



Volume 34 (2004)

Pennsylvania Bulletin
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June 5, 2004 (Pages 2901-2978)

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PENNSYLVANIA BULLETIN

Volume 34

Number 23

Saturday, June 5, 2004 • Harrisburg, Pa.

Pages 2901—2978

See Part II page 2975
for the Department of Education's
No Child Left Behind Regulations

Part I

Agencies in this issue:

The General Assembly
The Courts
Department of Banking
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
State Employees' Retirement Board

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

No. 355, June 2004

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(ISSN 0162-2137)

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Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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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 2004.

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THE GENERAL ASSEMBLY

Recent Actions during the 2004 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2004 GENERAL ACTS ENACTED—ACT 029 through 035					
029	May 18	SB0876	PN1098	60 days	Second Class Township Code—providing for real property
030	May 18	HB1438	PN1784	60 days	Occupational Therapy Practice Act—providing for practice and referral
031	May 18	HB1926	PN2906	immediately	Conveyance—Commonwealth property in Elkland Township, Sullivan County
032	May 18	HB1993	PN2611	immediately	Conveyance—Commonwealth property in East and West Hanover Townships, Dauphin County
033	May 18	HB2190	PN3286	60 days	Second Class Township Code—sale of real property owned by township
034	May 18	HB2428	PN3421	60 days	First Class Township Code—power of township commissioners relating to fire houses
035	May 18	HB0794	PN3773	immediately	Vital Statistics Law of 1953—issuance of birth certificates to foreign-born children who have become United States citizens

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

[Pa.B. Doc. No. 04-969. Filed for public inspection June 4, 2004, 9:00 a.m.]

Recent Actions during the 2004 Regular Session of the General Assembly

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

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2004 GENERAL ACTS ENACTED—ACT 036 through 037					
036	May 21	HB0832	PN3805	60 days	Crimes and Offenses (18 Pa.C.S.)—tattooing, body piercing and greyhound racing
037	May 21	HB2447	PN3459	immediately*	Township State Highway Law—adding a road, Logan Township, Blair County, to State highway system
2004 VETOES OF BILLS—VETO 001 through 002					
001	May 21	HB2007	PN3559	60 days	General Local Government Code (53 Pa.C.S.)—duties of city controllers in cities of second class and statements of receipts and expenditures
002	May 21	HB2008	PN3546	immediately	General Local Government Code (53 Pa.C.S.)—form and adoption of budget in cities of second class

* denotes an effective date with exceptions

Effective Dates of Statutes

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

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

[Pa.B. Doc. No. 04-970. Filed for public inspection June 4, 2004, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

Order Adopting Amendments to Rules 130 and 555; No. 309 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedure Rules Committee has prepared a Final Report explaining the May 21, 2004 changes to Rules of Criminal Procedure 130 and 555 that make discretionary the decision to transfer proceedings when the charges arise from the same criminal episode and occur in more than one judicial district. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 21st day of May, 2004, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 130 and 555 are amended in the attached form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

Rule 130. *Venue*; Transfer of Proceedings.

(A) *VENUE*

All criminal proceedings in summary and court cases shall be brought before the issuing authority for the magisterial district in which the offense is alleged to have occurred or before an issuing authority on temporary assignment to serve such magisterial district, subject, however, to the following exceptions:

* * * * *

(3) When charges arising from the same criminal episode occur in more than one judicial district, the criminal proceeding on all the charges [**should**] **may** be brought before one issuing authority in a magisterial district within any of the judicial districts in which the charges arising from the same criminal episode occurred.

* * * * *

Comment

[Paragraph (A)(3), which is an exception to the general rule governing venue, was added in 2000 in view of *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), in which the Court held that "all charges stemming from a single criminal episode" must be joined in a single trial "despite the fact that some of the charges arose in a different county." Accordingly, when]

When charges arising from a single criminal episode occur in more than one judicial district, the magisterial district in which the proceeding on all the charges is brought, i.e., the one with venue, may be any one of the magisterial districts in which the charges occurred. See *Commonwealth v. Geyer*, 687 A.2d 815 (Pa. 1996) (the compulsory joinder rule and 18 Pa.C.S. § 110 apply when two or more summary offenses arise from a single criminal episode).

* * * * *

Official Note: Formerly Rule 154, adopted January 16, 1970, effective immediately; section (a)(3) adopted July 1, 1970, effective immediately; renumbered Rule 21 September 18, 1973, effective January 1, 1974; amended July 1, 1980, effective August 1, 1980; amended January 28, 1983, effective July 1, 1983; renumbered Rule 130 and amended March 1, 2000, effective April 1, 2001; amended April 20, 2000, effective July 1, 2000; amended September 19, 2000, effective January 1, 2001; amended May 10, 2002, effective September 1, 2002; **amended May 21, 2004, effective July 1, 2004.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the May 21, 2004 changes concerning joinder published with the Court's Order at 34 Pa.B. 2911 (June 5, 2004).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. PROCEEDINGS IN COURT CASES BEFORE ISSUING AUTHORITIES

Rule 555. Transfer of Proceedings.

(A) In all cases in which charges arising from a single criminal episode occur in more than one judicial district:

(1) If the charges are filed in more than one judicial district, at any time after the case is held for court, the proceedings [**shall**] **may** be transferred to one of the judicial districts.

* * * * *

Comment

[The Supreme Court held in *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), that the trial in one judicial district of some of the charges arising from a single criminal episode may be a bar to the trial in another judicial district of the other charges arising from the same criminal episode. In view of this decision, it is incumbent upon law enforcement officers and prosecutors to be vigilant about instituting proceedings and proceeding to trial in cases in which there are multi-judicial district charges arising from a single criminal episode.]

[The *McPhail* decision has necessitated both a clarification of the procedures for the institution of criminal proceedings, and new procedures for] Rule 555 permits the transfer of pro-

ceedings in cases in which multiple charges arising from a single criminal episode have occurred in more than one judicial district **so all the charges may be tried together in one judicial district. [See Rule 130(B) for the procedures for transferring charges prior to the preliminary hearing.]**

In many cases, multiple charges arising from a single criminal episode will be known to the police officers and attorneys for the Commonwealth involved in the case, and will be joined in the first instance in one criminal complaint, and filed before one issuing authority in one judicial district. See Rule 130(A)(3). However, since there may be cases in which this does not occur, and the charges are filed in more than one judicial district, **[new] Rule [300] 555** establishes the procedures, after such a case is held for court, for the transfer of proceedings to one judicial district. **See Rule 130(B) for the procedures for transferring charges prior to the preliminary hearing.** Rule **[300] 555** also governs the transfer of charges in cases in which all the charges are filed in one judicial district, but the parties or the attorneys for the Commonwealth agree that the charges should have been filed in one of the other judicial districts in which the charges occurred.

* * * * *

Official Note: Former Rule 300 rescinded June 28, 1974, effective immediately; rescinded and number reserved June 29, 1977, and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; new Rule 300 adopted April 20, 2000, effective July 1, 2000; renumbered Rule 555 effective April 1, 2001; **amended May 21, 2004, effective July 1, 2004.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the May 21, 2004 changes published with the Court's Order at 34 Pa.B. 2911 (June 5, 2004).

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 130 and 555

Transfer of Proceedings

On May 21, 2004, effective July 1, 2004, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.Rs.Crim.P. 130 (Venue; Transfer of Proceedings) and 555 (Transfer of Proceedings) making discretionary the decision to transfer proceedings when the charges arise from the same criminal episode and occur in more than one judicial district. These changes are the result of the Committee's reconsideration of the mandatory transfer provisions that had been incorporated into Rules 130 and 555² in view of the interplay between the 18 Pa.C.S. § 110 provisions and the Court's 1997 holding in *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), and the concerns raised with the Committee that these rule provisions are no longer viable in view of the following changes to Section 110:³

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

² Rule 555 was adopted, and Rule 130 was amended, by the Court in 2000 in view of *McPhail* to provide, *inter alia*, uniform procedures for the transfer of proceedings in cases in which there are multiple charges in more than one judicial district, or in more than one magisterial district, arising from a single criminal episode.

³ The changes were included in Act 82 of 2002. The deletions to the statute are shown in brackets and bold type, and the additions are underlined and bold.

§ 110. When prosecution barred by former prosecution for different offense.

Although a prosecution is for a violation of a different provision of the statutes than a former prosecution or is based on different facts, it is barred by such former prosecution under the following circumstances:

(1) The former prosecution resulted in acquittal or in a conviction as defined in Section 109 of this Title (Relating to When Prosecution Barred by Former Prosecution for the Same Offense) and the subsequent prosecution is for:

* * * * *

(II) Any offense based on the same conduct or arising from the same criminal episode, if such offense was known to the appropriate prosecuting officer at the time of the commencement of the first trial and **[was] occurred** within the **[jurisdiction of a single court] same judicial district as the former prosecution** unless the court ordered a separate trial of the charge of such offense; or

* * * * *

In considering the Rule 555 mandatory procedures vis a vis the new Section 110 language, the Committee members noted:

- although *McPhail* applies Section 110, *McPhail* also confirmed that the common pleas courts have statewide jurisdiction, and therefore from a constitutional-procedural point of view, the courts still have to decide where a case will be tried when there are overlapping districts involved
- Section 110 is a Crimes Code provision, not a jurisdictional statute, so the changes to Section 110 do not affect the Court's jurisdictional interpretation in *McPhail*
- with the change to Section 110, dismissal for failure to consolidate charges is no longer an issue. However, the criminal justice system would benefit by retaining the means to consolidate when consolidation is desired or when it would be difficult to try the charges separately

In view of the "history" and the members' analysis of the interplay between Section 110, *McPhail*, and Rules 130 and 555, the Committee agreed the mandatory aspects in Rule 130(A)(3) and Rule 555(A)(1) are no longer required, but that the transfer provisions should be retained as discretionary with the attorney(s) for the Commonwealth. This will promote judicial economy, and will benefit the members of the bench and bar, and the defendant. Accordingly, Rule 130(A)(3) has been amended by changing "all the charges **should** be brought" to "all the charges **may** be brought" and Rule 555(A)(1) has been amended by changing "the proceedings **shall** be transferred" to "the proceedings **may** be transferred." Conforming changes have been made to the Comments to both rules.

