	Peters Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Reserve Township	PAG2000204124	Richland Properties 7805 McKnight Road Pittsburgh, PA 15237	Girty's Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000204126	F. C. Franklin Park Association 4 Gateway Center Suite 212 Pittsburgh, PA 15222	Big Sewickley Creek (TSF) Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Dormont Borough	PAG2000205003	Keystone Oaks School District 1000 Kelton Avenue Pittsburgh, PA 15216-2487	Saw Mill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000205004	Buncher Company 5600 Forward Avenue Pittsburgh, PA 15217-0930	Ohio River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000205005	Triumph Baptist Church 201 Frederick Avenue Sewickley, PA 15143	Bear Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000205009	Findlay Township Municipal Authority P. O. Box 409 1271 Route 30 Clinton, PA 15026	Montour Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205012	Plum Borough Municipal Authority 4555 New Texas Road Pittsburgh, PA 15239-1197	Abers Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Blawnox Borough	PAG2000205016	James Kapparnaros 164 Freeport Road Pittsburgh, PA 15238	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ross Township	PAG2000205017	NDC Bellevue Road, LLC 340 Mansfield Avenue Pittsburgh, PA 15220	Jacks Run (WWF)	Allegheny County CD (412) 241-7645
Armstrong County South Buffalo Township	PAG2000305002	Freeport Area School District 621 South Pike Road Sarver, PA 16055	UNT to Allegheny River (WWF)	Armstrong County CD (724) 548-3425
Beaver County Center Township	PAG2000405002	Penn State University 214 Physical Plant Bldg. University Park, PA 16802	UNT to Moon Run (WWF)	Beaver County CD (724) 378-1701
Beaver County Franklin Township	PAG2000405005	James M. Norton, Sr. Franklin Township 897 SR 288 Fombell, PA 16123	UNT to Connequenessing Creek (WWF)	Beaver County CD (724) 378-1701
Cambria County Croyle Township	PAG2001105002	Croyle Township Supervisors P. O. Box 379 Summerhill, PA 15958	Laurel Run (CWF)	Cambria County CD (814) 472-2120
Indiana County Burrell and West Wheatfield Townships	PAG2003204017	Department of Transportation 2550 Oakland Avenue Indiana, PA 15701	Tom's Run Weirs Run Roaring Run UNT to Blacklick Creek (CWF)	Indiana County CD (724) 463-8547
Indiana County Indiana Borough	PAG2003205002	William Calhoun S & T Bank P. O. Box 190 Indiana, PA 15701	Stoney Run (CWF)	Indiana County CD (724) 463-8547
Somerset County Somerset Township	PAG2005605001	Department of Transportation 1620 North Juniata St. Hollidaysburg, PA 16648	Kimberly Run (CWF)	Somerset County CD (814) 445-4652

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Erie County Harborcreek Township	PAG2002505007	Erie Water Works 340 W. Bayfront Pkwy. Erie, PA 16507	Separate Municipal Storm Sewer	Erie County Conservation District (814) 825-6403
Mercer County Pymatuning Township	PAG2004305003	Mercer County Housing Authority 80 Jefferson Avenue Sharon, PA 16146	Big Run WWF	Mercer County Conservation District (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Muhlenberg Township	PAR233509	CRYOVAC, Incorporated P. O. Box 295 Reading, PA 19603-0295	Schuylkill River CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Newberry Township	PAR603516	Aumiller's West, Inc. 964 Old Rossville Road Lewisberry, PA 17339	UNT to Bennett Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR123528	Hershey Foods Corporation Y & S Candies, Lancaster 400 Running Pump Road Lancaster, PA 17603-2269	UNT to Brubaker Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Logan Township	PAR603570	Mueller's Auto Recycling & Sales, Inc. R. D. 6, Box 355 Altoona, PA 16601	UNT to Mill Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Napier Township	PAR603567	A. J. Auto Salvage 983 West Ridge Road Schellsburg, PA 15559	UNT to Shawnee Branch WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Allegheny Township	PAR603503	Jim Nagle's Rebuilt Truck Parts & Sales, Inc. P. O. Box 275 Duncansville, PA 16635-0275	UNT to Blair Gap Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Union Township Centre County	PAG045190	James Julian 803 Egypt Hollow Road Julian, PA 16844	Brower Hollow Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Beaver County New Sewickley Township	PAG0463023	Donald Farris 907 Third Street Baden, PA 15005	UNT of Crows Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Butler Township Butler County	PAG049157	Bruce H. Ziegler 891 Bullcreek Road Butler, PA 16002	Butcher Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North East Township Erie County	PA0239500	William H. Semelka, Jr. 940 Dill Park Road North East, PA 16428	UNT to Twelve Mile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG048674	Dennis J. Jr. and Tarasia J. Maguire 5740 Peck Road Erie, PA 16510	UNT of Sixmile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1505501, Public Water Supply.
 Applicant **Avonwheels Estates Mobile Home Park**
 120 E. Sherry Lane
 Avondale, PA 19311
 Township London Grove

County **Chester**
 Type of Facility **PWS**
 Consulting Engineer **George W. Ruby**
 Ruby Engineering
 201 N. Chestnut Street
 Apt. 305
 Palmyra, PA 17078-1356
 Permit to Construct Issued **March 17, 2005**

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

Operations Permit issued to: **Nature's Way Pure-water Systems, Inc.**, 164 Commerce Road, Dupont, PA 18641 (PWSID 2406411) Dupont Borough, **Luzerne County** on March 14, 2005, for the operation of facilities approved under construction permit No. 4005501, issued March 5, 2005.

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

Permit No. 0104202, Public Water Supply.
 Applicant **Bonneauville Borough Municipal Authority**
 Municipality **Bonneauville Borough**
 County **Adams**
 Type of Facility This PWS Permit is for the construction of Bonneauville Borough Municipal Authority's Well No. 9 and corresponding well house containing manganese treatment and disinfection facilities.
 Consulting Engineer **Mark S Snyder, P. E.**
 Buchart-Horn, Inc.
 445 West Philadelphia Street
 York, PA 17405-7040
 Permit to Construct Issued **3/18/2005**

Operations Permit issued to: **Shillington Municipal Authority**, 3060067, Cumru Township, Spring Township, **Berks County** on 3/16/2005 for the operation of facilities approved under Construction Permit No. 0604515.

Operations Permit issued to: **Bloomfield Borough**, 7500012, New Bloomfield Borough, **Perry County** on 3/10/2005 for the operation of facilities approved under Construction Permit No. 5004507 MA.

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

Permit No. 4490021-T1—Transfer Public Water Supply.

Applicant	D & H Mobile Home Park
Township or Borough	West Chillisquaque Township
County	Northumberland
Responsible Official	Frank Perano, Owner D & H Mobile Home Park P. O. Box 677 Morgantown, PA 19543-0677
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	3/17/2005
Description of Action	Transfer of ownership of D & H Mobile Home Park from Eugene Heddings to Frank Perano.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location: The proposal is located east of SR 0015 and south of SR 0394 (Shrivers Corner Road) including both sides of T-513 (Martin Road) and extending eastward to SR 3003 (Hunterstown Road).

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Straban Township	1745 Granite Station Road Gettysburg, PA 17325	Adams County

Plan Description: The approved plan provides for 1,800 single family detached residential dwellings in an adult community on 650 acres to be served on the interim by a privately owned, community sewerage and water supply system of 270,000 gpd capacity. The community sewerage and water system may ultimately become a municipal system based on interest by Straban and an agreement with the developer.

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, documenta-

tion 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.

Dial North Property B, Bristol Borough, Bucks County. Jeffrey Goudsward, Penn Env. & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Larry Wygant, Island View Crossing II, L. P., 1001 E. Hector St., Suite 100, Conshohocken, PA 19428 has submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics, chlorinated solvents and No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

1042 Washington Crossing Rd. Site, Upper Makefield Township, Bucks County. Richard Werner, Env. Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401 on behalf of Chris Antoniacci, 1042 Washington Crossing Road, Washington Crossing, PA 18977 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

DiDaniel Residence, Upper Darby Township, Delaware County. Ben Haith, Mulry & Cresswell Env., Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report submitted within 90 days of the release and 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.

Reichard Residence, Lower Chanceford Township, York County. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Scott Reichard, 776 Frosty Hill Road, Airville, PA 17302, submitted a Final Report concerning remedia-

tion of site soils contaminated with diesel fuel. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health standard.

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

Trinity Industries Facility AOC 1, City of Butler, Butler County. Edward Sculli, L. Robert Kimball & Assoc. Inc., 615 W. Highland Ave., Ebensburg, PA 15931 on behalf of John Paul, Butler Township-City Joint Municipal Authority, 140 W. North St., 3rd Floor, Butler, PA 16001, has submitted a Final Report concerning remediation of site soil contaminated with Arsenic. The report is intended to document remediation of the site to meet the Statewide Health, Nonresidential standards.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

Registration Under General Permit No. WMGR090R042. Salford Township, 90 Badman Road, Tylersport, PA 18971-0054.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on March 17, 2005.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and 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.

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

GP1-36-03109: Thaddeus Stevens College of Technology (750 East King Street, Lancaster, PA 17602) on March 17, 2005, to operate a small gas and No. 2 oil fired combustion unit under GP1 in City of Lancaster, **Lancaster County.**

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

GP-25-991: Snap-Tite Hose, Inc. (217 Titusville Road, Union City, PA 16438) on March 21, 2005, to operate a burn off oven in Union City, **Erie County.**

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

54-399-034: WMPI PTY LLC (P. O. Box R, Frackville, PA 17931) on March 18, 2005, to construct a coal to clean fuel production plant and associated air cleaning devices at their facility in Mahanoy Township, **Schuylkill County.**

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

06-05002B: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) on March 15, 2005, to modify their Portland cement plant controlled by various controls in Maiden Creek Township, **Berks County.**

06-05005B: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) on March 16, 2005, to construct additional equipment at their nonmetallic mineral crushing plant controlled by wet suppression in Oley Township, **Berks County.**

22-03056A: Susquehanna Valley Organics Corp. (3705 Trindle Road, Camp Hill, PA 17011) on March 17, 2005, to construct a sludge pelletization plant controlled by two cyclones and two wet scrubbers in the City of Harrisburg, **Dauphin County.**

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

56-00025F: New Enterprise Stone and Lime (P. O. Box 77, New Enterprise, PA 16664) on March 18, 2005, for equipment additions, deletions and rearrangement at their Bakersville Quarry/Hot Mix Asphalt Plant in Jefferson Township, **Somerset County.**

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

25-197D: Erie Bronze and Aluminum Co. (6300 Ridge Road, P. O. Box 8099, Erie, PA 16505) on March 15, 2005, to install a dust collector to control emissions from six existing electric induction furnaces in the City of Erie, **Erie County.**

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

23-0074: GS Roofing Products Co., Inc. (800 West Front Street, Chester, PA 19013) on March 14, 2005, to operate a thermal oxidizer in the City of Chester, **Delaware County.**

23-0047D: Degussa Corp. (1200 West Front Street, Chester, PA 19013) on March 18, 2005, to modify the operation of a granulated dust collector baghouse in City of Chester, **Delaware County**.

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

67-02004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on March 2, 2005, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

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

18-00009B: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, PA 17748) on March 18, 2005, for performance of NOx and CO testing on a diesel engine associated with a wood waste tub grinder until May 2, 2005, and to operate the respective tub grinder and engine on a temporary basis until July 16, 2005, at the Wayne Township Landfill in Wayne Township, **Clinton County**. The plan approval has been extended.

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) on March 18, 2005, to operate two mobile/modular home assembly plants and a surface coating operation on a temporary basis until July 16, 2005, in Mifflinburg Borough, **Union County**. The plan approval has been extended.

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

04-00439B: Kinder Morgan Arrow Terminals, LP (2701 Midland-Beaver Road, Route 68, Industry, PA 15052) on March 17, 2005, to complete inspection of the new fabric collector at their Metallic Mineral Processing Plant in Industry Borough, **Beaver County**. This plan approval was extended.

04-00033B: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) on February 16, 2005, to allow completion of construction for the remainder of the project in Potter Township, **Beaver County**. This plan approval was extended.

04-00033B: Jewel Acquisition, LLC (100 River Road, Brackenridge, PA 15014) on March 17, 2005, to allow completion of construction for the remainder of the project located in Midland Borough, **Beaver County**. This plan approval was extended.

04-00033A: Jewel Acquisition, LLC (100 River Road, Brackenridge, PA 15014) on March 17, 2005, to allow completion of construction for the remainder of the project located in Midland Borough, **Beaver County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

22-05005: NRG Energy Center Paxton LLC—NRG Energy Center Harrisburg (100 North 10th Street,

Harrisburg, PA 17101) on March 15, 2005, to operate a steam generating plant in the City of Harrisburg, **Dauphin County**. This is a renewal of the Title V operating permit.

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

20-00040: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) on February 24, 2005, to Reissue the Title V Operating Permit. The facility is in the City of Meadville, **Crawford County**. The facility manufactures gray and ductile iron foundries casting products. The facility's major emission sources include preheating and charge, melting and transfer, pouring-cooling-shakeout, new grinding and goff, grinding and cleaning, core making and baking, sand handling, heat treating-austemper operation, painting operation, three air-makeup units, miscellaneous natural gas usage and two degreaser units. The facility is a major facility due to its potential to emit of particulate matter.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

37-00322: Joseph A. Tomon, Jr. Funeral Home & Crematory (97 Grim Avenue, Ellwood City, PA 16117) on March 16, 2005, to issue a Natural Minor Permit to operate a human crematorium in Ellport Borough, **Lawrence County**.

33-00132: Matson Lumber Co. (132 Main St., Brookville, PA 15825) on March 15, 2005, to issue a Natural Minor operating permit to operate a wood-fired boiler and sawmill in Brookville Borough, **Jefferson County**.

10-00304: JSP International—Summit Township (150 East Brook Lane, Butler, PA 16002) on March 15, 2005, to issue a Natural Minor Operating Permit to operate the four 62 mmBtu/hr rated heat input combustion units in Summit Township, **Butler County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

49-304-004A: Somerset Consolidated Industries, Inc.—Watsontown Foundry Division (Fifth and Ash Streets, Watsontown, PA 17777) on March 15, 2005, by means of the minor operating permit modification requirements of 25 Pa. Code §127.462, to allow the use of up to 500 pounds of nickel, 6,000 pounds of ferrochrome, 500 pounds of ferromoly and 3,500 pounds of ferromanganese per year in the production of iron alloys other Ni Hard in an iron foundry electric induction iron melting furnace in Watsontown Borough, **Northumberland County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11693042 and NPDES Permit No. PA0605948. Cooney Brothers Coal Company, P. O. Box 246, Creson, PA 16630, SMP and NPDES permits to be renewed for reclamation only in Portage and Summerhill Townships, Cambria County, affecting 289.7 acres. Receiving streams: UNTs to Laurel Run and to Beaverdam Reservoir/Beaverdam Run (previously UNT to Big Cedar Run classified for the following uses: CWF and HQ-CWF. The first downstream potable water supply intake from the point of discharge is Highland Sewer and Water Authority—Beaverdam Run Reservoir Public Water Supply. Application received January 24, 2005. Permit issued March 15, 2005.

56950101 and NPDES Permit No. PA0213012. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, permit renewal for continued operation and restoration of a bituminous surface-auger mine in Brothersvalley Township, Somerset County, affecting 82.2 acres. Receiving streams: Piney Run and UNT to Piney Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 14, 2005. Permit issued March 15, 2005.

56990102 and NPDES Permit No. PA0235105. Dupstadt Coal, 2835 Stutzman Road, Somerset, PA 15501, SMP transfer to Ritchie Trucking and Excavating, Inc., 19709 Winner View Terrace, Frostburg, MD in Elk Lick Township, Somerset County, affecting 87.8 acres. Receiving streams: Tub Mill Run, UNTs to Tub Mill Run, UNTs to Casselman River and Casselman River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 21, 2004. Permit issued March 15, 2005.

56990102 and NPDES Permit No. PA0235105. Ritchie Trucking & Excavating, Inc., 19709 Winner View Terrace, Frostburg, MD 21532, surface mining permit renewal in Elk Lick Township, Somerset County, affecting 87.8 acres. Receiving streams: Tub Mill Run, UNTs to Tub Mill Run, UNTs Casselman River and Casselman River classified for the following uses: CWF

and WWF. There are no potable water supply intakes within 10 miles downstream. Application received October 18, 2004. Permit issued March 15, 2005.

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

03830116 and NPDES Permit No. PA0599727. Walter L. Houser Coal Co., Inc. (13448 State Route 422, Suite 1, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Kittanning Township, Armstrong County, affecting 812.0 acres. Receiving streams: UNTs of Mill Run to Cowanshannock Creek to the Allegheny River. Application received: January 26, 2005. Renewal issued: March 14, 2005.

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

17030119 and NPDES Permit No. PA0243655. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine permit in Bloom Township, Clearfield County affecting 75.5 acres. Receiving streams: Little Anderson Creek to Anderson Creek. Application received: December 19, 2003. Permit issued: January 26, 2005.

17020114 and NPDES Permit No. PA0243361. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Commencement, operation and restoration of a bituminous surface mine-auger permit in Bradford Township, Clearfield County affecting 142.8 acres. Receiving streams: UNT "A" and UNT "B" to Sulphur Run to Millstone Run to the West Branch of the Susquehanna River. Application received: October 2, 2002. Permit issued: March 16, 2005.

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

54040202. Frederick Consulting, (50 Big Diamond Road, P. O. Box 524, Minersville, PA 17954), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Cass Township, Schuylkill County affecting 30.0 acres, receiving stream: none. Application received August 10, 2004. Permit issued March 14, 2005.

Noncoal Permits Actions

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

65930401 and NPDES Permit No. PA0200492. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425-9503). Transfer of permit formerly issued to Better Materials Corporation for continued operation and reclamation of a noncoal surface mining site located in Ligonier and Derry Townships, Westmoreland County, affecting 172.6 acres. Receiving streams: UNTs to Loyalhanna Creek and Loyalhanna Creek. Application received: November 29, 2004. Transfer issued: March 3, 2005.

26980601 and NPDES Permit No. PA0202193. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425-9503). Transfer of permit formerly issued to Better Materials Corporation for continued operation and reclamation of a noncoal surface mining site located in Bullskin Township, Fayette County, affecting 673.0 acres. Receiving streams: UNT to Breakneck Run, to Whites Run, to Mounts Creek, to

Youghiogheny River. Application received: November 29, 2004. Transfer issued: March 3, 2005.

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

58042802. Timothy Mark Smith (R. R. 3 Box 329-E, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Meylert Creek. Application received December 9, 2004. Permit issued March 15, 2005.

58042807. Timothy Mark Smith (R. R. 3 Box 329-E, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres. Receiving streams: Salt Lick Creek and Wellmans Creek. Application received December 9, 2004. Permit issued March 18, 2005.

ABANDONED MINE RECLAMATION

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

Bond Forfeiture	BF 40-02-008
Contract Awarded	
Location	Pinecreek Township Jefferson County
Description	Act 181, Bond Forfeiture Reclamation, R & L Coal Corporation
Contractor	Strishock Coal Company DuBois, PA 15801
Amount	\$9,950
Date of Award	March 14, 2005

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

04054001. John Gulisek Construction (P. O. Box 1236 Rt. 31W, Mt. Pleasant, PA 15666). Blasting for construction of sanitary sewer pump station, located in Big Beaver Borough, **Beaver County**, with an expected duration of one year. Permit issued: March 17, 2005.

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

14054004. Nittany Mountain Excavating (145 Huey Lane, Spring Mills, PA 16875), for construction blasting, located in Ferguson Township, **Centre County**, with an expected duration of 137 days. Permit issued: March 15, 2005.

14054005. Galen Dreibelbis (266 W. Clinton Avenue, State College, PA 16804), for construction blasting, located in Ferguson Township, **Centre County**, with an expected duration of 107 days. Permit issued: March 15, 2005.

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

28054009. JEMCO/J.E. McKeever, Inc. (3338-B Prices Distillery Road, Ijamsville, MD 21754), construction blasting at Stonemill Estates in Greencastle Borough and Antrim Township, **Franklin County** with an expiration date of April 30, 2005. Permit issued March 15, 2005.

15054105. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Witmer Property in Sadsbury Township, **Chester County** with an expiration date of December 30, 2005. Permit issued March 15, 2005.

21054113. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for a home in Dickinson Township, **Cumberland County** with an expiration date of March 31, 2006. Permit issued March 15, 2005.

34054101. Hall Explosives, Inc. (2981 Elizabethtown, Hershey, PA 17033), construction blasting for Vantage Hill Development in Mifflin Borough, **Juniata County** with an expiration date of March 30, 2006. Permit issued March 16, 2005.

21054114. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Acme Self Storage in West Pennsboro Township, **Cumberland County** with an expiration date of March 16, 2006. Permit issued March 18, 2005.

36054112. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a home in East Earl Township, **Lancaster County** with an expiration date of June 30, 2005. Permit issued March 18, 2005.

36054113. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Bethany Grace Fellowship in East Earl Township, **Lancaster County** with an expiration date of October 25, 2005. Permit issued March 18, 2005.

36054114. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for David King Manure Storage in Salisbury Township, **Lancaster County** with an expiration date of June 30, 2005. Permit issued March 18, 2005.

36054115. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Lynhaven Farm in East Earl Township, **Lancaster County** with an expiration date of December 30, 2005. Permit issued March 18, 2005.

39054102. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Cedar Hill Cemetery in Hanover Township, **Lehigh County** with an expiration date of April 30, 2006. Permit issued March 18, 2005.

45054109. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Greenwood Acres in Tobyhanna Township, **Monroe County** with an expiration date of April 30, 2006. Permit issued March 18, 2005.

52054102. ER Linde Construction Corp. (9 Collan Park, Honesdale, PA 18431), construction blasting for commercial development in Palyhra Township, **Pike County** with an expiration date of March 14, 2006. Permit issued March 18, 2005.

52054103. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Hemlock Farm in Blooming Grove, Dingman and Porter Townships, **Pike County** with an expiration date of April 30, 2006. Permit issued March 18, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-206. Penn's Landing Corp. 121 Columbus Boulevard, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain four docking facilities and to modify one existing docking facility associated with the proposed ShoreLink Shuttle Project, a water taxi serving tourists along the Delaware River Waterfront (WWF-MF) in the City and County of Philadelphia. The facilities will

involve floating docks attached to existing piers or bulkheads located in the following areas:

1. Landing Site No. 1, located at the southwest corner of Pier 27 North (a.k.a. Festival Pier). Work will involve the construction of a new floating dock and gangway (Philadelphia USGS Quadrangle, N: 15.08 inches, W: 1.75 inches).

2. Landing Site No. 2, located at the southwest corner of the Philadelphia Marine Center (DEP Permit No. E51-061T-1) in the vicinity of Pier 15 North, between Piers 12 North and 19 North. Work will involve minor modification of existing docking facilities (Philadelphia U.S.G.S. Quadrangle, N: 14.42 inches, W: 1.99 inches).

3. Landing Site No. 3, located along the Penn's Landing seawall at Chestnut Street and just north of the landing for the RiverLink Ferry. Work will involve the construction of a new floating dock, platform, and gangway. This landing is situated on a facility covered by DEP Permit No. E51-185 (Philadelphia USGS Quadrangle, N: 13.09 inches, W: 2.05 inches).

4. Landing Site No. 4, located within the Penn's Landing Marine Basin, adjacent to the Philadelphia Hyatt Regency Hotel. Work will involve the construction of a new floating dock and gangway. This landing is situated on a facility to be covered by DEP Permit No. E51-185 (Philadelphia U.S.G.S. Quadrangle, N: 12.56 inches, W: 2.28 inches).

5. Landing Site No. 5, located at the northwest corner of Pier 30 South, the site of the Dockside Apartments authorized by DEP Permit No. E51-183. Work will involve the construction of a new floating dock, platform, and gangway (Philadelphia U.S.G.S. Quadrangle, N: 11.66 inches, W: 2.41 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-965. Lower Perkiomen Valley Regional Sewer Authority, 5 River Road, Oaks, PA 19456-0613, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To modify and upgrade the existing Oaks Treatment Plant Facility situated at the confluence of the Perkiomen Creek (WWF-MF) and Schuylkill River. The two major water obstruction and encroachment impacts of the project are related to: (1) the expansion of the footprint of the existing wastewater treatment plant main building and (2) the raising of the grade of the entire site above the 100-year floodplain elevation. The work within the floodplain will involve the following activities:

1. Construction and maintenance of an additional 27,000 square feet of structure to the main wastewater treatment plant.

2. Construction and maintenance of a new maintenance building occupying approximately 28,000 square feet.

3. Removal of the existing Grid Chambers Building which occupies approximately 1,000 square feet.

4. Minor earthmoving activities involving the removal of approximately 62,000 square feet of pavement, raising the height of selected manholes, and removal of selected fence to accommodate the grading work.