[Pa.B. Doc. No. 04-971. Filed for public inspection June 4, 2004, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 2 of 2004 Rules Doc.

Amended Order of Court

And Now, to-wit this 13th day of May, 2004, it appearing to the court that the Order of May 4, 2004, cited the amended local Rule as Rule 300.12.8 in error, it is Ordered that the amended Rule is re-numbered 571.4 and pursuant to action of the Board of Judges, Local Rule 571.4 affecting the Criminal Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Amendment to Local Rule of Criminal Procedure, Rule 571.4

a. Formal arraignment shall be held in every case no more than 40 days after the case has been held for court by an issuing authority, which issuing authority shall be required to issue a subpoena directing the defendant and his counsel to appear in the Calendar Control Office at a time and date certain. Any defendant who appears without counsel at a formal arraignment shall be given a period of no longer than one calendar week within which to obtain counsel, failing which the case shall be referred to the Lawyer Referral Service of the Allegheny County Bar Association, or in the case of those defendants claiming indigence, to the Office of the Public Defender. Counsel need not personally appear at formal arraignment if a properly executed appearance form is submitted by the defendant.

b. Upon the retention of private counsel, any defendant in a criminal case may elect to have counsel appear for that defendant at formal arraignment in Allegheny County. A copy of said form is attached.

c. It shall be the responsibility of the attorney to enter his/her appearance and to notify the defendant of the date and time of his pretrial conference or any further judicial proceedings.

d. The appearance of an attorney at Formal Arraignment for a defendant shall in no way change the Court's right to issue a warrant for the arrest of any defendant who fails to appear for the pretrial conference as scheduled by the Court.

e. This rule does not apply to ARD or PDQ cases.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION
COMMONWEALTH OF PENNSYLVANIA

vs.

_____ Case No. _____
Name

Address

City State Zip Code PLEASE CHECK IF NEW ADDRESS

WAIVER OF ARRAIGNMENT, AND NOTIFICATION OF PRETRIAL CONFERENCE DATE

I, _____ defendant in the above case:

1. Understand the nature of the charges against me.
2. Understand the right to be represented by counsel.
3. Understand the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspections, and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed.

I hereby waive my Formal Arraignment and enter a plea of _____. I, the undersigned Defendant hereby consent to my counsel receiving the Criminal Information in this case and agree to have my counsel inform me of the date, time, and place of the next judicial proceeding.

I, THE UNDERSIGNED DEFENDANT, UNDERSTAND THAT IT IS MY RESPONSIBILITY TO APPEAR AT ANY SUBSEQUENT JUDICIAL PROCEEDING AS REQUIRED AT MY FORMAL ARRAIGNMENT. IF I DO NOT APPEAR, I UNDERSTAND THAT A WARRANT FOR MY ARREST WILL BE ISSUED.

(Defendant)

The Clerk of Courts shall enter the appearance of the following attorney as Attorney of Record for the above named Defendant.

Attorney for Defendant—PLEASE PRINT

Attorney for Defendant—Signature

Date Signed

Defendant's Signature

Date Signed

[Pa.B. Doc. No. 04-972. Filed for public inspection June 4, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No. 2002—0189—Misc.

Order

And Now, this 20th day of May, 2004, it is hereby Ordered as follows:

1. L.R.C.P. No. 208.1, No. 208.2 and No. 208.3, attached to this Order, are hereby adopted as new Local Rules of Civil Procedure.

2. L.R.C.P. No. 205.2, No. 206.1, No. 206.4, No. 1028, No. 1034, and No. 1035.2 are hereby amended to read as shown on the attachment to this Order.

3. L.R.C.P. No. 206.3(b) and the comment to L.R.C.P. No. 206.3 are hereby rescinded.

4. L.R.C.P. No. 249, L.R.C.P. No. 1524 and L.R.C.P. No. 1527 are hereby rescinded.

5. The rule changes implemented by paragraphs 1 through 4 of this Order shall become effective on July 24, 2004.

6. Certified copies of this Order, with attachment, shall be distributed by the Court Administrator as required by pertinent state rules of court, together with a diskette containing the hard copy version where required.

By the Court

JOSEPH A. NICKLEACH,
President Judge

Rule 205.2. Pleadings and Other Legal Papers. Format. Cover Sheet.

(a) All pleadings and other legal papers shall be 8 1/2" x 11" in size and be side bound.

(b) Every petition and motion requiring an evidentiary hearing shall have attached thereto a cover sheet as a front page. The cover sheet shall be substantially in the form prescribed by Appendix A of these Local Rules.

Rule 206.1. Petition. Definition. Content. Form

(a) "Petition," as used in this chapter, shall mean:

(1) an application to open a default judgment or a judgment of non pros;

(2) a request for special relief, unless the request seeks an expedited hearing date, a stay, or interim pre-hearing relief;

(3) a petition for civil contempt, except in a support or custody action;

(4) a motion for delay damages; and

(5) a petition for relief from a judgment by confession.

(b) A petition shall specify the relief sought and state the material facts, which constitute the grounds therefor.

(c) A petition shall be divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.

Comment

When a request for special relief is filed and an expedited hearing date, a stay, or interim pre-hearing relief is sought, the request is to be treated as a motion, not a petition. The procedure regarding civil contempt adjudications in support and custody actions is governed by separate state rules of civil procedure.

Rule 206.4. Rule to Show Cause

(a) A petition seeking only the issuance of a rule to show cause shall be filed with the Prothonotary. Thereafter, the Prothonotary shall immediately transmit the petition to the Court Administrator. No advance notice of the filing need be given to any party.

(b) Reserved.

(c) A rule to show cause shall be issued by the Court as of course upon petition, pursuant to Pa.R.C.P. No. 206.6. The rule shall direct that an answer be filed to the petition within twenty (20) days after service of the petition on the respondent. The Court may, in appropriate circumstances, direct that an answer be filed within a shorter period of time, or dispense with the necessity of filing an answer altogether. Every petition shall have attached to it a proposed order substantially in the form prescribed by Appendix B of these Local Rules, providing for an evidentiary hearing. The Court on its own motion or upon request of a party may require a case to be submitted on the basis of depositions and oral argument instead of an evidentiary hearing.

Comment

A request for a stay of execution pending disposition of a petition to open a default judgment falls within the definition of a "motion." See L.R.C.P. No. 208.1.

Rule 208.1. Motion. Definition.

As used in this chapter, "motion" shall have the meaning ascribed to it by Pa.R.C.P. No. 208.1. The term shall include the following:

(1) a request for special relief where an expedited hearing date, a stay, or interim pre-hearing relief is sought; and

(2) a motion for a stay of execution pending disposition of a petition to open a default judgment.

Rule 208.2 Motion. Form. Content. Verification.

a) A motion shall

(1) contain a caption setting forth the name of the court, the number of the action, the name of the motion, and the name of the moving party,

(2) be divided into paragraphs numbered consecutively,

(3) set forth material facts constituting grounds for the relief sought, specify the relief sought and include a proposed order,

(4) include a certificate of service

(5) be signed and endorsed

b) A motion in the form of a request for special relief which seeks an expedited hearing date, a stay, or interim pre-hearing relief shall be verified.

Rule 208.3. Motions Procedure. Motions Judge. Motions Court

(a) The designated Motions Judge shall sit every Tuesday and Friday at 8:30 A.M., except on holidays ("Motions Court").

(b) Motions, requests and applications intended for consideration by the Motions Judge shall be presented at Motions Court, and are not to be filed in the Office of the Prothonotary in advance of such presentation. The Prothonotary or a deputy shall be present at every session of Motions Court to receive such papers for filing.

(c) Except in an emergency situation, no motion, request or application shall be presented without compliance with the notice provisions of this rule. In an emergency situation, the nature of the emergency and the reasons why the required notice could not be given must be set forth in the motion, request or application then being filed.

(d) For all motions, requests and applications subject to the notice requirements of this rule, a copy of the same together with a notice of the date and time of the intended presentation shall be served upon the other parties at least two (2) business days in advance of the presentation. Service of the copy and the notice may be accomplished personally, by first class mail or by facsimile transmission. Service by mail shall be deemed to be accomplished on the date the mail was received.

(e) A copy of the notice of intended presentation shall be presented to the Motions Judge at the time of presentation of the motion, request or application. The copy shall have attached to it a certificate stating the date and manner of service.

(f) The notice of intended presentation shall be substantially in the form prescribed by Appendix D of these Local Rules.

(g) The certificate of service shall be substantially in the form prescribed by Appendix E of these Local Rules.

(h) Every motion, request, and application presented to the Motions Judge shall have attached thereto a suggested order granting the relief requested.

(i) After presentation of a motion, request, or application, the Motions Judge may enter any order permitted under Pa.R.C.P. No. 208.4.

Comment

Motions Court is not intended as the forum for the presentation of petitions as defined by L.R.C.P. No. 206.1. A motion to continue is properly presentable in Motions Court pursuant to L.R.C.P. No. 216, as is a petition to compromise, settle or discontinue an action brought by a minor pursuant to L.R.C.P. No. 2039.

Rule 1028. Preliminary Objections. Brief. Scheduling Order

- (a) Reserved.
- (b) Reserved.