5. The backfilling and grading of approximately 591,000 square feet to raise the existing grade above the 100-year floodplain.

6. To place and maintain fill in 0.045 acre of wetland (PFO)—a de minimus wetland impact.

This project will affect a total of approximately 592,000 square feet and deposit 115,000 cubic yards of fill within the 100-year floodplain. The project is one of several phases of the LPVRS paralleling project associated with the Oaks Sewage Treatment Facility upgrade which will increase sewage treatment capacity from 9.5 mgd to 14.5 mgd. This phase is located on the east side the floodplains at the confluence of the Perkiomen Creek and the Schuylkill River, at the southern end of Montgomery Avenue and approximately 1,485 feet west of the point where SR 0422 crosses the Perkiomen Creek in Upper Providence Township, Montgomery County (Valley Forge, PA, Quadrangle N: 21.85 inches; W: 11.80 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E09-872. Anchor Yacht Club, 1232 1/2 Pine Grove Street, Bristol, PA 19007, Bristol Borough, **Bucks County**, ACOE Philadelphia District.

To operate and maintain existing ramps, removable floating docks and shoreline stabilization along the Delaware River (WWF-MF). The site is located just east of the intersection of Pine Grove and Bristol Streets (Bristol, PA-NJ, Quadrangle N: 18.0 inches; W: 4.3 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E48-355. Jandy Partnership, P. O. Box 9, Bath, PA 18014. East Allen Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall structure consisting of 18-inch diameter HDPE pipe attached to a catch basin in the floodway of Monocacy Creek (HQ-CWF). The project is located on the west side of SR 0512 (Beth-Bath Pike), opposite the southern end of the Brown-Daub Automotive Dealership (Catasauqua, PA Quadrangle N: 16.1 inches; W: 2.8 inches). (Subbasin: 2C)

E40-641. Thomas and Kathleen Moses, 251 Bunker Hill Road, Wyoming, PA 18644. Kingston Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To excavate and to place fill, impacting approximately 0.20 acre of PEM wetlands adjacent to the left bank of a tributary to Toby Creek, for the purpose of constructing a private pond for recreation, fire protection and aesthetics. The permittee is required to provide for 0.20 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the west side of T-631 (Bunker Hill Road), approximately 0.4 mile northeast of the intersection of T-631 and SR 1029 (Kingston, PA Quadrangle N: 10.6 inches; W: 4.3 inches). (Subbasin: 5B)

E64-249. Roger Dirlam and Melvin Plucknett, R. R. 6, Box 6825, Honesdale, PA 18431-9655. Texas Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To maintain fill that was placed in approximately 0.39 acre of "other" PEM wetlands, within the drainage basin of the Lackawaxen River (HQ-CWF), for the purpose of

rough grading a site for future commercial development. The permittee is required to provide 1.25 acres of replacement wetlands. The project is located along the east side of SR 0191, approximately 0.5 mile south of the intersection of SR 0191 and T-478 (Honesdale, PA Quadrangle N: 8.2 inches; W: 0.1 inch). (Subbasin: 1B)

E40-642. Mericle Development Corporation, 100 Baltimore Drive, Wilkes-Barre, PA 18702-7939. West Hazleton Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain an enclosed bottle conveyor bridge, having an underclearance of approximately 38 feet, across Black Creek (CWF), to provide a connection between Graham Packaging Company, L. P., and Dial Corporation, located approximately 600 feet apart. The welded steel tube superstructure will be supported by reinforced concrete columns, one of which is to be situated within 50 feet of the channel. The project is located at 75 Jaycee Drive in the Valmont Industrial Park (Conyngam, PA Quadrangle N: 18.0 inches; W: 2.7 inches). (Subbasin: 5D)

E45-470. Nyles J. Possinger, 257 Rimrock Road, Stroudsburg, PA 18360. Hamilton Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.16 acre of Exceptional Value PFO wetlands and in the floodway of a tributary to Pocono Creek (HQ-CWF, wild trout) for the purpose of constructing a road to access a 43-acre property. The permittee is required to provide 0.16 acre of replacement wetlands. The project is located on the east side of SR 3023 (Rimrock Road), approximately 0.2 mile south of SR 0080 (Mount Pocono, PA Quadrangle N: 0.1 inches; W: 4.2 inches). (Subbasin: 1E)

E39-443. Randy and Amy Tacker, 418 West Washington Street, Slatington, PA 18080. Lynn Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an 18-foot wide driveway through 0.13 acre of "other" PFO wetlands within the Ontelaunee Creek (HQ-CWF) Watershed. The permittee is required to provide for 0.13 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the north side of Lentz Road approximately 0.9 mile west of Mosserville Road. (New Tripoli, PA Quadrangle N: 14.7 inches; W: 4.3 inches). (Subbasin: 1C)

E13-141. Carbon County Airport Authority, 2321 Mahoning Drive, East, Lehigh, PA 18235. 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:

1) To place fill in 1.27 acres of "other" PFO wetlands within the Mahoning Creek (CWF) Watershed.

2) To relocate and fill 3,450 feet of a tributary to Mahoning Creek with the construction and maintenance of 2,630 feet of trapezoidal channel.

3) To construct and maintain a 75-foot long stream enclosure extension consisting of twin 42-inch diameter pipes in a tributary to Mahoning Creek.

4) To construct and maintain a 24-inch diameter outfall structure with a rip-rap apron in the floodway of a tributary to Mahoning Creek.

5) To construct and maintain three 6-inch diameter outfall structures in the floodway of a tributary to Mahoning Creek.

6) To construct and maintain a 330-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 permittee is required to provide 1.47 acres of replacement wetlands.

The project is located on the south side of Route 902 approximately 3.4 miles west of its intersection Route 209 (Nesquehoning, PA Quadrangle N: 10.9 inches; W: 1.6 inches) in Mahoning Township, **Carbon County**. (Subbasin: 2B)

E52-198. Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Porter Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To modify and maintain an existing bridge (known as Bridge 19-0002) across Middle Branch (HQ-CWF), with work consisting of replacing the superstructure utilizing concrete spread box beams on the existing stone masonry abutments, repairing/repainting the abutments and wingwalls, and placing rock protection along the abutments. The bridge has a clear span of approximately 21.8 feet and an underclearance of approximately 5.2 feet. The project is located along Hay Road, in Forest District 19, Delaware State Forest (Twelvemile Pond, PA Quadrangle N: 19.6 inches; W: 14.9 inches). (Subbasin: 1C)

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

E17-403. Karthaus Township, HC Box 6, 367 Market Street, Karthaus, PA 16845. T-748 Bridge Replacement, Karthaus Township, **Clearfield County**, ACOE Baltimore District (Karthaus, PA Quadrangle N: 21.6 inches; W: 15.2 inches).

To remove an existing bridge superstructure and to construct, operate and maintain a single span concrete box beam bridge to carry T-748 (Oak Hill Road) across Mosquito Creek. The bridge across Mosquito Creek shall be constructed with a minimum span of 82 feet, width of 43.5 feet and an underclearance of 16 feet. All construction and future repair work shall be completed during stream low flow. All in-stream structures shall be constructed in dry work conditions by dams and pumping or fluming stream flow around work areas. The bridge is located along the northern right-of-way of SR 0879 approximately 60 feet west of T-748 and SR 0879 intersection. The 828 square feet of wetland impacts are deemed de minus, as such the applicant will not be required to mitigate the impacts with replacement wetlands.

E18-383. Renovo Borough, 128 Fifth Street, Renovo, PA 17764. Water Line Relocation, in Renovo Borough, **Centre County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 14.75 inches; W: 14.81 inches).

To: 1) construct and temporarily maintain two cofferdams to create a dry stream bed work area from both sides of the creek independently; and 2) relocate and concrete encase an 8-inch diameter public water line 100 feet upstream from its current location next to a SR 120 bridge, due to the proposed replacement of the bridge (E18-382). This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-384. Western Clinton County Municipal Authority, P. O. Box 363, Renovo, PA 17764. State Route

0120, Section A01 Sanitary Sewer Line Relocation in Renovo Borough, **Clinton County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 14.59 inches; W: 14.15 inches).

To: 1) construct and temporarily maintain two cofferdams to create a dry stream bed work area from both sides of the creek independently; and 2) relocate and concrete encase an 8-inch diameter public sewer line 100 feet upstream from its current location next to a SR 120 bridge, due to the proposed replacement of the bridge (E18-382). This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-385. Clinton County Commissioners, 232 East Main Street, Lock Haven, PA 17754. Clinton County Conservation District Dry Hydrants Nos. 1-7, in Logan Township/Greene Township/Lamar Township/Loganton Borough, **Clinton County**, ACOE Baltimore District (Loganton/Millheim/Mill Hall, PA Quadrangles).

To construct and maintain seven dry hydrants within the Fishing Creek Watershed for the purpose of fire protection at the following locations: No. 1—Tylersville Hatchery, No. 2—Sugar Value Lions Club Ballfield, No. 3—Daniel C. Schrack property, No. 4—Richard Herman property, No. 5—Richard Thompson property, No. 6—Jay and Nichole Bechdel property, No. 7—Doris J. Lamey property. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E10-400. Butler County, P. O. Box 1208, Butler, PA 16003-1208. Dreshel Road Bridge Replacement, in Lancaster Township, **Butler County**, ACOE Pittsburgh District (Portersville, PA Quadrangle N: 0.7 inch; W: 0.3 inch).

To remove the existing concrete slab bridge having a clear span of 29 feet and 5 inches, an inside curb to curb width of 14 feet and an average underclearance of 14.33 feet and to construct and maintain a concrete slab bridge having a clear span of 33 feet, an inside curb to curb width of 24 feet and an average underclearance of 14.33 feet at a point carrying Pfeifer Road (T-338) over Little Yellow Creek (CWF) approximately 200 feet southwest of the intersection of Pfeifer and Schmitt Roads.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA32-09-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project in Brush Valley Township, **Indiana County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes 292 linear feet of dangerous highwall. The project will include the backfilling of 0.13 acre of PEM wetlands. Additionally, 0.36 acre of mine drainage contaminated PEM wetlands, which meet criteria published in the *Pennsylvania Bulletin* in December, 1996, and, therefore, do not require mitigation, will be backfilled. A minimum of 0.31 acre of existing PEM wetland that is mine drainage contaminated will be restored to provide good quality wetlands as mitigation for impacts to the noncontaminated wetlands. The project will directly impact 0.49 acre of wetland, of which 0.36

acre is mine drainage contaminated and 0.13 acre are noncontaminated. A minimum of 0.31 acre of mine drainage contaminated wetland will be restored to good water quality wetland to compensate for noncontaminated wetland impacts. (New Florence Quadrangle N: 21.9 inches, W: 16.7 inches)

SPECIAL NOTICES

Request for Bond Release

Southcentral Region: Waste Management Program, 909 Elmerton Ave., Harrisburg, PA 17110; Contact: Regional Solid Waste Manager, (717) 705-4706.

Identification No. PAD002387835. Brush Wellman, Inc., Shoemakersville Road, Shoemakersville, PA 19555, **Berks County.** On February 24, 2005, the Department of Environmental Protection (Department) received a request from Brush Wellman, Inc. for the release of its bond following the closure of its hazardous waste surface impoundment. The Department is reviewing the request and will render a decision on whether or not to release the bond. The Department's decision will subsequently be published in the *Pennsylvania Bulletin*.

The Department is providing this notice of request for bond release under 25 Pa. Code § 265a.167. Questions concerning this notice should be directed to the Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.

[Pa.B. Doc. No. 05-607. Filed for public inspection April 1, 2005, 9:00 a.m.]

Oil and Gas Technical Advisory Board Meeting Cancellation

The April 14, 2005, meeting of the Oil and Gas Technical Advisory Board has been cancelled. This meeting will be rescheduled to a future date. Notice will be given when a new date is established.

Questions concerning the meetings should be directed to David Hogeman (717) 772-2199, dhogeman@state.pa.us. Information on these meetings is also 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 in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact David Hogeman at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5384 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-608. Filed for public inspection April 1, 2005, 9:00 a.m.]