(c) At the time of filing, all preliminary objections shall be accompanied by a separate brief in support thereof, addressing issues raised in the objections. The preliminary objections must also be accompanied by a proposed order for the purpose of scheduling a hearing or argument thereon, substantially in the form prescribed by Appendix F of these Local Rules.

Rule 1034. Motion for Judgment on the Pleadings. Brief. Scheduling Order

- (a) Reserved.
- (b) Reserved.

(c) At the time of filing, all motions for judgment on the pleadings shall be accompanied by a separate brief in support thereof, addressing all issues raised in the motion. The motion must also be accompanied by a proposed order for the purpose of scheduling an argument thereon, substantially in the form prescribed by Appendix G of these Local Rules.

Rule 1035.2. Motion for Summary Judgment. Brief. Scheduling Order

- (a) Reserved.
- (b) Reserved.

(c) At the time of filing, all motions for summary judgment shall be accompanied by a separate brief in support thereof, addressing all issues raised in the motion. The motion must also be accompanied by a proposed order for the purpose of scheduling an argument thereon, substantially in the form prescribed by Appendix G of these Local Rules.

[Pa.B. Doc. No. 04-973. Filed for public inspection June 4, 2004, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 31 Misc. 2004

Adopting Order

Now, this 12th day of May, 2004, it is hereby *Ordered* that:

1. The following designated Somerset County Rules of Civil Procedure (Som.R.C.P.), copies of which follow, are

hereby adopted as Rules of this Court, effective on July 1, 2004:

- Som.R.C.P. 205.2(b). Cover Sheet.
- Som.R.C.P. 206.4(c). Form Of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.
- Som.R.C.P. 208.2(d). Certification That Motion Is Uncontested.
- Som.R.C.P. 208.2(e). Certification Of Communication With Opposing Counsel And Unrepresented Parties With Respect To Motions Relating To Discovery.
- Som.R.C.P. 208.3(a). Motions Practice And Procedure.
- Som.R.C.P. 208.3(b). Motions Practice—Filing Of Briefs.
- Som.R.C.P. 1028(c). Preliminary Objections Procedure.
- Som.R.C.P. 1034(a). Motion For Judgment On The Pleadings—Procedure.
- Som.R.C.P. 1035.2(a). Motion For Summary Judgment—Procedure.

2. Somerset Rule of Civil Procedure 210 (Som.R.C.P. 210), Briefs, is amended to read in its entirety, as set forth in revised Som.R.C.P. 210.

3. The Somerset County Court Administrator is directed to:

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

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

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

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

By the Court

EUGENE E. FIKE, II,
President Judge

RULES OF COURT

Cover Sheet

Som. R.C.P. 205.2(b). Cover Sheet

All actions and proceedings shall be captioned so as to indicate by the docket designation the nature of the proceeding and the place of filing, with the docket to be designated by full docket number or by an appropriate abbreviation:

No. Civil	20
No. Divorce	20
No. Judgment	20
No. Mechanics	20
No. Miscellaneous	20
No. Aging	20

Petition Procedure.

Som. R.C.P. 206.4(c). Form Of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.

A. The procedure specified in Pa. R.C.P. 206.6 is adopted to govern petition practice in the Sixteenth

Judicial District, and, accordingly, upon the filing of a petition, a Rule shall issue as of course, unless otherwise required by statute, or other Pennsylvania Rule of Civil Procedure.

B. The petition shall be filed in the Prothonotary's Office. After filing and docketing, the Prothonotary's Office shall transmit the petition to the Motions Judge for an order issuing the rule.

C. Upon execution of the order issuing the rule, the petition and order shall be transmitted to the Court Administrator's Office. If requested by the judge who executed the order issuing the rule, the Court Administrator shall schedule argument or hearing. After processing, the Court Administrator shall return the petition and order to the Prothonotary's Office, which shall notify counsel or unrepresented petitioner of the entry of the order.

D. If the order requires scheduling by praecipe, hearing or argument will be scheduled by the filing of a scheduling praecipe in the form, and according to the procedure, specified in subparagraph F. of this Rule.

E. A request for stay of execution pending disposition of a petition to open a default judgment shall be included in the petition to open default judgment, to be considered and processed in accordance with the procedure hereinabove specified in subparagraphs A, B, and C of this Rule; or, if need for emergency relief is necessary, the request shall be presented to the Motions Judge, after notice to opposing counsel and unrepresented parties of the date and time of presentation.

F. Scheduling by Praecipe.

1. Those cases required to be scheduled by praecipe shall be scheduled only upon filing of a scheduling praecipe, substantially in the form set forth below in subparagraph F. 6. of this Rule.

2. The praecipe and all issued copies thereof shall be signed by counsel of record or an unrepresented party.

3. The scheduling praecipe shall be filed as provided in the prescribed form of scheduling praecipe, and the praecipe and copies thereof shall be served promptly on other counsel and unrepresented parties in the case.

4. Upon receipt of a scheduling praecipe any party may object thereto as follows:

a. If the objection is to the assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions Judge practice on notice to other parties.

b. If the objection relates to any other assertion in the praecipe, such as time of scheduling, time required on the schedule, etc., the objecting party shall promptly file a counter praecipe stating only the matter corrected or changed.

5. If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct, prohibition of additional discovery, or other appropriate order.

6. Form of Scheduling Praecipe.

) IN THE COURT OF COMMON PLEAS OF
) SOMERSET COUNTY, PENNSYLVANIA
)
)
)
) NO. 200_____

SCHEDULING PRAECIPE

1. This is a/an—

- A. ARGUMENT CASE (Complete Part A below):
- B. CIVIL TRIAL CASE (Complete Part B below):
- C. CIVIL ARBITRATION CASE (Complete Part C below):

PART A (Argument Case):

1. Place the above case on an appropriate Argument Schedule for
 Argument on _____
 Nature of Proceeding

If I am the moving party, I CERTIFY that the required brief has been filed, and has been or will be served promptly.

—OR—

Hearing on _____
 Nature of Proceeding

2. Type of scheduling requested:

a. *Sec reg* (At any date and time convenient to the Court to be fixed on the next available Argument Schedule to be issued).

—OR—

b. *Sec reg-date certain* (At a presently fixed date and time on an Argument Schedule to be issued).

—OR—

c. *Prompt* (At a presently fixed date and time on a scheduled already issued).

d. If date certain or prompt scheduling is requested, state the reason (granted only for cause):

3. Estimated total schedule time required for presentation by all parties:
 _____ Minutes/Hours/Days.

4. a. If the matter listed in paragraph 1 above seeks scheduling for modification or enforcement of any: (i) criminal sentence or order of probation or parole, (ii) juvenile adjudication or disposition order, or (iii) any other order or decree of Court entered in adversary proceedings, state the name of the Judge who made the sentence, order or decree:

_____ J. If not applicable, so state.

b. If any Judge has previously heard argument or testimony on the specific matter to be scheduled, mentioned in paragraph 1 above, or has had significant prior judicial acquaintance with the controversy presented thereby, name the Judge:

_____ J. If not applicable, so state.

PART B. (Civil Trial Case):

1. Place the above case on the next issued Civil Trial List for

- JURY TRIAL NONJURY TRIAL

PART C. (Civil Arbitration Case):

- 1. Schedule the above case for Arbitration Trial Hearing sec reg.
2. Estimated total time for presentation by all parties: Minutes/Hours/Days

II I CERTIFY that:

- 1. This case is ready for disposition by the Court.
2. The signed original of this praecipe and one signed copy thereof (for transmission to the administrator) have been or will be promptly filed to the case in the office of the court clerk; and a signed copy has been or will be promptly served upon each other counsel and upon each unrepresented party who has been served with initial process or pleading.
3. All prescheduling and pretrial procedures, including pleading and discovery, have been completed.
4. All parties, witnesses and counsel for the undersigned are expected to be available and present when the case is scheduled, barring unforeseeable events hereafter occurring. If any event hereafter occurs requiring continuance, a motion therefor will be promptly presented to the Court.
5. I have read and am acquainted with the local rules governing scheduling and court procedures.

III REMARKS:

Signature
Type or print name of signer and party represented.

List of All Counsel and Unrepresented Parties (State party represented by each, e.g., for plaintiff Jones, for defendant Smith, etc.):

NOTE—EFFECT OF CONTINUANCE: If any of the above mentioned cases is scheduled and thereafter continued, a new scheduling praecipe will be required in order to schedule the case again, unless the continuance order fixes a date certain or otherwise provides.

G. Continuances.

- 1. Motions for continuance must be made in writing or of record in open court, unless excused by the court for cause.
2. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable.
3. The motion shall state whether or not the proceedings previously have been continued, and, if so, the number of prior continuances, with identification of the party upon whose motion each continuance was granted.
4. Absent extraordinary circumstances, a request for a continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other court's scheduling order was issued before the order

scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

- 5. Motions for continuance of court cases shall be presented as follows:
a. When at a scheduled call of the list, to the presiding Judge.
b. When a case is on a current trial or argument schedule, to the assigned Judge.
c. In all other cases, Motions Judge practice.
6. Continuances shall operate to effect rescheduling:
a. To a date certain or specific trial session if the Court states a date certain or specific trial session in the continuance order.
b. In all other cases, only upon filing of a scheduling praecipe as provided in subparagraph F. of this Rule.
7. An order continuing a case "sec reg.," until the next available session, or in terms of similar generality, will not result in rescheduling, or placement on a new trial list.
8. Every motion for continuance shall specify the reasons for the request.
9. The moving party shall certify that prior notice of presentation of the motion has been given to opposing counsel and unrepresented parties.

10. Every motion for unopposed continuance, whether written or oral, shall be joined in by all other parties or counsel of record, or shall certify that all other parties or counsel have been notified of the presentation of the motion and join in or do not oppose the motion.

11. When a civil case is scheduled for pretrial conference, the motion for continuance shall clearly state whether it relates to pretrial conference, or to the trial, or both.

12. An approved form of continuance motion is set forth in subparagraph F. 14. of this Rule.

13. This Rule does not apply to continuances of trials before arbitrators which are governed by Som.R.C.P. 1303F.

14. Form of Continuance Motion.

CIVIL CONTINUANCE REQUEST
) IN THE COURT OF COMMON PLEAS
Plaintiff) OF
) SOMERSET COUNTY, PENNSYLVANIA
vs.)
)
Defendant) NO. CIVIL
Scheduled before Judge _____ on _____ at _____.
For (Type of proceeding):

REASON FOR REQUEST: (Attach extra sheet, if necessary)

NUMBER OF PRIOR CONTINUANCES: _____
by the plaintiff _____ by the defendant

NOTICE OF PRESENTATION OF THE MOTION HAS BEEN GIVEN TO OPPOSING COUNSEL AND UNREPRESENTED PARTIES.

REQUESTING ATTORNEY OR PARTY:

(Print) _____ Counsel for: _____

(Sign) _____

OPPOSING COUNSEL OR PARTY:

(Print) _____ Counsel for: _____

Joins In Does not object Opposes

OPPOSING COUNSEL OR PARTY:

(Print) _____ Counsel for: _____

Joins In Does not object Opposes

ORDER

AND NOW, this _____ day of _____, 200____, the above Civil Continuance request is GRANTED/DENIED and the hearing/argument is continued. (Hearing will be rescheduled upon the filing of a new scheduling praecipe by a party.

Hearing is rescheduled for _____, ____ .m., on _____, 200____.

BY THE COURT: _____

G. Preparation and Form of Orders and Decrees. Copies for Distribution.

1. Unless otherwise directed by the court, decrees and orders requested by a party shall be drafted by the attorney at whose instance they are to be made, and shall be submitted to the court for approval.

2. All proposed orders presented to the court, whether by an attorney, court staff or department, or other person, shall list thereon the names of all counsel in the case (of record and known, including counsel for applicant), and shall indicate the party represented by each (e.g., for plaintiff, for defendant, for petitioner, for respondent, etc.).

NOTE: Nothing herein is intended to alter the present practice of the court reporters in preparing court orders.

3. Counsel preparing the order shall be responsible for copying, and shall provide sufficient copies to the Prothonotary for distribution to all other counsel and parties. If the order continues a case or fixes a date for hearing or argument, counsel shall ensure that the order and its accompanying documents are transmitted to the Court Administrator for notation of the matter for scheduling purposes. The order and documents shall then be filed in the proper office.

4. All documents prepared in and issued from chambers shall be transmitted to the Court Administrator for copying and distribution sec reg, and for scheduling if necessary, then filed in the proper office.

Motion Procedure

Som. R.C.P. 208.2(d). Certification That Motion Is Uncontested.

If the moving party intends to present the motion as uncontested, the motion shall include a written consent

by opposing counsel and unrepresented parties, or the motion shall include a certification that the moving party has been in contact with opposing counsel and unrepresented parties and that opposing counsel and unrepresented parties do not contest the motion.

Motion Procedure

Som. R.C.P. 208.2(e). Certification Of Communication With Opposing Counsel And Unrepresented Parties With Respect To Motions Relating To Discovery.

Any motion relating to discovery shall include a certification by the moving party that the moving party has conferred or attempted to confer with opposing counsel and unrepresented parties having an interest in the motion in order to resolve the matter without court action.

Motion Procedure

Som. R.C.P. 208.3(a). Motions Practice And Procedure.

A. Motions will be scheduled, argued, and decided:

1. At Motions Court, in accordance with the procedure specified in subparagraph B. of this Rule, if the motion is of the type permitted to be presented at Motions Court, or

2. By the filing of a scheduling praecipe according to the procedure, and in the form specified in subparagraph F. of this Rule, copies of which are available from the Prothonotary or Court Administrator, or

3. In the case of a motion for preliminary injunction or similar motions which require immediate date certain scheduling, by presentation to a judge in accordance with Motions Judge practice specified in subparagraph C. of this Rule, or

4. In the case of motions which are permitted to be presented ex parte, without prior notice of presentation and opportunity to be heard, pursuant to the provisions of subparagraph D. of this Rule, by presentation to a judge in accordance with Motions Judge practice specified in subparagraph C. of this Rule, or

5. In the case of motions or petitions which, because of extraordinary and compelling circumstances, cannot be scheduled otherwise, and which must be heard upon short notice, by presentation to a judge in accordance with Motions Judge practice specified in subparagraph C. of this Rule.

B. Motions Court.

1. Motions Court will be held before the designated Motions Judge at 9:00 a.m. on the first and third Wednesdays of every month, holidays excepted.

2. A motion may be presented at Motions Court when the issue raised, or relief requested, is:

a. To compel, limit or prohibit discovery, or to obtain a protective or confidentiality order with respect to discovery.

b. To permit the amendment of a pleading or joinder of an additional defendant.

c. To make a rule absolute or for similar default order, when, although required, timely answer to a motion or petition has not been filed.

d. To compel counseling in divorce cases.

- e. To permit withdrawal as counsel.
- f. Approval of settlement of a minor's claim or approval of settlement of wrongful death and survival actions.

g. Consolidation.

h. Objections to a scheduling praecipe.

3. At least ten days before presentation, a copy of the motion shall be served upon all other counsel and unrepresented parties, and upon the Court Administrator, together with a notice specifying the time and date of the Motions Court at which the motion will be presented.

4. The Court Administration shall maintain a list of motions with date and time of receipt. Only those motions which have been submitted in a timely manner to the Court Administrator in accordance with these Rules will be heard. Motions will be heard by the Court in the order of their submission to the Court Administrator.

5. The moving party shall file and serve an affidavit of service of the motion and notice prior to, or at the time of presentation. The motion will not be heard unless the notice requirements of this rule have been satisfied and an affidavit of service filed.

6. Counsel and unrepresented parties are to confer prior to the presentation of any motion and are to attempt, in good faith, to reach amicable resolution of the issues involved. Good faith efforts toward amicable resolution shall be considered as a factor when determining whether or not the requested relief is appropriate, the propriety of sanctions, or in determining the exigency of circumstances, if relevant.

7. At the time of presentation, the presiding Judge may enter an Order resolving the issues raised by the motion; schedule argument, hearing or other proceeding; issue a briefing schedule; or enter other appropriate Order.

8. Presentation of motions at Motions Court is optional, and if the party chooses, the motion may be scheduled by scheduling praecipe for hearing or argument.

C. All unscheduled matters, including applications and requests, formal and informal, which may be presented to the Motions Judge under the provisions of subparagraph A. of this Rule, shall be filed and docketed, and then transmitted to Chambers or presented in open court to the Motions Judge on duty at the time, except in the following circumstances:

1. Emergency cases may be presented to any judge.
2. Matters affecting cases formerly assigned to a judge other than the Motions Judge shall be presented to that other judge, but may in emergencies be presented to the Motions Judge when the assigned judge is absent.
3. Matters with which a judge other than the Motions Judge has special familiarity by reason of prior judicial acquaintance, significantly relevant to the matter at hand, may be presented to another judge.
4. Matters in which any judge has been disqualified or declines to act shall be presented to another judge.
5. Administrative and policy matters required by law, will or custom to be acted upon by the President Judge, or appropriate for the attention of the President Judge, shall be presented to the President Judge.

D. Ex parte orders in adversary proceedings.

1. Motions to the court in an adversary proceeding will not be considered ex parte, without prior notice of presentation and an opportunity to be heard, except in the following cases:

a. Motions for relief which is routinely granted as of course, on a presumption of assent, such as motions for appointment of legal counsel and guardians ad litem, and the like.

b. Motions affecting the issuance or service of initial papers upon another who is not yet subject to the jurisdiction of the court, such as applications for substituted service, extensions of time, and the like.

c. Motions for preliminary orders granting or scheduling a hearing thereon, or directing process or notice to bring the opponent before the court to answer.

d. Motions for stay orders in license suspension appeals.

e. Cases in which the adverse party has waived the opportunity to be heard or has consented to the requested action.

f. Cases in which there are special or compelling circumstances which the court finds justify ex parte action.

2. Prior notice of presentation of a motion to the court shall state the date, time and place of intended presentation and shall be accompanied by a copy of the motion and the proposed order.

3. In cases where an ex parte order is made, a copy of the motion and order shall be served promptly on the opponent and on all other parties, who may file a prompt application for reconsideration of the order.

4. In all cases where prior notice of presentation is required under statute or rule of court, the motion shall state that the requisite prior notice was given; the date, time and manner of giving notice; and the substance thereof. If the right to ex parte relief is based on the existence of special or compelling circumstances, the motion shall state such circumstances.

E. Continuances.

1. Motions for continuance must be made in writing or of record in open court, unless excused by the court for cause.

2. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable.

3. The motion shall state whether or not the proceedings previously have been continued, and, if so, the number of prior continuances, with identification of the party upon whose motion each continuance was granted.

4. Absent extraordinary circumstances, a request for a continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

5. Motions for continuance of court cases shall be presented as follows:

a. When at a scheduled call of the list, to the presiding Judge.

b. When a case is on a current trial or argument schedule, to the assigned Judge.

c. In all other cases, Motions Judge practice.

6. Continuances shall operate to effect rescheduling:

a. To a date certain or specific trial session if the Court states a date certain or specific trial session in the continuance order.

b. In all other cases, only upon filing of a scheduling praecipe as provided in subparagraph F. of this Rule.