Radiation Protection Advisory Committee Meeting Cancellation

The April 6, 2005, meeting of the Radiation Protection Advisory Committee (Committee) has been cancelled. The Committee's next scheduled meeting will be held on July

27, 2005, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the July 27, 2005, meeting should be directed to Ray Urciuolo, (717) 783-9730, lurciuolo@state.pa.us. The agenda and meeting materials for the July 27, 2005, 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 July 27, 2005, meeting should contact Donielle Skelton at (717) 787-3720 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. 05-609. Filed for public inspection April 1, 2005, 9:00 a.m.]

Submission Date for Recycling Program Development and Implementation Grants under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection (Department) announces the availability of applications to municipalities for recycling program grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation).

Applicants must be in compliance with the act and the implementing regulations, the Department's Guidelines for Proper Management of Recyclable Materials and any previous grant contract provisions to be eligible to receive grant funding. County applicants should be in compliance with planning and other county-related provisions of the act. Applicants who are not in compliance with the act's annual reporting requirements will not be considered in this grant application round.

Applicants will need to identify methods and strategies they will use to move their recycling programs toward becoming more financially self-sufficient. The Department's draft technical report on *Building Financially Sustainable Recycling Programs* can provide assistance in developing methods and strategies. The draft technical report can be found on the Department's website at www.dep.state.pa.us/dep/subject/advoun/solidwst/2005/jan13/RecyclingSustainabilityTechnicalReport.pdf.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P. S. §§ 11071.101—11701.501) are eligible for 100% of approved costs. An application requesting more than \$500,000 in grant funding will not be accepted. Because funding for educational efforts will be limited, applicants should, when practicable, allocate these costs toward their required match.

Applicants requesting support for, or including elements of, the following will receive additional consideration:

1. Recycling projects involving multiple municipalities for the purpose of minimizing costs.
2. "Hybrid" powered vehicles utilized for the curbside collection of recyclables from residences.
3. Projects in which a previously uncollected recyclable material is added to the collection program thereby stimulating and expanding local markets.
4. Programs operating in municipalities covered by land use plans and ordinances (as outlined under Acts 67 and 68 of 2000) or projects that are in compliance with their municipality's land use plan.
5. Programs where residents within the affected community are charged for waste collection based on the amount of waste they generate or are limited in the amount of waste (in terms of the number of bags or containers) they may place at the curb in a given period.
6. Development and implementation of a food waste collection and composting program.
7. Development and implementation of a program to ensure compliance with the community's recycling ordinance or regulations, or both.
8. Development and implementation of a recycling program where recycling opportunities were not previously available.
9. Development and implementation of a recycling program for commercial, institutional and municipal establishments.
10. Development and implementation of a recycling program for community events.

Projects eligible for grant funding are those which divert the following recyclable materials from municipal solid waste: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, plastics, source separated food scraps and leaf and yard wastes.

Eligible recycling program development costs include: recycling program design costs, recycling market investigations, development of recycling market commitments, development of recycling program ordinances, development of recycling public education programs and development of contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchase or lease of vehicles used to collect recyclables, transport of recyclables to processing facilities or markets, including vehicles used in the operation of a materials recovery facility; purchase of reusable containers for the collection or storage of recyclable materials; acquisition or renovation, or both, of buildings for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 271.103(b) (relating to permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements); and the costs associated with educating the public on recycling program requirements. Under this grant solicitation, promotional items, glass crushing equipment and vehicles equipped

with compaction units (except for the sole collection of yard waste or paper fiber, or both) will not be considered eligible for funding. Other eligible and noneligible costs are listed in the grant application packet. Composting projects and programs will be considered to be recycling projects or programs accordingly.

A municipality must retain sole ownership of equipment or facilities funded by the grant. Funding for equipment or facilities purchased for the recycling program that is used for recycling and other purposes will be prorated according to its recycling use. Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and when the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program details. Applications will be returned to municipalities that fail to schedule a preapplication conference. Grant application forms are available from the Department's regional offices and the Department's website, www.dep.state.pa.us (DEP Keyword Recycling Grants).

Grant applications must be received or postmarked by June 17, 2005. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the Department's Central Office (Rachel Carson State Office Building, Harrisburg) and one copy submitted to the appropriate county recycling coordinator. Grant awards will be predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Inquiries concerning this notice should be directed to Todd Pejack, Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, tpejack@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

Regional Planning and Recycling Coordinators

Southeast Region

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Waste Management Program
2 East Main Street
Norristown, PA 19401
(484) 250-5900
(610) 832-6143 fax
Calvin Ligons, cligons@state.pa.us
Ann Ryan, aryan@state.pa.us
MaryAlice Reisse, mreisse@state.pa.us

Northeast Region

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

Waste Management Program
2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2516
(570) 826-5448 fax
Chris Fritz, cfritz@state.pa.us

Southcentral Region

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

Waste Management Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
(717) 705-4706
(717) 705-4930 fax
Mark Vottero, mvottero@state.pa.us

Northcentral Region

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

Waste Management Program
208 W. 3rd Street, Suite 101
Williamsport, PA 17701
(570) 327-3727
(570) 327-3420 fax
Patrick Brennan, pbrennan@state.pa.us

Southwest Region

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

Waste Management Program
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000
(412) 442-4194 fax
Sharon Svitek, ssvitek@state.pa.us
Bob Emmert, remmert@state.pa.us
Stephen Sales, ssales@state.pa.us

Northwest Region

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

Pollution Prevention and Compliance Assistance
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6848
(814) 332-6117 fax
Guy McUmbert, gmumber@state.pa.us

[Pa.B. Doc. No. 05-610. Filed for public inspection April 1, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Apple Hill Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Apple Hill Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-611. Filed for public inspection April 1, 2005, 9:00 a.m.]

Application of Heritage Valley Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing

impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-612. Filed for public inspection April 1, 2005, 9:00 a.m.]

Application of Leader Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Leader Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-613. Filed for public inspection April 1, 2005, 9:00 a.m.]

Application of Southwestern Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwestern Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-614. Filed for public inspection April 1, 2005, 9:00 a.m.]

Application of University of Pennsylvania Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that University of Pennsylvania Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: Table 7.5, 7.3.A3, 7.3.A4 and 7.3.A8.

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, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-615. Filed for public inspection April 1, 2005, 9:00 a.m.]

Application of UPMC Passavant Cranberry for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-616. Filed for public inspection April 1, 2005, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, April 22, 2005, from 10 a.m. to 3 p.m. in Room 327, Health and Welfare Building, Commonwealth Avenue and 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 Elaine E. Gibble, Program Administrator, Chronic Renal Disease Program, Division of Child and Adult Health Services, (717) 772-5138, 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. 05-617. Filed for public inspection April 1, 2005, 9:00 a.m.]

Patient Safety Trust Fund Surcharge for Fiscal Year 2004-2005 under the Medical Care Accountability and Reduction of Error (MCARE) Act

[Correction]

An error occurred in the document which appeared at 35 Pa.B. 1834, 1835 (March 19, 2005). The per unit assessment in paragraph 7 was reflected inaccurately. The correct version of the document is as follows:

On March 20, 2002, the Medical Care Accountability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910) was signed into law. Among other provisions, the act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and

improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the act states that beginning July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues to operate the Authority. Section 305(c) of the act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 may not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt.

Section 305(d) of the act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year. With the cooperation of the hospitals, birthing centers and ambulatory surgery facilities (ASFs) in this Commonwealth, the surcharge for FY 2002-2003 and FY 2003-2004 was implemented, and provided resources for the implementation of the Internet-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

The Authority has recommended that the FY 2004-2005 surcharge assessment total \$2.5 million, approximately 1/2 of the amount that may be assessed under the act.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2004-2005. The act states that the surcharge shall be collected from medical facilities, which are defined as ASFs, birth centers and hospitals licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1087).

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs and birth centers, the Department has chosen the number of operating and procedure rooms; for hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department of Health (general and special acute care hospitals) or the Department of Public Welfare (privately-owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment. The Department has chosen January 1, 2004.

The amount of operating/procedure rooms (for ASFs and birth centers) and the amount of licensed beds (for hospitals) was totaled and that amount was divided into \$2.5 million to arrive at a charge per unit. The total number of units (operating rooms, procedure rooms and licensed beds) is 45,219. Dividing this number into \$2.5 million results in a per unit assessment of approximately \$55.29. To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@health.state.pa.us and request the FY 2004-05 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due by May 15, 2005. The act authorizes

the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Sandra Knoble, Director, Department of Health, Division of Acute and Ambulatory Care, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-512. Filed for public inspection March 18, 2005, 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 § 205.6(a) (relating to function of building):

Sugar Creek Station Skilled Nursing &
Rehabilitation Complex
351 Causeway Drive
Franklin, PA 16323

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously, 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. 05-618. Filed for public inspection April 1, 2005, 9:00 a.m.]

Requests for Exception to 28 Pa. Code § 551.21(d) to Perform Ambulatory Surgical Procedures included on the List of Medicare Approved ASC Procedures

The following ambulatory surgical facilities are seeking an exception to 28 Pa. Code § 551.21(d) (relating to

criteria for ambulatory surgery) to perform ambulatory surgical procedures included on the List of Medicare Approved ASC Procedures:

Heritage Valley Surgery Center
Southwestern Ambulatory Surgery Center
Wyomissing Surgical Services
Health South Scranton Surgery & Laser Center

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 Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the division at the previously listed address or phone 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. 05-619. Filed for public inspection April 1, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Potter County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation plans to update a deteriorated section of SR 0049 between the Village of Mills and the Village of Harrison Valley in Harrison Township, Potter County. The subject project will include drainage improvements, shoulder improvements, new guide rail and roadway resurfacing. It will require the acquisition of a small amount of right-of-way from the C. A. Swetland Homestead property, which has been determined to be eligible for listing on the National Register of Historic Places.

Information describing the project, together with the associated environmental analysis, is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project.

Based upon studies, there is no prudent and feasible alternative to the taking of right-of-way from the C. A. Swetland Homestead property, which is eligible for listing on the National Register of Historic Places.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

GARY L. HOFFMAN, P. E.,
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 05-620. Filed for public inspection April 1, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Kass Insurance under Act 143; Penn National Insurance; Doc. No. AT05-03-008

A prereview telephone conference initiated by this office is scheduled for April 13, 2005. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 7, 2005. A review shall occur on April 27, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before April 6, 2005, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 29, 2005, 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 April 5, 2005.

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 Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-621. Filed for public inspection April 1, 2005, 9:00 a.m.]

Allstate Property and Casualty Insurance Company; Private Passenger Automobile Rate and Rule Revisions; Rate Filing

On March 18, 2005, the Insurance Department (Department) received from Allstate Property and Casualty Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 5.3% increase amounting to \$8.279 million annually, to be effective August 15, 2005.

Unless formal administrative action is taken prior to May 17, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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 P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-622. Filed for public inspection April 1, 2005, 9:00 a.m.]

Altoona Hospital; Prehearing

Appeal of Altoona Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-03-003

A prehearing telephone conference initiated by this office is scheduled for April 20, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 14, 2005. A hearing shall occur on April 28, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before April 6, 2005, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 29, 2005, 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 April 5, 2005.

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 Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-623. Filed for public inspection April 1, 2005, 9:00 a.m.]

Department of Transportation; Hearing

Appeal of the Department of Transportation under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 98-165(F); Doc. No. UT05-02-021

The proceedings in this matter will be governed by 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) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on April 12, 2005. A hearing shall occur on April 26, 2005, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before April 1, 2005. Answers to petitions to intervene, if any, shall be filed on or before April 8, 2005.

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 Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-624. Filed for public inspection April 1, 2005, 9:00 a.m.]

Farmer's Service Station; Hearing

Appeal of Farmer's Service Station under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-110(M); Doc. No. UT04-12-018

The proceedings in this matter will be governed by 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) and any other relevant procedure provisions of law.

A hearing shall occur on April 19, 2005, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. On or before April 12, 2005, each party shall file with the Administrative Hearings Office and serve on the opposing party a prehearing statement.

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 Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-625. Filed for public inspection April 1, 2005, 9:00 a.m.]

Highmark, Inc.; Removal of Risk and Contingency Factors; Rate Filing

On March 18, 2005, Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield d/b/a Highmark Blue Shield submitted a filing to remove the risk and contingency factors as well as the investment income credit and the Federal income tax charge from its filed rates.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-626. Filed for public inspection April 1, 2005, 9:00 a.m.]