7. An order continuing a case "sec reg.," until the next available session, or in terms of similar generality, will not result in rescheduling, or placement on a new trial list.

8. Every motion for continuance shall specify the reasons for the request.

9. The moving party shall certify that prior notice of presentation of the motion has been given to opposing counsel and unrepresented parties.

10. Every motion for unopposed continuance, whether written or oral, shall be joined in by all other parties or counsel of record, or shall certify that all other parties or counsel have been notified of the presentation of the motion and join in or do not oppose the motion.

11. When a civil case is scheduled for pretrial conference, the motion for continuance shall clearly state whether it relates to pretrial conference, or to the trial, or both.

12. An approved form of continuance motion is set forth in subparagraph F. 14. of this Rule.

13. This Rule does not apply to continuances of trials before arbitrators which are governed by Som.R.C.P. 1303F.

14. Form of Continuance Motion.

CIVIL CONTINUANCE REQUEST

Plaintiff) IN THE COURT OF COMMON PLEAS
) OF
) SOMERSET COUNTY, PENNSYLVANIA
vs.)
)
Defendant) NO. CIVIL

Scheduled before Judge _____ on _____ at _____.

For (Type of proceeding):

REASON FOR REQUEST: (Attach extra sheet, if necessary)

NUMBER OF PRIOR CONTINUANCES: _____ by the plaintiff _____ by the defendant

NOTICE OF PRESENTATION OF THE MOTION HAS BEEN GIVEN TO OPPOSING COUNSEL AND UNREPRESENTED PARTIES.

REQUESTING ATTORNEY OR PARTY:

(Print) _____ Counsel for: _____

(Sign) _____

OPPOSING COUNSEL OR PARTY:

(Print) _____ Counsel for: _____

Joins In Does not object Opposes

OPPOSING COUNSEL OR PARTY:

(Print) _____ Counsel for: _____

Joins In Does not object Opposes

ORDER

AND NOW, this _____ day of _____, 200____, the above Civil Continuance request if GRANTED/DENIED and the hearing/argument is continued.

Hearing will be rescheduled upon the filing of a new scheduling praecipe by a party.

Hearing is rescheduled for _____, ____ .m., on _____, 200____.

BY THE COURT:

F. Scheduling by Praecipe.

1. Those cases required to be scheduled by praecipe shall be scheduled only upon filing of a scheduling praecipe, substantially in the form set forth below in subparagraph F. 6. of this Rule.

2. The praecipe and all issued copies thereof shall be signed by counsel of record or an unrepresented party.

3. The scheduling praecipe shall be filed as provided in the prescribed form of scheduling praecipe, and the praecipe and copies thereof shall be served promptly on other counsel and unrepresented parties in the case.

4. Upon receipt of a scheduling praecipe any party may object thereto as follows:

a. If the objection is to the assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions Judge practice on notice to other parties.

b. If the objection relates to any other assertion in the praecipe, such as time of scheduling, time required on the schedule, etc., the objecting party shall promptly file a counter praecipe stating only the matter corrected or changed.

5. If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct, prohibition of additional discovery, or other appropriate order.

6. Form of Scheduling Praecept.

) IN THE COURT OF COMMON PLEAS OF
) SOMERSET COUNTY, PENNSYLVANIA
)
)
)
) NO. 200_____

SCHEDULING PRAECEPT

2. This is a/an—

- A. ARGUMENT CASE (Complete Part A below);
B. CIVIL TRIAL CASE (Complete Part B below);
C. CIVIL ARBITRATION CASE (Complete Part C below).

PART A (Argument Case):

1. Place the above case on an appropriate Argument Schedule for Argument on Nature of Proceeding

If I am the moving party, I CERTIFY that the required brief has been filed, and has been or will be served promptly.

—OR—

Hearing on Nature of Proceeding

2. Type of scheduling requested:

a. Sec reg (At any date and time convenient to the Court to be fixed on the next available Argument Schedule to be issued).

—OR—

b. Sec reg-date certain (At a presently fixed date and time on an Argument Schedule to be issued).

—OR—

c. Prompt (At a presently fixed date and time on a scheduled already issued).

d. If date certain or prompt scheduling is requested, state the reason (granted only for cause):

3. Estimated total schedule time required for presentation by all parties: Minutes/Hours/Days.

4. a. If the matter listed in paragraph 1 above seeks scheduling for modification or enforcement of any: (i) criminal sentence or order of probation or parole, (ii) juvenile adjudication or disposition order, or (iii) any other order or decree of Court entered in adversary proceedings, state the name of the Judge who made the sentence, order or decree:

J. If not applicable, so state.

b. If any Judge has previously heard argument or testimony on the specific matter to be scheduled, mentioned in paragraph 1 above, or has had significant prior judicial acquaintance with the controversy presented thereby, name the Judge:

J. If not applicable, so state.

PART B. (Civil Trial Case):

1. Place the above case on the next issued Civil Trial List for

- JURY TRIAL NONJURY TRIAL

PART C. (Civil Arbitration Case):

- 1. Schedule the above case for Arbitration Trial Hearing sec reg.
2. Estimated total time for presentation by all parties: Minutes/Hours/Days

II I CERTIFY that:

- 1. This case is ready for disposition by the Court.
2. The signed original of this praecipe and one signed copy thereof (for transmission to the administrator) have been or will be promptly filed to the case in the office of the court clerk; and a signed copy has been or will be promptly served upon each other counsel and upon each unrepresented party who has been served with initial process or pleading.

3. All prescheduling and pretrial procedures, including pleading and discovery, have been completed.

4. All parties, witnesses and counsel for the undersigned are expected to be available and present when the case is scheduled, barring unforeseeable events hereafter occurring. If any event hereafter occurs requiring continuance, a motion therefor will be promptly presented to the Court.

5. I have read and am acquainted with the local rules governing scheduling and court procedures.

III REMARKS:

Signature

Type or print name of signer and party represented.

List of All Counsel and Unrepresented Parties (State party represented by each, e.g., for plaintiff Jones, for defendant Smith, etc.):

NOTE—EFFECT OF CONTINUANCE: If any of the above mentioned cases is scheduled and thereafter continued, a new scheduling praecipe will be required in order to schedule the case again, unless the continuance order fixes a date certain or otherwise provides.

G. Preparation and Form of Orders and Decrees. Copies for Distribution.

1. Unless otherwise directed by the court, decrees and orders requested by a party shall be drafted by the attorney at whose instance they are to be made, and shall be submitted to the court for approval.

2. All proposed orders presented to the court, whether by an attorney, court staff or department, or other person, shall list thereon the names of all counsel in the case (of record and known, including counsel for applicant), and shall indicate the party represented by each (e.g., for plaintiff, for defendant, for petitioner, for respondent, etc.).

NOTE: Nothing herein is intended to alter the present practice of the court reporters in preparing court orders.

3. Counsel preparing the order shall be responsible for copying, and shall provide sufficient copies to the Prothonotary for distribution to all other counsel and parties. If the order continues a case or fixes a date for hearing or argument, counsel shall ensure that the order and its accompanying documents are transmitted to the Court Administrator for notation of the matter for scheduling purposes. The order and documents shall then be filed in the proper office.

4. All documents prepared in and issued from chambers shall be transmitted to the Court Administrator for copying and distribution sec reg, and for scheduling if necessary, then filed in the proper office.

Motion Procedure

Som. R.C.P. 208.3(b). Motions Practice—Filing of Briefs.

A. This Rule applies to all motions.

B. If a motion presents a question of law for decision by the court, each party shall file a brief as follows:

1. When a moving party files a scheduling praecipe, the moving party's brief, if not previously filed, shall be filed at the time the scheduling praecipe is presented, and the moving party shall serve copies of the brief as provided by these Rules. Upon filing and service of a scheduling praecipe and brief by the moving party, each other party who has not already done so shall file a brief within twenty (20) days thereafter or at the time of earlier scheduled argument.

2. When a responding party files a scheduling praecipe, the moving party, shall, within twenty (20) days of receipt of the scheduling order, file and serve a brief as required by these Rules. Upon service, each other party who has not already done so shall file a reply brief within fifteen (15) days thereafter, or at the time of earlier scheduled argument.

3. If a motion is scheduled for argument by the court, without the filing of a scheduling praecipe, the moving party, shall, within twenty (20) days of receipt of the scheduling order, file and serve a brief as required by these Rules. Upon service, each other party who has not already done so, shall file a reply brief within fifteen (15) days thereafter, or at the time of earlier scheduled argument.

C. If a party's brief is not timely filed, the court may, in its discretion:

1. In the case of a moving party's failure to file a brief, delay scheduling until the brief is filed;
2. Disregard the untimely brief;
3. Refuse oral argument by the offending party;
4. Consider the issues raised by the offending party to be waived;
5. Order argument to be continued;
6. Enter such other order as the interests of justice may require.

D. A party filing a brief shall file the original with the Prothonotary, shall promptly serve a copy on each other counsel and unrepresented party, and shall promptly provide a copy to the Court Administrator.

E. Matters not briefed shall not be argued or considered, unless the omission is excused by the court, for cause.

Preliminary Objections

Som. R.C.P. 1028(c). Preliminary Objections Procedure.

A. Preliminary objections shall be scheduled for argument by the filing of a scheduling praecipe in accordance with the procedure, and in the form specified in subparagraph C. of this Rule, copies of which are available in the Offices of the Prothonotary and Court Administrator.

B. Briefs.

1. When the moving party files a scheduling praecipe, the moving party's brief, if not previously filed, shall be filed at the time the scheduling praecipe is presented, and the moving party shall serve copies of the brief as provided by these Rules. Upon filing and service of a scheduling praecipe and brief by the moving party, each other party who has not already done so, shall file a brief within twenty (20) days thereafter or at the time of earlier scheduled argument.

2. When a responding party files a scheduling praecipe, or if the court places a case on an argument list, the moving party, shall, within twenty (20) days of receipt of the scheduling order, file and serve a brief as required by these Rules. Upon service, each other party who has not already done so shall file a reply brief within fifteen (15) days thereafter, or at the time of earlier scheduled argument.

3. If a party's brief is not timely filed, the court may, in its discretion:

- a. In the case of a moving party's failure to file a brief, delay scheduling until the brief is filed;
- b. Disregard the untimely brief;
- c. Refuse oral argument by the offending party;
- d. Consider the issues raised by the offending party to be waived;
- e. Order argument to be continued;
- f. Entry such other order as the interests of justice may require.

4. A party filing a brief shall file the original with the Prothonotary, shall promptly serve a copy on each other counsel and unrepresented party, and shall promptly provide a copy to the Court Administrator.

5. Matters not briefed shall not be argued or considered, unless the omission is excused by the court, for cause.

C. Scheduling by Praecipe.

1. Those cases required to be scheduled by praecipe shall be scheduled only upon filing of a scheduling praecipe, substantially in the form set forth below in subparagraph C.6. of this Rule.

2. The praecipe and all issued copies thereof shall be signed by counsel of record or an unrepresented party.

3. The scheduling praecipe shall be filed as provided in the prescribed form of scheduling praecipe, and the praecipe and copies thereof shall be served promptly on other counsel and unrepresented parties in the case.

4. Upon receipt of a scheduling praecipe any party may object thereto as follows:

a. If the objection is to the assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions Judge practice on notice to other parties.

b. If the objection relates to any other assertion in the praecipe, such as time of scheduling, time required on the schedule, etc., the objecting party shall promptly file a counter praecipe stating only the matter corrected or changed.

5. If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling

praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct, prohibition of additional discovery, or other appropriate order.

6. Form of Scheduling Praecipe.

) IN THE COURT OF COMMON PLEAS OF
) SOMERSET COUNTY, PENNSYLVANIA
)
)
)
) NO. 200_____

SCHEDULING PRAECIPE

1. This is a/an—

- A. ARGUMENT CASE (Complete Part A below):
B. CIVIL TRIAL CASE (Complete Part B below):
C. CIVIL ARBITRATION CASE (Complete Part C below).

PART A (Argument Case):

1. Place the above case on an appropriate Argument Schedule for Argument on Nature of Proceeding

If I am the moving party, I CERTIFY that the required brief has been filed, and has been or will be served promptly.

—OR—

Hearing on Nature of Proceeding

2. Type of scheduling requested:

a. Sec reg (At any date and time convenient to the Court to be fixed on the next available Argument Schedule to be issued).

—OR—

b. Sec reg-date certain (At a presently fixed date and time on an Argument Schedule to be issued).

—OR—

c. Prompt (At a presently fixed date and time on a scheduled already issued).

d. If date certain or prompt scheduling is requested, state the reason (granted only for cause):

3. Estimated total schedule time required for presentation by all parties: Minutes/Hours/Days.

4. a. If the matter listed in paragraph 1 above seeks scheduling for modification or enforcement of any: (i) criminal sentence or order of probation or parole, (ii) juvenile adjudication or disposition order, or (iii) any other order or decree of Court entered in adversary proceedings, state the name of the Judge who made the sentence, order or decree:

J. If not applicable, so state.

b. If any Judge has previously heard argument or testimony on the specific matter to be scheduled, mentioned in paragraph 1 above, or has had significant prior judicial acquaintance with the controversy presented thereby, name the Judge:

J. If not applicable, so state.

PART B. (Civil Trial Case):

1. Place the above case on the next issued Civil Trial List for

- JURY TRIAL NONJURY TRIAL

PART C. (Civil Arbitration Case):

1. Schedule the above case for Arbitration Trial Hearing sec reg.

2. Estimated total time for presentation by all parties: Minutes/Hours/Days

II I CERTIFY that:

1. This case is ready for disposition by the Court.

2. The signed original of this praecipe and one signed copy thereof (for transmission to the administrator) have been or will be promptly filed to the case in the office of the court clerk; and a signed copy has been or will be promptly served upon each other counsel and upon each unrepresented party who has been served with initial process or pleading.

3. All prescheduling and pretrial procedures, including pleading and discovery, have been completed.

4. All parties, witnesses and counsel for the undersigned are expected to be available and present when the case is scheduled, barring unforeseeable events hereafter occurring. If any event hereafter occurs requiring continuance, a motion therefor will be promptly presented to the Court.

5. I have read and am acquainted with the local rules governing scheduling and court procedures.

III REMARKS:

Signature

Type or print name of signer and party represented.

List of All Counsel and Unrepresented Parties (State party represented by each, e.g., for plaintiff Jones, for defendant Smith, etc.):

NOTE—EFFECT OF CONTINUANCE: If any of the above mentioned cases is scheduled and thereafter continued, a new scheduling praecipe will be required in order to schedule the case again, unless the continuance order fixes a date certain or otherwise provides.

Motion For Judgment On The Pleadings.

Som. R.C.P. 1034(a). Motion For Judgment On The Pleadings-Procedure.

A. Argument on motions for judgment on the pleadings shall be scheduled by the filing of a scheduling praecipe in the accordance with the procedure, and in the form specified in subparagraph C. of this Rule, copies of which are available in the offices of the Prothonotary and Court Administrator.

B. Briefs.

1. When the moving party files a scheduling praecipe, the moving party's brief, if not previously filed, shall be filed at the time the scheduling praecipe is presented, and the moving party shall serve copies of the brief as provided by these Rules. Upon filing and service of a scheduling praecipe and brief by the moving party, each

other party who has not already done so, shall file a brief within twenty (20) days thereafter or at the time of earlier scheduled argument.

2. When a responding party files a scheduling praecipe, or if the court places a case on an argument list, the moving party, shall, within twenty (20) days of receipt of the scheduling order, file and serve a brief as required by these Rules. Upon service, each other party who has not already done so shall file a reply brief within fifteen (15) days thereafter, or at the time of earlier scheduled argument.

3. If a party's brief is not timely filed, the court may, in its discretion:

a. In the case of a moving party's failure to file a brief, delay scheduling until the brief is filed;

b. Disregard the untimely brief;

c. Refuse oral argument by the offending party;

d. Consider the issues raised by the offending party to be waived;

e. Order argument to be continued;

f. Entry such other order as the interests of justice may require.

4. A party filing a brief shall file the original with the Prothonotary, shall promptly serve a copy on each other counsel and unrepresented party, and shall promptly provide a copy to the Court Administrator.

5. Matters not briefed shall not be argued or considered, unless the omission is excused by the court, for cause.

C. Scheduling by Praecipe.

1. Those cases required to be scheduled by praecipe shall be scheduled only upon filing of a scheduling praecipe, substantially in the form set forth below in subparagraph C.6. of this Rule.

2. The praecipe and all issued copies thereof shall be signed by counsel of record or an unrepresented party.

3. The scheduling praecipe shall be filed as provided in the prescribed form of scheduling praecipe, and the praecipe and copies thereof shall be served promptly on other counsel and unrepresented parties in the case.

4. Upon receipt of a scheduling praecipe any party may object thereto as follows:

a. If the objection is to the assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions Judge practice on notice to other parties.

b. If the objection relates to any other assertion in the praecipe, such as time of scheduling, time required on the schedule, etc., the objecting party shall promptly file a counter praecipe stating only the matter corrected or changed.

5. If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct, prohibition of additional discovery, or other appropriate order.

6. Form of Scheduling Praecipe.

) IN THE COURT OF COMMON PLEAS OF
) SOMERSET COUNTY, PENNSYLVANIA

)

)

)

) NO. 200_____

SCHEDULING PRAECIPE

1. This is a/an—

- A. ARGUMENT CASE (Complete Part A below):
- B. CIVIL TRIAL CASE (Complete Part B below):
- C. CIVIL ARBITRATION CASE (Complete Part C below):

PART A (Argument Case):

1. Place the above case on an appropriate Argument Schedule for Argument on _____
Nature of Proceeding _____

If I am the moving party, I CERTIFY that the required brief has been filed, and has been or will be served promptly.

—OR—

Hearing on _____
Nature of Proceeding _____

2. Type of scheduling requested:

a. Sec reg (At any date and time convenient to the Court to be fixed on the next available Argument Schedule to be issued).

—OR—

b. Sec reg-date certain (At a presently fixed date and time on an Argument Schedule to be issued).

—OR—

c. Prompt (At a presently fixed date and time on a scheduled already issued).

d. If date certain or prompt scheduling is requested, state the reason (granted only for cause):

3. Estimated total schedule time required for presentation by all parties: _____ Minutes/Hours/Days.

4. a. If the matter listed in paragraph 1 above seeks scheduling for modification or enforcement of any: (i) criminal sentence or order of probation or parole, (ii) juvenile adjudication or disposition order, or (iii) any other order or decree of Court entered in adversary proceedings, state the name of the Judge who made the sentence, order or decree:
_____ J. If not applicable, so state.

b. If any Judge has previously heard argument or testimony on the specific matter to be scheduled, mentioned in paragraph 1 above, or has had significant prior judicial acquaintance with the controversy presented thereby, name the Judge:
_____ J. If not applicable, so state.