Keystone Health Plan Central; Prehearing

Appeal of Keystone Health Plan Central under 40 P. S. §§ 991.2101—991.2193; Jennifer M. Campbell; Doc. No. HC05-02-025

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 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) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on April 14, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 7, 2005.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 24, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before April 7, 2005.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-627. Filed for public inspection April 1, 2005, 9:00 a.m.]

Keystone Health Plan West; Removal of Risk and Contingency Factors; Rate Filing

On March 18, 2005, Keystone Health Plan West submitted a filing to remove the risk and contingency factors as well as the investment income credit and the Federal income tax charge from its filed rates.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-628. Filed for public inspection April 1, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of Act 68, 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 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 Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Selena Sawyer; file no. 05-210-00222; AAA Mid-Atlantic Insurance Company; doc. no. PH05-02-024; April 26, 2005, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated represen-

tatives. 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 Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-629. Filed for public inspection April 1, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Opinion and Order

Public Meeting held
March 23, 2005

Commissioners Present: Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

Petition for a Declaratory Order Regarding the Ownership of Alternative Energy Credits and any Environmental Attributes Associated with Non-Utility Generation Facilities under Contract to Pennsylvania Electric Company and Metropolitan Edison Company; Doc. No. P-00052149

Opinion and Order

By the Commission

On February 22, 2005 Pennsylvania Electric Company (Penelec) and Metropolitan Edison Company (Met Ed) (jointly, the Companies) filed a Petition for Declaratory Order pursuant to 66 Pa.C.S. § 331(f). The Companies request that the Commission issue an order approving the Petition in its entirety and determine that the Companies own alternative energy credits (AECs) and any other environmental attributes associated with any and all non-utility generation (NUG) facilities listed in the Petition. (Petition, ¶ 1) The Companies also request that the Commission enter an order authorizing notice of the pendency of this proceeding in the *Pennsylvania Bulletin* and via Secretarial Letter to all jurisdictional electric generation suppliers and electric distribution companies; and directing all electric distribution companies to advise all NUG owners/operators with whom they have NUG contracts that any transactions involving the AECs and/or environmental attributes of NUG facilities presently under contract are at the parties' risk and may be void or voidable depending upon the outcome of this proceeding. (Petition, ¶ 45)

The Companies seek a declaratory order from the PUC confirming that they are entitled to the ownership of all "alternative energy credits" as defined in the Alternative Energy Portfolio Standards Act (AEPS), Act 213 of 2004, and any environmental attributes associated with the NUG facilities from which they are currently purchasing electric energy and/or capacity pursuant to executed and fully effective long-term power purchase agreements (PPAs). The Companies contend that the order is necessary to protect the interests of their customers who pay through a competitive transition charge for the above market costs associated with NUG PPAs; and to resolve

an existing dispute with a NUG owner and operator regarding the ownership of these alternative energy credits and the environmental attributes of certain NUG facilities under contract to the Companies.

Met Ed asserts the "existing dispute" is between itself and the York County Solid Waste and Refuse Authority (York County), owner and operator of a 34.7 megawatt NUG facility located in Manchester Township, York County, Pennsylvania (York Facility). On November 25, 1986, Met Ed and York County entered into a 30 year PPA¹ under which Met Ed will purchase all of the electric energy and capacity from the York Facility. The Companies contend that the PPA did not directly address alternative energy credits or other environmental attributes of the York Facility. The PPA is scheduled to end in 2016. The York Facility is a qualifying facility under applicable FERC regulations.² By letter dated February 4, 2005 York County advised that, notwithstanding Met Ed's claim to any renewable energy credits or other environmental attributes associated with the Facility, York County "will proceed to arrange for a sale of those assets to another buyer." On February 10, 2005, Met Ed responded to York County by letter stating that any sale by York County of the renewable energy credits associated with the York Facility will be invalid and/or voidable; and that the rights to renewable energy credits from existing NUGs with whom Met Ed has PPA belong to Met Ed. Met Ed's letter further stated that any credits may not be legally transferred to a third party without Met Ed's consent. Met Ed's Petition contends that in order to prevent an unlawful transfer or other disposition of the alternative energy credits or other environmental attributes associated with the Facility or other similar facilities, immediate action from the Commission is necessary.

The Companies have served a copy of the Petition on York County, the statutory advocates, the Office of Trial Staff, Pennsylvania's electric distribution companies and several other parties they contend are or may be impacted by the Petition.

On March 11, 2005, York County filed a Motion For Admission Pro Hac Vice and Motion For Extension Of Time In Which To Answer. York County requested a 17 day extension to file its Answer. Counsel for the Companies, Office of Trial Staff, Office of Consumer Advocate, Office of Small Business Advocate, Citizens Electric Company of Lewisburg, Duquesne Light Company and West Penn Power Company have authorized counsel of York County to represent that they do not object to this request for the extension. (Motion, ¶¶ 8 & 9)

On March 16, 2005, the Commission issued a Secretarial Letter granting York County's Motion for Admission Pro Hac Vice and Motion for Extension of Time in Which to Answer. In that letter, the Commission granted an extension to file Answers, Petitions to Intervene and any other responsive pleadings on or before April 20, 2005.

Discussion

The Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 824a-3(a)–(j) (PURPA) requires, among other things, electric utilities, like Penelec and Met Ed, to purchase electric energy and capacity from those NUG facilities that were certified by the FERC as "qualifying facilities" under FERC regulations. Under PURPA, qualifying facilities are entitled to special pricing for the

electric energy and capacity required to be purchased by electric utilities, frequently referred to as "avoided cost."

Pursuant to Section 331(f) of Title 66 of *Pennsylvania Consolidated Statutes*,

The commission, with like effect as in the case of other orders, and in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty.

66 Pa.C.S. § 331(f). The Commission has the discretion to issue a Declaratory Order when there is a dispute on a legal issue or in order to terminate a controversy or remove uncertainty. Generally, if any factual disputes are raised by the parties or there is opposition to the petition, the Commission will refer the petition for declaratory order to the Office of Administrative Law Judge (OALJ) for hearing. See, *Petition of Pennsylvania Power & Light Company for a Declaratory Order with Regard to the Proposed Purchase of Coal from the Tunnelton Mining Company*, 1992 Pa. PUC Lexis 93 (August 28, 1992); *Petition of Columbia Gas of Pennsylvania, Inc. for Declaratory Order*, 1995 Pa. PUC Lexis 168, (Sept. 14, 1995).

The issue which is at the heart of the Petition, ownership of AECs and attributes, is of such importance to existing arrangements/agreements and to the implementation of AEPS that the Commission should develop a full record on the matter and afford all interested parties an opportunity to be heard. Furthermore, this issue is not unique to the Companies and may have significant implications as the Commission moves forward on its implementation of the AEPS legislation. Therefore, the matter shall be reassigned to the Office of Administrative Law Judge.

In the Petition, the Companies request that the Commission authorize notice of this proceeding via the *Pennsylvania Bulletin* and a Secretarial Letter to all jurisdictional electric generation suppliers and electric distribution companies. (Petition, ¶ 45) We will grant that request in part in accordance with the following discussion.

The Companies also request that the Commission, in the Secretarial Letter, direct all electric distribution companies to advise all NUG owners/operators with whom they have NUG contracts that any transactions involving the AECs and/or the environmental attributes of NUG facilities presently under contract are at the parties' risk and may be void or voidable depending upon the outcome of this proceeding. While the Commission understands the rationale behind the Companies' request, we decline to make the requested statement in this Order. Instead, we will simply caution all parties to these types of transactions that the Commission has not yet addressed the issues.

The Commission strongly encourages all interested parties to participate in this proceeding. We invite the parties to present all relevant issues as well as any related issues for all necessary factual and legal development before the OALJ. The Commission anticipates that this proceeding will establish important and binding precedent on the issue of ownership of AECs and attributes from NUG facilities.

At this time it is premature for the Commission to describe the nature of the proceeding before OALJ. The OALJ and the participating parties are to determine whether a single consolidated proceeding will best develop the issues or whether another format, for example, utility specific proceedings, are more appropriate.

¹ The original 1986 Met Ed-York County PPA has been amended twice, the first time on Nov. 25, 1986 and again on May 18, 1992.

² By a November 3, 1986 Order, the FERC granted York County's application to be certified as a qualifying facility at Docket No. QF 86-920-002.

The assigned Administrative Law Judge (ALJ) shall have the discretion to deny requests for utility specific proceedings and direct the parties into the consolidated proceeding if the ALJ deems it appropriate. Conversely, the ALJ shall also have the discretion to select and commence separate proceedings based on any filing, which did not specifically request a separate proceeding, as the ALJ deems appropriate.

Although the Companies state that they have served the statutory advocates, the Office of Trial Staff and all other parties that are or maybe impacted by this Petition, including all of the Non-Utility Generation owners currently under contract with the Companies, and the major electric distribution companies in Pennsylvania (Petition, ¶ 44), the Commission shall publish this Order and the Petition in the *Pennsylvania Bulletin* at the next available publication date after the entry of this Order. This will inform the public that any interested party may file Answers, Petitions to Intervene and any other responsive pleadings on or before April 20, 2005.

Therefore,

It Is Ordered That:

1. The matter shall be reassigned to the OALJ for appropriate proceedings and Recommended Decisions that address and resolve the relevant issues.

2. A copy of this order and the petition shall be published in the *Pennsylvania Bulletin* and provide that interested parties may file answers, petitions to intervene and any other responsive pleadings on or before April 20, 2005.

3. A copy of this order shall be served upon all persons listed in the Companies' Certificate of Service List and shall be published on our website.

4. Interested parties shall file answers, petitions to intervene and any other responsive pleadings at Docket No. P-00052149. Filings should be filed with James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

5. The assigned ALJ shall establish the appropriate schedule for the proceeding. Resolution of the issues presented in the consolidated proceeding shall be given priority over the issues presented in any individual proceeding.

6. The assigned ALJ shall have the discretion to modify the proceeding and its schedule consistent with the needs of the parties without causing undue delay or waste of resources.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-630. Filed for public inspection April 1, 2005, 9:00 a.m.]

Petition for Declaratory Order

Petition for a Declaratory Order Regarding the Ownership of Alternative Energy Credits and any Environmental Attributes Associated with Non-Utility Generation Facilities under Contract to Pennsylvania Electric Company and Metropolitan Edison Company; Doc. No. P-00052149

Petition for Declaratory Order

Pennsylvania Electric Company ("Penelec") and Metropolitan Edison Company (collectively, the "Companies")

request the entry of a declaratory order, pursuant to Section 331(f) of the Public Utility Code, 66 Pa.C.S. § 331(f), and 52 Pa. Code § 5.42 of the Pennsylvania Public Utility Commission's ("Commission") regulations, and in support thereof represent as follows:

I. Summary of Requested Relief

1. The Companies seek a declaratory order from this Commission confirming that they are entitled to the ownership of all "alternative energy credits" ("AECs"), as defined in the Alternative Energy Portfolio Standards Act, Act 213 of 2004 ("Portfolio Standards Act") and any environmental attributes¹ associated with the non-utility generation ("NUG") facilities from which they are currently purchasing electric energy and/or capacity pursuant to executed and fully effective long-term power purchase agreements ("PPAs"). Such an order is necessary to protect the interests of the Companies' customers who pay through a competitive transition charge for the above market costs associated with the NUG PPAs.

2. The Companies recognize that the Commission has embarked on the implementation of the Portfolio Standards Act in a generic proceeding presently pending at Docket No. M-00051865. Indeed, the Companies participated in the technical conference and have submitted two rounds of comments in that proceeding. Although this generic proceeding has touched on the issue of the ownership of the AECs and any environmental attributes associated with existing NUG projects, it is not likely to be resolved timely in that proceeding. This Petition has been filed to allow the Commission to resolve expeditiously an actual controversy that has emerged regarding the ownership of AECs and any environmental attributes associated with the NUG facilities.

3. The entry of a Commission order in this proceeding is necessary to resolve an existing dispute with a NUG owner and operator regarding the ownership of these alternative energy credits and the environmental attributes of certain NUG facilities under contract to the Companies. The entry of such an order will also serve to protect customers and resolve any uncertainty regarding the ownership of AECs and environmental attributes associated with other NUG facilities having PPAs with Met Ed, Penelec and other Pennsylvania electric distribution utilities. To minimize contractual controversies that may arise from NUG agreements entered into prior to the time the Commission acts on this Petition, the Companies also request that the Commission publicly state—in the form of a notice in the *Pennsylvania Bulletin* and a Secretarial letter to all jurisdictional electric distribution companies and electric generation suppliers—that any transactions entered into during the pendency of this Petition are at the risk of the contracting parties.