PART B. (Civil Trial Case):

1. Place the above case on the next issued Civil Trial List for

- JURY TRIAL
- NONJURY TRIAL

PART C. (Civil Arbitration Case):

1. Schedule the above case for Arbitration Trial Hearing sec reg.
2. Estimated total time for presentation by all parties:
 _____ Minutes/Hours/Days

II I CERTIFY that:

1. This case is ready for disposition by the Court.
2. The signed original of this praecipe and one signed copy thereof (for transmission to the administrator) have been or will be promptly filed to the case in the office of the court clerk; and a signed copy has been or will be promptly served upon each other counsel and upon each unrepresented party who has been served with initial process or pleading.
3. All prescheduling and pretrial procedures, including pleading and discovery, have been completed.
4. All parties, witnesses and counsel for the undersigned are expected to be available and present when the case is scheduled, barring unforeseeable events hereafter occurring. If any event hereafter occurs requiring continuance, a motion therefor will be promptly presented to the Court.
5. I have read and am acquainted with the local rules governing scheduling and court procedures.

III REMARKS: _____

 Signature

 Type or print name of signer and party represented.

List of All Counsel and Unrepresented Parties (State party represented by each, e.g., for plaintiff Jones, for defendant Smith, etc.):

NOTE—EFFECT OF CONTINUANCE: If any of the above mentioned cases is scheduled and thereafter continued, a new scheduling praecipe will be required in order to schedule the case again, unless the continuance order fixes a date certain or otherwise provides.

Motion For Summary Judgment

Som. R.C.P. 1035.2(a). Motion For Summary Judgment-Procedure.

A. Argument on motions for summary judgment shall be scheduled by the filing of a scheduling praecipe in accordance with the procedure, and in the form specified in subparagraph C. of this Rule, copies of which are available in the offices of the Prothonotary and Court Administrator.

B. Briefs.

1. When the moving party files a scheduling praecipe, the moving party's brief, if not previously filed, shall be filed at the time the scheduling praecipe is presented, and the moving party shall serve copies of the brief as provided by these Rules. Upon filing and service of a scheduling praecipe and brief by the moving party, each other party who has not already done so, shall file a brief within twenty (20) days thereafter or at the time of earlier scheduled argument.

2. When a responding party files a scheduling praecipe, or if the court places a case on an argument list, the

moving party, shall, within twenty (20) days of receipt of the scheduling order, file and serve a brief as required by these Rules. Upon service, each other party who has not already done so shall file a reply brief within fifteen (15) days thereafter, or at the time of earlier scheduled argument.

3. If a party's brief is not timely filed, the court may, in its discretion:

- a. In the case of a moving party's failure to file a brief, delay scheduling until the brief is filed;
- b. Disregard the untimely brief;
- c. Refuse oral argument by the offending party;
- d. Consider the issues raised by the offending party to be waived;
- e. Order argument to be continued;
- f. Entry such other order as the interests of justice may require.

4. A party filing a brief shall file the original with the Prothonotary, shall promptly serve a copy on each other counsel and unrepresented party, and shall promptly provide a copy to the Court Administrator.

5. Matters not briefed shall not be argued or considered, unless the omission is excused by the court, for cause.

C. Scheduling by Praecipe.

1. Those cases required to be scheduled by praecipe shall be scheduled only upon filing of a scheduling praecipe, substantially in the form set forth below in subparagraph C.6. of this Rule.

2. The praecipe and all issued copies thereof shall be signed by counsel of record or an unrepresented party.

3. The scheduling praecipe shall be filed as provided in the prescribed form of scheduling praecipe, and the praecipe and copies thereof shall be served promptly on other counsel and unrepresented parties in the case.

4. Upon receipt of a scheduling praecipe any party may object thereto as follows:

a. If the objection is to the assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions Judge practice on notice to other parties.

b. If the objection relates to any other assertion in the praecipe, such as time of scheduling, time required on the schedule, etc., the objecting party shall promptly file a counter praecipe stating only the matter corrected or changed.

5. If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct, prohibition of additional discovery, or other appropriate order.

6. Form of Scheduling Praecipe.

) IN THE COURT OF COMMON PLEAS OF
) SOMERSET COUNTY, PENNSYLVANIA
)
)
) NO. 200_____

SCHEDULING PRAECIPE

5. This is a/an—

- A. ARGUMENT CASE (Complete Part A below):
B. CIVIL TRIAL CASE (Complete Part B below):
C. CIVIL ARBITRATION CASE (Complete Part C below).

PART A (Argument Case):

1. Place the above case on an appropriate Argument Schedule for Argument on Nature of Proceeding

If I am the moving party, I CERTIFY that the required brief has been filed, and has been or will be served promptly.

—OR—

Hearing on Nature of Proceeding

2. Type of scheduling requested:

a. Sec reg (At any date and time convenient to the Court to be fixed on the next available Argument Schedule to be issued).

—OR—

b. Sec reg-date certain (At a presently fixed date and time on an Argument Schedule to be issued).

—OR—

c. Prompt (At a presently fixed date and time on a scheduled already issued).

d. If date certain or prompt scheduling is requested, state the reason (granted only for cause):

3. Estimated total schedule time required for presentation by all parties: Minutes/Hours/Days.

4. a. If the matter listed in paragraph 1 above seeks scheduling for modification or enforcement of any: (i) criminal sentence or order of probation or parole, (ii) juvenile adjudication or disposition order, or (iii) any other order or decree of Court entered in adversary proceedings, state the name of the Judge who made the sentence, order or decree:

J. If not applicable, so state.

b. If any Judge has previously heard argument or testimony on the specific matter to be scheduled, mentioned in paragraph 1 above, or has had significant prior judicial acquaintance with the controversy presented thereby, name the Judge:

J. If not applicable, so state.

PART B. (Civil Trial Case):

1. Place the above case on the next issued Civil Trial List for

JURY TRIAL NONJURY TRIAL

PART C. (Civil Arbitration Case):

1. Schedule the above case for Arbitration Trial Hearing sec reg.

2. Estimated total time for presentation by all parties: Minutes/Hours/Days

II I CERTIFY that:

1. This case is ready for disposition by the Court.

2. The signed original of this praecipe and one signed copy thereof (for transmission to the administrator) have been or will be promptly filed to the case in the office of the court clerk; and a signed copy has been or will be promptly served upon each other counsel and upon each unrepresented party who has been served with initial process or pleading.

3. All prescheduling and pretrial procedures, including pleading and discovery, have been completed.

4. All parties, witnesses and counsel for the undersigned are expected to be available and present when the case is scheduled, barring unforeseeable events hereafter occurring. If any event hereafter occurs requiring continuance, a motion therefor will be promptly presented to the Court.

5. I have read and am acquainted with the local rules governing scheduling and court procedures.

III REMARKS:

Signature

Type or print name of signer and party represented.

List of All Counsel and Unrepresented Parties (State party represented by each, e.g., for plaintiff Jones, for defendant Smith, etc.):

NOTE—EFFECT OF CONTINUANCE: If any of the above mentioned cases is scheduled and thereafter continued, a new scheduling praecipe will be required in order to schedule the case again, unless the continuance order fixes a date certain or otherwise provides.

Briefs

Som. R.C.P. 210. Briefs.

A. Briefs shall be in the form prescribed by Pennsylvania Rule of Civil Procedure 210, and shall consist of concise and summary statements, separately and distinctly titled, of the following items in the order listed:

(1) Matter before the Court: State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.

(2) Statement of the question(s) involved: State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the

Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.

(3) *Facts*: State the operative facts.

(4) *Argument*: State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall not be cited for general reference but in all cases shall be

immediately preceded or followed by its relevant holding or particular proposition for which it stands.

(5) *Relief*: State the specific action(s) requested of the court.

[Pa.B. Doc. No. 04-974. Filed for public inspection June 4, 2004, 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 May 25, 2004.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-14-04	Community Bank System, Inc., DeWitt, NY, acquired 100% of the voting shares of First Heritage Bank, Wilkes-Barre, PA	DeWitt, NY	Effective
	<i>Note:</i> Subsequent to the acquisition, First Heritage Bank was merged with and into Community Bank, National Association, Canton, NY, and ceased to be regulated by the Department of Banking.		
5-24-04	First Commonwealth Financial Corporation, IN, acquired 100% of the voting shares of GA Financial, Inc., Pittsburgh, PA	Indiana	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-24-04	First Commonwealth Bank, IN, and Great American Federal, Pittsburgh, PA Surviving Institution— First Commonwealth Bank, IN	Indiana	Effective
	<i>Branches Acquired Via Merger:</i>		
	548 Rock Run Road Buena Vista Allegheny County	4750 Clairton Boulevard Pittsburgh Allegheny County	
	608 Miller Avenue Clairton Allegheny County	Baptist and Grove Roads Pittsburgh Allegheny County	
	2210 Ardmore Boulevard Forest Hills Allegheny County	250 Summit Park Drive Pittsburgh Allegheny County	
	500 East Waterfront Drive Homestead Allegheny County	1105 South Braddock Avenue Pittsburgh Allegheny County	
	225 5th Avenue McKeesport Allegheny County	6015 Mountain View Drive West Mifflin Allegheny County	
	4600 Main Street Munhall Allegheny County	1527 Lincoln Way White Oak Allegheny County	