II. Introduction

4. Penelec is an electric public utility organized and existing under the laws of the Commonwealth of Pennsylvania that provides transmission, distribution and provider of last resort services to retail customers in the northwestern and north-central portions of Pennsylvania.

5. Met-Ed is an electric public utility organized and existing under the laws of the Commonwealth of Pennsylvania that provides transmission, distribution and provider of last resort services to retail customers in the southeastern and south central portions of Pennsylvania

¹ Environmental attributes are the environmental and social benefits associated with electricity that is generated from renewable energy sources. In other states, these attributes are represented by "green tags" or "renewable energy certificates" ("RECs").

6. The Companies are both subject to the jurisdiction of this Commission with respect to their rates, service and facilities.

7. The York County Solid Waste and Refuse Authority ("York County") is the owner and operator of a 34.7 megawatt NUG facility ("Facility") located in Manchester Township, York County, Pennsylvania. York County and Met-Ed entered into a thirty (30) year PPA² on November 25, 1986 ("York County PPA") pursuant to which Met-Ed is purchasing all of the electric energy and capacity from the Facility. The York County PPA does not directly address alternative energy credits or other environmental attributes of the Facility. The York County PPA is scheduled to terminate in 2016. The Facility is a "qualifying facility" (as described further below) under applicable regulations of the Federal Energy Regulatory Commission ("FERC").³ The York County PPA, as amended.

III. Background of Dispute

8. From the early 1980's through the early to mid 1990's the Companies actively acquired energy and capacity from NUG sources exclusively through long-term PPAs. Most of the Companies' current NUG PPAs have contract terms of ten (10) to thirty (30) years.

9. In 1978 Congress passed the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 824a-3(a)-(j) ("PURPA"), as part of a series of legislative enactments intended to address the oil embargo and related high oil prices the United States experienced in the early 1970's. PURPA, among other things, required electric utilities like the Companies to purchase electric energy and capacity from those NUG facilities that were certified by the Federal Energy Regulatory Commission ("FERC") as "qualifying facilities" ("QFs") under FERC regulations. Under PURPA, QFs are entitled to special pricing for the electric energy and capacity required to be purchased by electric utilities, often referred to as "avoided cost."⁴

10. As a result of the Companies' energy and capacity program of the early 1980's, they currently have 13 active NUG/QF projects in Pennsylvania totaling about 717 MW that may qualify as alternative energy facilities under the Portfolio Standards Act. A list of those current projects is Appendix B.

11. While the actual prices and terms of the Companies' various NUG contracts vary, all of them are based on a substantially similar model. In general, the NUG PPAs are full requirements contracts in which the Companies are required to purchase and the NUG operators are required to sell all of the electric output (i.e., energy and capacity) from their respective generating facilities. In some PPAs, like the York County PPA, the NUG operator is required to actually deliver a specified minimum amount of energy annually to a designated metering point in order to avoid being assessed liquidated damages. (York County PPA, Section D. 3(a)).

12. Pennsylvania Governor Edward Rendell signed the Portfolio Standards Act into law on November 30, 2004 as Act 213. The Act takes effect on February 28, 2005.

13. The Portfolio Standards Act requires, among other things, that a certain percentage of electric energy sold to retail customers in Pennsylvania by electric distribution companies and electric generation suppliers be derived from alternative energy sources. This includes, but is not

limited to, solar, wind, hydropower, geothermal, biomass, and demand side management resources. (Portfolio Standards Act, Section 2). The Act further requires that 18% of the electricity sold in Pennsylvania to retail customers be from renewable energy sources within 15 years. The Commission has the primary responsibility for implementing and enforcing the Portfolio Standards Act through, among other things, its establishment of (i) an alternative energy credits program, (ii) a registry of information regarding all available alternative energy credits, (iii) regulations governing the verification and tracking of energy efficiency and demand-side management measures, and (iv) a depreciation schedule for alternative energy credits created through demand-side management, energy efficiency and load management technologies.

14. After the enactment of the Portfolio Standards Act (but prior to its effective date), York County advised Met-Ed in a letter dated January 20, 2005 that it intended to sell the "renewable energy credits" created by the electric generation at its Facility during calendar year 2004. A copy of the January 20, 2005 York County letter is Appendix C.

15. Met-Ed responded to York County in a letter dated January 28, 2005 (a copy of which is attached hereto as Appendix D) and stated that, as the purchaser of the power under the York County PPA, Met-Ed "is the rightful owner of the renewable energy credits⁵ associated with the power."

16. In a letter dated February 4, 2005, York County advised that, notwithstanding Met-Ed's claim to any renewable energy credits or other environmental attributes associated with the Facility, York County "will proceed to arrange for a sale of those assets to another buyer." A copy of the February 4, 2005 York County letter is Appendix E.

17. On February 10, 2005, Met-Ed responded to York County's February 4 letter, a copy of which is Appendix F. In that letter Met-Ed advised that any sale by York County of the renewable energy credits associated with the Facility will be invalid and/or voidable. Met-Ed further advised that the rights to renewable energy credits from existing NUGs with whom Met Ed has a PPA belong to Met-Ed and that the credits may not be legally transferred to a third party without Met-Ed's consent.

18. Although York County has provided no specific timetable for when it proposes to sell any renewable energy credits or other environmental attributes associated with the Facility over Met-Ed's objection, such sale could be imminent. In order to prevent an unlawful transfer or other disposition of the AECs or other environmental attributes associated with this Facility or other similar facilities, the Companies believe that immediate action from this Commission is necessary. The Companies believe that such transfers are adverse to the interests of their customers.

19. Pennsylvania is not the first state to see the environmental and societal benefits of renewable resources for the production of electricity. Indeed, several states have enacted legislation establishing some form of system for developing, tracking and monitoring the environmental or "green" attributes of generating facilities

² The original 1986 Met-Ed-York County PPA was amended on November 25, 1986 and again on May 18, 1992.

³ The FERC granted York County's application to be certified as a qualifying facility at Docket No. QF 86-920-002 in an order dated November 3, 1986.

⁴ The Commission's regulations implementing PURPA are in 52 Pa. Code § 57.32 et seq.

⁵ The term "renewable energy credits" is not used in the Portfolio Standards Act. The term "alternative energy credits" is used instead. The Companies believe that in the context of their dispute with York County, it intends to sell the alternative energy credits as defined in the Portfolio Standards Act or any related environmental benefits.

fueled by renewable resources.⁶ Several regional or national organizations now issue what are known in the industry as tradable “green tags.” Green tags are also known as green certificates, renewable energy credits and tradable renewable certificates. In theory, these green tags represent the environmental and other non-power attributes associated with one megawatt hour (“MWH”) of electricity generated from a renewable resource.

20. Depending how a state actually addresses renewable energy and related environmental benefits, there could be real and significant value in any tradable instrument evidencing a green attribute. Hence, as Pennsylvania embarks on the implementation of the Portfolio Standards Act, there is likely to be uncertainty and controversy over who is entitled to own and trade these attributes.

21. Indeed, York County’s present claim to the AECs and/or environmental attributes of the Facility over Met-Ed’s objection squarely places this issue before the Commission.

IV. Legal Basis and Need for Issuing a Declaratory Order

22. Section 5.42 of this Commission’s regulations, 52 Pa. Code § 5.42, permits this Commission to issue a declaratory order ruling to “terminate a controversy or remove uncertainty.”

23. A declaratory order from this Commission is necessary to, among other things, resolve the immediate controversy between York County and Met-Ed and, on broader level, to address for all electric distribution companies and NUG owners the question of who is entitled to the ownership of the AECs under the Portfolio Standards Act and any related environmental attributes under existing long-term NUG PPAs. The Commission’s action to resolve this issue will ensure that the interests of customers are considered prior to the occurrence of transactions potentially detrimental to the Companies and their customers.

24. There is no question that this Commission has the authority to address the issues raised by this Petition. In *American Ref-Fuel Company et al.*, FERC Docket No. EL03-133-000, 105 FERC ¶ 61,004 (October 1, 2003) (“*American Ref-Fuel*”), the FERC conclusively determined that renewable energy certificates (“RECs”) “are created by the States” and, therefore, “exist outside the confines of PURPA” (*American Ref-Fuel*, at ¶ 23). Thus, the states like Pennsylvania “have the power to determine who owns the REC in the initial instance and how they may be sold or traded” because “it is not an issued controlled by PURPA” (*ibid.*). FERC went on in *American Ref-Fuel* to acknowledge that the states could treat RECs differently; clearly suggesting that uniformity across the states is not required.

25. The Portfolio Standards Act confirms the Commission’s authority—indeed responsibility—to decide the merits of this Petition. Section 3(e) of the Act requires the Commission, among other things, to establish an alternative energy credits program. This duty includes the power to create and administer an alternative energy credits certification, tracking and reporting program which should include, at a minimum, a process for qualifying alternative energy systems and determining the manner such credits can be created, accounted for, transferred and retired. (Section 3(e)(2)(i)). Clearly, determining the ownership of AECs and related environmental attributes

associated with purchases under long term NUG PPAs clearly is within the Commission’s broad statutory responsibilities under the Portfolio Standards Act.

V. Met-Ed is the Rightful Owner of the Alternative Energy Credits and related Environmental Attributes of the York County Facility.

26. On the merits of this Petition, the Companies believe they are the rightful owners of the AECs and any related environmental attributes associated with the York County Facility and all NUG facilities under contract to them. This conclusion is based upon an analysis of the recently enacted Portfolio Standards Act as well as broad policy considerations underlying the NUG PPAs themselves. Under the Portfolio Standards Act, an “alternative energy credit” is “a tradable instrument that is used to establish, verify and monitor compliance with this act. A unit of credit shall equal one megawatt hour of electricity from an alternative energy source.” (Section 2).

27. It is clear that under the Portfolio Standards Act the Pennsylvania General Assembly intended to create specific renewable portfolio standards for electric distribution companies and electric generation suppliers over the next fifteen (15) years. However, it is not clear whether that law expressly creates a green or environmental attributes program in the classic sense described above—one in which the environmental or green attributes of a generating resource are expressly separated from the physical electric energy itself. Indeed, by linking the AEC to actual electric energy produced by the renewable energy resource, the definition of “alternative energy credit” in Section 2 of the Portfolio Standards Act suggests that no actual separation between environmental attributes and physical energy was intended. Thus, the purchaser of the energy from a renewable source would also own the environmental attribute associated with that energy.

28. If no separation of the environmental attributes from the physical energy was actually intended in the Portfolio Standards Act, the Companies are entitled to the AECs, which include both the electric energy and any environmental attributes. For the NUG PPAs described in Appendix B, the Companies are purchasing on a full requirements basis all of the electric energy and capacity associated with these plants. Based upon the clear statutory definition, the AEC for each megawatt hour of electricity purchased from these NUG plants under existing long-term PPA’s must belong to the Companies. Essentially, with no separation of the attributes from the physical energy, the General Assembly intended that the Companies, as the purchasers of the energy, also own any environmental attributes.

29. On the other hand, if the Commission believes that Section 3(e) of the Portfolio Standards Act, expressly or impliedly, establishes an environmental or green attribute separate from the physical energy, the Companies request that the Commission confirm in this proceeding that they are the owners of all right, title and interest in and to said attributes associated with existing NUG PPAs.

30. The Companies believe that fairness and equity dictate that their customers, who are paying the full cost of the power purchases under the NUG PPAs, receive the benefit of any environmental or green attributes associated with the subject facilities. Indeed, Met-Ed and Penelec were required to enter into these PPAs primarily because the environmental characteristics of these facilities enabled them to qualify as QFs under PURPA and empowered the NUGs to invoke the mandatory purchase obligations of PURPA.

⁶ Nineteen states have enacted renewable portfolio standards. *Public Utilities Fortnightly*, page 10 (February 2005).

31. For each of the NUG contracts listed in Appendix B of this Petition, Met-Ed and Penelec sought and obtained specific approval from this Commission to recover from customers all of the costs they are paying under these agreements. The right to collect all stranded costs associated with these NUG projects was reaffirmed and preserved in the settlement of the Companies' restructuring proceedings.

32. Moreover, the pricing provisions of these NUG PPAs provided the owners and developers sufficient revenue to finance the construction and operation of these facilities and to earn a return on their investment. In fact, the pricing of these NUG PPAs has been and continues to be generally in excess of comparable market pricing. These NUG projects resulted in \$516.7 million (net present value) of stranded costs to Met-Ed and \$918.4 (net present value) million of stranded costs to Penelec during the Companies' restructuring proceedings.

33. To the extent the Commission believes that the Portfolio Standards Act was intended to create new value in environmental attributes separate from the physical energy, it would be unfair to deprive the Companies' customers the ability to receive the benefits of these attributes, particularly since customers are ultimately the ones paying the above-market costs of these various NUG projects.

34. While there is no specific reference to environmental attributes in any of the Companies' NUG PPAs, which is understandable given that such term was not part of industry parlance at the time that these contracts were entered into, the Companies nevertheless believe that the structure of the purchase and sale obligations under these agreements necessarily includes the disposition of all the attributes attendant to that electrical energy or output, including the environmental benefits. In essence, these NUG PPAs represent bundled transactions for the electrical output of the NUGs, including all environmental benefits.

35. In fact, PURPA, among other things, encouraged the development of small power production as a means of energy conservation and efficiency by requiring electric utilities to purchase from such facilities at their avoided costs, and accorded preferred status to these facilities precisely because of their environmental attributes.

36. There is no public policy reason why a NUG should receive compensation for the environmental attribute of a QF in addition to the full avoided cost rates already being paid by the Companies and ultimately recovered from customers, especially when those rates are substantially above market prices. Indeed, FERC precedent holds that QFs should not be compensated for their "social value." Prop-Reg-Preamble, FERC SR 1988-1998 ¶ 32,457 at 32,163, *Administrative Determination of Full Avoided Costs, Sales of Power to Qualifying Facilities, and Interconnection Facilities*, March 16, 1988, 53 FR 31822 ("it should be emphasized that the avoided costs standard dictates that QFs be paid consistent with, not their social value, but cost of displaced sources of power to utilities").

37. Thus, a NUG should not be eligible for any additional payments in the form of value for environmental attributes since the public has already paid for this "social" benefit by financing the development and operation of this NUG through the avoided cost payments. Such additional payments would constitute an unjust windfall for these facilities to the detriment of customers. The entitlement to a long term contract, the entitlement to full avoided cost pricing, and the exemption from

certain regulatory controls that exist under PURPA were and still are substantial benefits that Congress has conferred upon QFs such as York County. Through PURPA, customers have paid for the environmental attributes that qualified these projects for special benefits, in addition to paying for the energy and capacity from those projects at above market rates. QFs such as York County should not be permitted to seek further preferential treatment and what would amount to an additional financial windfall by asserting ownership of the AECs or any other environmental attributes.

38. The Companies are not requesting that the Commission determine the rights to AECs and environmental attributes for future NUG contracts or alternative energy facilities that may be built as a result of the Portfolio Standards Act. Presumably the parties negotiating those contracts will determine their respective rights as part of their negotiations.

39. Nevertheless, three jurisdictions that have already considered the question of the ownership of environmental attributes from NUG's have found that the purchasing electric utility is entitled to those environmental benefits. To the Companies' knowledge, no jurisdiction has found otherwise.

40. In *Investigation of GIS Certificates Associated with Qualification Facility Agreements*, Docket No. 2002-506 (September 6, 2002), the Maine Public Utility Commission held that renewable certificates and environmental benefits associated with QF facilities in that state inured to the benefit of the purchasing utilities. That commission was also concerned about unfairly enriching QF owners at the expense of ratepayers and frustrating the expectations of the Maine Legislature in enacting the portfolio standards in that state:

"The failure to transfer the certificates to utilities could also, in our current view, unfairly enrich the QFs at the expense of ratepayers and frustrate the reasonable expectations of Legislature in enacting the portfolio requirement. The QFs have received what turned out to be above-market prices by virtue of their status as either a renewable or cogeneration resource. Any attempt by a QF to sell certificates to entities other than the utility with which it has a PPA would provide extra benefit to the QF by lowering value of the utilities' entitlements. Because the proceeds from the entitlement sales are used to offset stranded cost, a lower value for the entitlements translates into higher stranded costs for rate payers. It is reasonable to expect that the Legislature, by including QF power eligible to satisfy the portfolio requirement, intended that any resulting increase in value would benefit rate payers through greater offset to stranded costs."

Maine Order 4-5.

41. Similarly, the Department of Public Utility Control in Connecticut has held that environmental attributes (in the form of Generation Information System Certificates) belong to the purchaser of output from a co-generation facility. *Application of Minnesota Methane, LLC Regarding the Sale of Electricity Generated at the Hartford Landfill to the Connecticut Light and Power Company*, Docket No. 96-07-21RE01 (March 19, 2004).

42. On January 12, 2005, the State of New Jersey Board of Public Utilities ("BPU") concluded that, for existing NUG contracts, the renewable energy credits in that state belong to the purchaser of the energy. The oral motion approved by the New Jersey BPU stated:

And so the motion for your consideration would be for us to draft an order indicating that the Board made a determination that for these existing NUG contracts, it's not for new contracts and it's only for these finite number of contracts that were entered into ten or fifteen years ago, that the ownership of the RECs [renewable energy certificates] would belong to the purchaser.

Transcript of January 12, 2005 Meeting, page 4 (Docket No. E)-04080879).

The Companies urge the Commission to resolve the merits of this Petition consistent with the orders adopted in Connecticut, Maine and New Jersey.

VI. Conclusion

43. The Companies request that this Commission review and approve this Petition expeditiously. Doing so will resolve the pending dispute between Met-Ed and York County, but also the broader issues impacting all NUGs under contract with the Companies. Granting this Petition is necessary to protect customers from bearing the burden of paying for AECs from such NUGs, while still being required to compensate NUGs at above market prices. It is essential that this Commission review and grant this Petition as soon as possible since it is unclear when York County or any other NUG owner under contract with the Companies will attempt to sell the AECs and/or alleged environmental attributes of their NUG facilities in violation of Pennsylvania law and in derogation of the Companies' ownership rights.

44. In order to facilitate the most expeditious review and approval possible, and consistent with 52 Pa. Code § 5.42, the Companies are serving this petition upon the Office of Consumer Advocate, Office of Trial Staff, Office of Small Business Advocate and all other parties that are or may be impacted by this Petition, including all of the NUG owners/operators currently under contract with the Companies and the major electric distribution companies in Pennsylvania.

45. The Companies also request that the Commission immediately enter an order (i) authorizing notice of the pendency of this proceeding in the *Pennsylvania Bulletin* and via a Secretarial Letter to all jurisdictional electric generation suppliers and electric distribution companies and (ii) directing all electric distribution companies to advise all NUG owners/operators with whom they have NUG contracts that any transactions involving the AECs and/or the environmental attributes of NUG facilities presently under contract are at the parties' risk and may be void or voidable depending upon the outcome of this proceeding.

46. In order to relieve all uncertainty about the Companies' rights, they specifically request that this Commission enter a declaratory order:

- approving this Petition in its entirety; and
- declaring that the Companies own the alternative energy credits (as defined in the Portfolio Standards Act) and any other environmental attributes associated with any and all NUG facilities listed on Appendix B of this Petition.

Wherefore, Metropolitan Edison Company and Pennsylvania Electric Company request that this Commission issue a declaratory order as specified in this Petition and grant such other relief as is just and reasonable under the circumstances.

Respectfully submitted,

Alan Michael Seltzer
Matthew A. Totino

Ryan, Russell, Ogden & Seltzer LLP
1105 Berkshire Boulevard
Suite 330
Wyomissing, Pennsylvania 19610-1222
(610) 372-4761

Counsel for Metropolitan Edison Company
and Pennsylvania Electric Company

Dated: February 22, 2005

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-631. Filed for public inspection April 1, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 25, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-00120333. C & S Ambulance Service, Inc. (P. O. Box 150, Vandergrift, Westmoreland County, PA 15690)—persons in paratransit service, between points in the Township of Washington, the Boroughs of Vandergrift and East Vandergrift, all in Westmoreland County, the Township of Parks, Armstrong County, and the Boroughs of Cabot and Saxonburg, Butler County, and from points in said boroughs and townships to other points in Pennsylvania, and return; subject to the following restrictions: (1) the service provided to Parks Township, Armstrong County, Vandergrift and East Vandergrift Boroughs, Westmoreland, County, is limited to members of the Vandergrift Ambulance Service; (2) the service provided to Washington Township, Westmoreland County, is limited to West Haven Nursing Home and Westview Manor; (3) the service provided in Cabot Borough, Butler County, is limited to Concordia Health Care; (4) the service provided to Saxonburg Borough, Butler County, is limited to Saxony Health Center; (5) the service is limited to the use of vehicles modified to handle wheelchairs and having emergency vehicle registration plates; and (6) the service is limited to the transportation of persons who are nonambulatory or persons who, due to chronic or acute physical or mental conditions, require pretrip preparations such as assistance in being dressed or lifted or medical monitoring or the use of medical appliances or equipment or a medical escort during transit.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Dusenberry, Tim t/a Greene County Cab Service; Doc. No. A-00113136C

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Dusenberry, Tim t/a Greene County Cab Service, respondent, maintains his principal place of business at 405 Fourth Avenue, Waynesburg, PA 15370.

2. That respondent was issued a certificate of public convenience by this Commission on September 23, 1996, at Docket No. A-00113136.

3. That, on August 11, 2004 respondent was sent an initial assessment of \$413.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$413.00.

4. That respondent has an outstanding assessment of \$413.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is

the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-61.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-632. Filed for public inspection April 1, 2005, 9:00 a.m.]

Telecommunications

A-310752F7005. North Pittsburgh Telephone Company and MCI metro Access Transmission Services, LLC. Joint petition of North Pittsburgh Telephone Company and MCI metro Access Transmission Services, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and MCI metro Access Transmission Services, LLC, by its counsel, filed on March 1, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval 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 North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-633. Filed for public inspection April 1, 2005, 9:00 a.m.]

Telecommunications

A-310489F7022. TDS Telecommunications Corporation and Verizon Wireless. Joint petition of TDS Telecommunications Corporation and Verizon Wireless for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

TDS Telecommunications Corporation and Verizon Wireless, by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval 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 TDS Telecommunications Corporation and Verizon Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-634. Filed for public inspection April 1, 2005, 9:00 a.m.]

Telecommunications

A-310547F7001. Verizon North Inc. and Susquehanna Adelpia Business Solutions (now d/b/a TelCove). Joint petition of Verizon North Inc. and Susquehanna Adelpia Business Solutions (now d/b/a TelCove) for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Susquehanna Adelpia Business Solutions (now d/b/a TelCove), by its counsel, filed on March 1, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to 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 Susquehanna Adelpia Business Solutions (now d/b/a TelCove) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-635. Filed for public inspection April 1, 2005, 9:00 a.m.]

Telecommunications

A-311103F7001. Verizon North Inc. and TelCove Investments, LLC (f/k/a Adelpia Business Solutions Investment, LLC). Joint petition of Verizon North Inc. and TelCove Investments, LLC (f/k/a Adelpia Business Solutions Investment, LLC) for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and TelCove Investments, LLC (f/k/a Adelpia Business Solutions Investment, LLC), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to 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 TelCove Investments, LLC (f/k/a Adelpia Business Solutions Investment, LLC) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-636. Filed for public inspection April 1, 2005, 9:00 a.m.]

Telecommunications

A-310378F7001. Verizon North Inc. and TelCove of Eastern Pennsylvania (f/k/a PECO Telcove, also f/k/a PECO Adelpia Communications). Joint petition of Verizon North Inc. and TelCove of Eastern Pennsylvania (f/k/a PECO Telcove, also f/k/a PECO Adelpia Communications) for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and TelCove of Eastern Pennsylvania (f/k/a PECO Telcove, also f/k/a PECO Adelpia Communications), by its counsel, filed on March 1, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to 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 TelCove of Eastern Pennsylvania (f/k/a PECO Telcove, also f/k/a PECO Adelphia Communications) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-637. Filed for public inspection April 1, 2005, 9:00 a.m.]

Telecommunications

A-310470F7001. Verizon North Inc. and TelCove of Pennsylvania, Inc. (f/k/a Adelphia Business Solutions of Pennsylvania, Inc.). Joint petition of Verizon North Inc. and TelCove of Pennsylvania, Inc. (f/k/a Adelphia Business Solutions of Pennsylvania, Inc.) for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and TelCove of Pennsylvania, Inc. (f/k/a Adelphia Business Solutions of Pennsylvania, Inc.), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to 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 TelCove of Pennsylvania, Inc. (f/k/a Adelphia Business Solutions of 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. 05-638. Filed for public inspection April 1, 2005, 9:00 a.m.]