NOTICES

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-21-04	Stonebridge Bank Exton Chester County	600 West Germantown Pike Plymouth Meeting Montgomery County	Approved
5-21-04	Stonebridge Bank Exton Chester County	408 Lakeside Drive Southampton Bucks County	Approved
5-21-04	Community Banks Millersburg Dauphin County	50 North Main Street Spring Grove York County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-21-04	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 708 West High Street Ebensburg Cambria County <i>From:</i> 613 West High Street Ebensburg Cambria County	Approved
5-21-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 400 Northtown Square Gibsonia Allegheny County <i>From:</i> 5600 William Flynn Highway Gibsonia Allegheny County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-19-04	Firsttrust Savings Bank Conshohocken Montgomery County	Bala Cynwyd Shopping Center 41 East City Line Avenue Bala Cynwyd Montgomery County	Filed
5-21-04	S & T Bank Indiana Indiana County	109 Grant Avenue Vandergrift Westmoreland County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-19-04	Pennsylvania State Employees Credit Union Harrisburg Dauphin County	Amendment to Article 8 provides for the addition of the language "corporate or other legal entities in this charter," to the field of membership.	Approved and Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-975. Filed for public inspection June 4, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA-0063886	Michael G. Hooper 102 West Main Street Bath, PA 18014	Lower Saucon Township Northampton	East Branch Saucon Creek (2C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0033391 (SEW)	Pine Manor Mobile Home Park 3857 E. Harrisburg Pike 4163 Lark Street Middletown, PA 17057-4622	Dauphin County Londonderry Township	Unt Lynch Run/7-G	Y
PA0087165 (SEW) Transfer	Bleyer Gift Packs LLC 80 Voice Road Carle Place NY 11514-1500	Huntingdon County Mt. Union Borough	Juniata River/12-C	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 No.)</i>	<i>EPA Waived Y/N ?</i>
PA0031682	Youngsville Motel Boarding Home 174 Matthews Run Road Youngsville, PA 16371	Brokenstraw Township Warren County	Unnamed Tributary to Matthews Run Watershed 16-B	Y
PA0222747	Seagull Cove Treatment Facility Association 11986 East Lake Road P. O. Box 506 North East, PA 16428-0506	North East Township Erie County	Unnamed Tributary to Lake Erie Watershed 15	Y

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

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

PA0239488, Sewerage. **Eldred Township**, R. D. 2, Box 123A, Pittsfield, PA 16340.

This proposed facility is located in Eldred Township, **Warren County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, Fluoride, Phenolics, Sulfate and Chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company is located on the Allegheny River and is approximately 90 miles below point of discharge.

The receiving stream, the Caldwell Creek, is in watershed 16-E and classified for: HQ-C, WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	
Flow	XX	XX			
CBOD ₅					
(5/1-10/31)	3.3	5.0	10	15	20
(11/1-4/30)	6.6	10	20	30	40
Total Suspended Sol- ids	3.3	5.0	10	15	20
NH ₃ -N					
(5/01-10/31)	1.0		3		6
(11/01-4/30)	3.0		9		18
Fecal Coliform					
(5/01-9/30)			200/100ml as a geometric average		
(10/01-4/30)			15,000/100ml as a geometric average		
Dissolved Oxygen			minimum of 6.0 mg/l at all times		
Phosphorus as "P"					
(4/01-10/31)			2		4
pH			6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

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

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

WQM Permit No. 2104406, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055.

This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Replacement/Upgrade of pumps in Pump Station #8.

WQM Permit No. 3604401, Sewerage, City of Lancaster, 120 North Duke Street, Lancaster, PA 17608.

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

Description of Proposed Action/Activity: Realignment of West Grant Street sewer line for the Pennsylvania Academy of Music project.

WQM Permit No. 0604202, CAFO, **Joel Hetrick, Hetrickdale Farms**, 69 Hetrick Drive, Bernville, PA 19506.

This proposed facility is located in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the renovation and expansion of an existing earthen manure lagoon, including the installation of a HDPE liner with the approximate storage of 1.34 million gallons.

WQM Permit No. 0104201, CAFO, **Bert Waybright, Mason Dixon Farms, Inc.**, 1750 Mason Dixon Road, Gettysburg, PA 17325.

This proposed facility is located in Freedom Township and Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Construction of a Circular Concrete Manure Storage Tank.

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

WQM Permit No. 2604402, Sewerage, **Brownsville Municipal Authority**, P. O. Box 330, 7 Jackson Street, Brownsville PA 15417.

This proposed facility is located in Brownsville Borough, **Fayette County**.

Description of Proposed Action/Activity: Application for the Construction and Operation of a sewage treatment plant, Sewers and Pump Stations and Aerobic Digestion Tanks to serve the Brownsville WWTP.

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

WQM Permit No. 6504401, Sewerage, **Municipal Authority of Washington Township**, 283 Pine Run Church Road, Apollo PA 15613.

This proposed facility is located in Washington Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the Construction and Operation of the Washington Township, Lower Beaver Sewer Extension Phase II Project.

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

IV. NPDES Applications for Stormwater Discharges from 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

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

Carbon County Conservation District: 5664 Interchange Rd., Leighton, PA 18235-5114, (610) 377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304003	Girl Scouts—Great Valley Council, Inc. 2633 Moravian Ave. Allentown, PA 18103	Carbon	Kidder Twp.	Black Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904019	Darlene Williams 3638 Blacksmith Rd. New Tripoli, PA 18066	Lehigh	Weisenberg Twp.	Lyon Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504012	PennDOT, Dist. 5-0 1713 Lehigh St. Allentown, PA 18103	Monroe	Paradise Twp. and Mr. Pocono Borough	Forest Hills Run HQ,CWF Swiftwater Creek HQ-CWF
PAI033604003	John King 601 Overlys Grove Road New Holland, PA 17557	Lancaster	Eden Township	UNT to West Branch Octoraro Creek HQ-CWF-MF UNT to Pequea Creek TSF
PAI030704002	Tony Fitz Gibbons Edgewood Acres Development 279 North Zinns Mill Road Suite D Lebanon, PA 17042	Blair	North Woodbury Township	Clover Creek EV-HQ
PAI003604002	Aaron K. Beiler 624 Buchland Road Narvon, PA 17555	Lancaster	Salisbury Township	Pequea Creek HQ-CWF

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

Clearfield Conservation District: 650 Leonard St., Clearfield, PA 16830 (814) 765-2629.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101718-1	Dennis Raybuck International Custom Products Inc. P. O. Box 527A DuBois, PA 15801	Clearfield	Sandy	Reisinger Run CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050204002	William D. Redinger 1904 Lincoln Way McKeesport, PA 15131	Allegheny	North Versailles Twp.	Unnamed Tributary to Jacks Run (HQ-TSF)

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 include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact

basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)

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

Permit No. 5404502, Public Water Supply.

Applicant	Hegins Hubley Authority 915 West Maple Street Valley View, PA
Township or Borough	Hubley Township Schuylkill County
Responsible Official	Fred J. Bowman, Chairman
Type of Facility	Public Water System
Consulting Engineer	David J. Kavitski, P. E. BCM Engineers
Application Received Date	May 12, 2004
Description of Action	A new well source and transmission main.

Permit No. 5804501, Public Water Supply.

Applicant	White's Mobile Home Park
Township or Borough	Clifford Township, Susquehanna County
Responsible Official	Mr. John C. White, Owner White's Mobile Home Park R. R. 1, Box 109 Forest City, PA 18421
Type of Facility	PWS
Consulting Engineer	John F. Davis, P. E. R. K. R. Hess Associates, Inc. P. O. Box 268 East Stroudsburg, PA 18301
Application Received Date	May 12, 2004
Description of Action	The proposed project will provide disinfection for the existing public water supply system at the White's Mobile Home Park. Proposed work includes the installation of a chlorinator and associated piping modifications.

Permit No. 5204501, Public Water Supply.

Applicant	Pennsylvania-American Water Co.
Township or Borough	Lehman Township, Pike County
Responsible Official	William C. Kelvington, VP PA-AM Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Community Water System

Consulting Engineer	Michael D. Youshock, P. E. PA-AM Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701 (570) 830-6538
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Application Received Date	May 17, 2004
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Description of Action	Application for construction of a booster pump station to upgrade water pressure in Section 37 of Saw Creek Estates, consisting of about 240 lots.
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MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)

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

Application No. Minor Amendment.

Applicant	Winola Water Company, Inc.
Township or Borough	Overfield Township, Wyoming County
Responsible Official	Brian Fallon, President Winola Water Company, Inc. Taylor, PA 18517
Type of Facility	PWS
Consulting Engineer	N/A
Application Received Date	May 6, 2004
Description of Action	Transfer of PWS Permit No. 2660004 from Aaronrod Water Company to the Winola Water Company, Inc.

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

Application No. 4389503-MA1, Minor Amendment.

Applicant	Leesburg Comm Water Assn
Township or Borough	Springfield Township/Mercer County
Responsible Official	Ms Sue Schepp, President Leesburg Comm Water Coop Assn 1359 Bremt Rd. Volant, PA 16156
Type of Facility	PWS
Consulting Engineer	Kevin L Szakelyhidi, P. E. Bankson Engineers, Inc. 627 Blue Run Rd. P. O. Box 200 Indianola, PA 15051
Application Received Date	05/13/2004
Description of Action	Construction of 169,000 gal glass fused-to-steel water storage tank; installation of meters & distribution upgrade.

Application No. 4393505-MA1, Minor Amendment.

Applicant	Buhl Community Water
Township or Borough	Springfield Township/Mercer County
Responsible Official	Gloria Lambert, Ofc Mgr
Type of Facility	PWS
Consulting Engineer	Daniel F. Schmitt, P. E. Gibson-Thomas Engineering Co., Inc. Box 853 Latrobe, PA 15650
Application Received Date	05/11/2004
Description of Action	Construction of 500,000 gal elevated water storage tank to provide additional storage capacity.

WATER ALLOCATIONS

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

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

WA 16-1004, Water Allocations. **Limestone Township General Municipal Authority**, 12209 E Reidsburg Road, Clarion, PA 16214-4239, Limestone Township, **Clarion County**. Subsidiary application request for the purchase of 80,000 gpd, on average 30-day billing period, from PA American Water Company Clarion, to provide water for distribution to its entire service area.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any

contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Multipurpose Stadium, City of Lancaster, **Lancaster County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of The Redevelopment Authority of Lancaster County, submitted a Notice of Intent to