Telecommunications

A-310923F7001. Verizon North Inc. and TelCove Operations, Inc. (f/k/a Adelphia Business Solutions Operations, Inc.). Joint petition of Verizon North Inc. and TelCove Operations, Inc. (f/k/a Adelphia Business Solutions Operations, Inc.) for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and TelCove Operations, Inc. (f/k/a Adelphia Business Solutions Operations, Inc.), by its counsel, filed on February 28, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition

for approval of amendment no. 1 to 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 TelCove Operations, Inc. (f/k/a Adelphia Business Solutions Operations, 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. 05-639. Filed for public inspection April 1, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #04-162.1, Cleat Removal/Bollard Installation, Packer Avenue Marine Terminal (PAMT) until 2 p.m. on Thursday, April 28, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 12, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on April 21, 2005, at 11 a.m. at South Guard House (PAMT Service Road), 3201 S. Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-640. Filed for public inspection April 1, 2005, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-017.1, Paving Repairs/Spray Patch Paving, All PRPA Piers, until 3 p.m. on Thursday, April 28, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 12, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is

\$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on April 21, 2005, at 10 a.m. at PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-641. Filed for public inspection April 1, 2005, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

- | | | |
|---------------|---|-----------|
| May 18, 2005 | Joel J. Wentling
(Purchase of Service) | 1 p.m. |
| June 8, 2005 | Judith T. Wentling
(Frozen Annuity) | 2:30 p.m. |
| July 20, 2005 | Suzanne Tinnick
(Purchase of Service) | 1 p.m. |

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 05-642. Filed for public inspection April 1, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

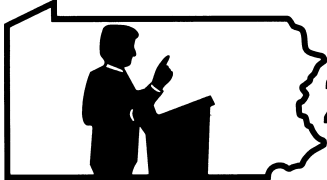
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

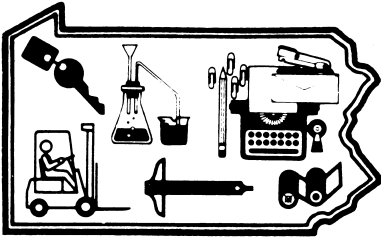
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer

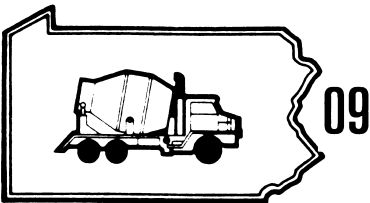


Commodities

SU-04-22 Shippensburg University is interested in seeking vendors to provide repairs parts, i.e., grate bar key, grate keys and skid shoes, for the boiler stokers at the university. Bidders interested in receiving bid packets should fax their request to (717) 477-1350 or send an email to kmsmit@wharf.ship.edu.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Delivery required by May 27, 2005
Contact: Karen Smith, (717) 477-1386

SERVICES



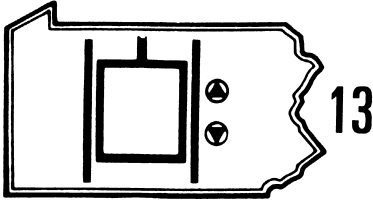
Construction & Construction Maintenance

SU-2005/2 INVITATION TO BID—SHIPPENSBURG UNIVERSITY SU-2005/2: Major Concrete Renovations. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary to make major concrete renovations. Contract will be an Open-Ended Contract for a one year period, renewable for four additional one year periods. Individual Work Orders will be issued against the open ended contract. Prospective Bidders may obtain project plans by faxing request to 717-477-4004, Attn: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, telephone (717) 477-1121. Pre-Bid Meeting with site visit immediately to follow will be held on, April 6, 2005 at 10:00 AM in Reed Operations Center Conference Room. Bids Due: April 25, 2005 at 4:00 P.M. Old Main Room 300. Public Bid Opening: April 26, 2005 at 2:00 P.M., Old Main Room 203B. The system encourages responses from small firms, minority firms, and firms which may have not previously performed work for the System. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: One year open end with four (4) additional option years
Contact: Deborah K. Martin, (717) 477-1121

SU-2004/26.1 Invitation To Bid - Shippensburg University SU-2004/26.1: Replace Cabinetry at Luhrs School, Shippensburg University of the PA State System of Higher Education invites General Contractors to request bid documents for this project. Work includes removal of temporary casework, cabinetry replacement, remove and reinstall slate countertops and rubber base, and patch paint damaged walls due to removal and reinstallation of casework. Prospective Bidders may obtain project plans for a non refundable fee of \$40.00, check made payable to Howard L. Kulp, P.C. by contacting Howard Kulp Architects, P.C., 1501 Lehigh Parkway North, Allentown, PA 18103. Tel: 610-434-6200 or FAX: 610-434-8037. Pre-Bid meeting with site visit immediately to follow will be held on April 7, 2005 at 10:00 AM in the Reed Operations Center Conference Room at Shippensburg University. Bids Due: April 25, 2005 at 4:00 PM, Old Main Room 300. Public Bid Opening: April 26, 2005 at 2:00PM, Old Main Room 203B. Contracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

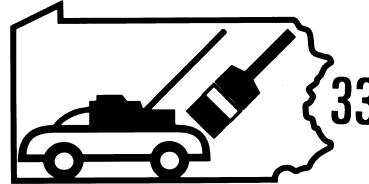
Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: One year open end with four (4) additional option years
Contact: Deborah K. Martin, (717) 477-1121



Elevator Maintenance

SPC-05-002 Contractor to supply total maintenance and repair on three (3) Cemco Hydraulic Passenger Elevators located at the Gino J. Merli Veterans Center. For detailed specifications please send fax request to (570) 961-4400 or e-mail request to bpartyka@state.pa.us. Please be sure to include company SAP vendor number. If your company does not have an assigned number please contact vendor services at www.vendorregistration.state.pa.us to obtain a number.

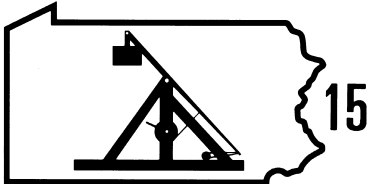
Department: Military Affairs
Location: Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 2005 through June 30, 2008 with 1 year renewal option.
Contact: Barbara Partyka, PA-1, (570) 961-4354



Property Maintenance

RFP-CLA-PROF-2005-1 Clarion University of Pennsylvania is interested in receiving proposals from qualified professionals to provide design services, on an "as needed basis" for multiple maintenance, repair, renovation and alteration projects, some minor new construction and design review. A detailed scope of work and proposal requirements may be accessed by viewing the Request for Proposal on the university's web site, <http://www.clarion.edu/admin/facilitiesmanagement/planning/rfpopenprof.htm>. All work will be scheduled under the resulting contracts. There are no guarantees intended or implied as to the amount of work to be scheduled under the resulting contracts. It is anticipated that at least five contracts will be awarded as a result of this RFP. To have the complete RFP mailed to your firm, Contact: Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion University, Clarion, PA 16214 or e-mail jmcaninch@clarion.edu. Proposals Due: 4:00 P.M., April 15, 2005. The University encourages responses from small firms, minority business enterprises and women's business enterprises capable of performing the work solicited by this RFP to submit Proposals. The University will consider joint ventures which will enable these firms to participate. Non-discrimination and equal opportunity are the policies of the Commonwealth, Clarion University and the State System of Higher Education.

Department: State System of Higher Education
Location: Clarion University, Clarion, PA
Contact: Judy McAninch, Contract Specialist, (814) 393-2240



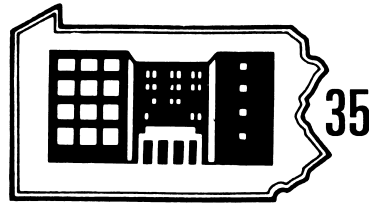
Environmental Maintenance Service

BOGM 10-201.1 Cleaning Out and Plugging Twelve (12) Abandoned Oil Wells, (Oil Creek State Park Property). The principal items of work include cleaning out and plugging twelve (12) abandoned oil wells, estimated to be between 800 - 1,000 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on April 1, 2005 and bids will be opened on April 28, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. 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 conference.

Department: Environmental Protection
Location: Oil Creek Township, Venango County
Duration: 70 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820

BOGM 4-101.1 Cleaning Out and Plugging Eleven (11) Orphan Oil and Gas Wells, (C.H. Snyder Company and Mr. Donald Weiland Properties). The principal items of work include cleaning out and plugging eleven (11) orphan oil and gas wells, estimated to be between 1,800 - 3,215 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on April 1, 2005 and bids will be opened on April 28, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. 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 conference.

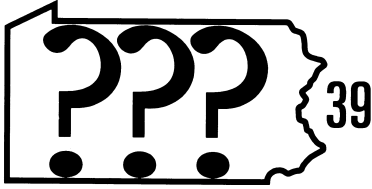
Department: Environmental Protection
Location: Washington and Sugar Creek Townships, Armstrong County
Duration: 160 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820



Real Estate Services

93821 Lease Office Space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 2,850 useable square feet of Office space in Allegheny County, PA. with a minimum parking for five ADA vehicles, in McKeesport, Allegheny County, PA. Downtown locations will be considered. For more information on SFP #93821 which is due on May 23, 2005, visit www.dgs.state.pa.us and click on Real Estate to download an SFP document or call (717) 787-7412.

Department: Labor and Industry
Location: 505 North Office Building Harrisburg, PA 17125
Contact: Jennings Ward, (717) 787-7412



Miscellaneous

KURFP-0083 Project Management Services, KURFP-0083: Kutztown University is seeking a qualified firm(s) to provide project management services. Kutztown University requires, from time to time, the expertise and services of experienced firms to assist the Facilities Office of Planning and Construction in the oversight, management, administration and quality assurance functions normally associated with the execution of facility related construction and renovations, both capital and non-capital. The purpose of this RFP is to procure project management services, as required, for future projects. Proposals Must Be Received On Or Before May 12, 2005 AT 3:00 P.M. in Old Main, I-Wing, Room 229, Office of Planning and Construction, Kutztown University, Kutztown, PA 19530. No exceptions will be made for proposals received after the time specified. A mandatory pre-proposal meeting has been set for April 26, 2005 at 1:30 PM in the Facilities Plan Room, Maintenance Building. To request an RFP packet, and any communications concerning this RFP, must be submitted in writing to: Craig Kleinsmith, Contract Specialist, Kutztown University, Office of Planning and Construction, P.O. Box 730, 15200 Kutztown Road, Kutztown, PA., 19530 or phone (610) 683-4602, fax (610) 683-1553 or E-mail: kleinsmi@kutztown.edu. RFP packets are available from April 4, 2005 through April 26, 2005. There is a non-refundable fee of \$10.00 to obtain this RFP. Cash and check will be accepted and checks should be made payable to "Kutztown University" and sent to Craig Kleinsmith, Contract Specialist, Facilities Office of Planning and Construction, P.O. Box 730, Kutztown University, Kutztown, PA 19530. No RFP can be issued prior to receipt of the fee. Any questions requiring clarification prior to your proposal submission must be submitted in writing and received not later than 4:00 PM on MAY 2, 2005.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA Date:
Duration: One (1) year after issuance of a Notice to Proceed
Contact: Craig Kleinsmith, (610) 683-4602

00013981 Residual waste removal from Penna. Dept. of Trans. maintenance shed, 340 York Avenue, Towanda, PA. 1. Monthly rental for one 30 cubic yard roll off container. 2. Fee charged to empty 30 c.y. roll off container on as needed basis. Department will notify vendor at least 2 days prior to service needed. Department does not guarantee number of pickups for this purchase order period. 3. Fee charged by landfill used by vendor will be reimbursed to vendor the exact amount charged, provided a separate invoice is attached to vendors invoice. This purchase order only applies to residual waste; not steel or scrap tires. STD272(sap) Terms and Conditions; STD203 General Conditions and Instructions; and STD168 MBE/WBE Subcontractor and Supplier Solicitation and Commitment Form are made part of the purchase order.

Department: Transportation
Location: Dept. of Trans., 340 York Avenue, Towanda PA 18848
Duration: May 2, 2005 to June 30, 2006 with (4) one year renewals.
Contact: Debbie Hunt, (570) 265-2181

[Pa.B. Doc. No. 05-643. Filed for public inspection April 1, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary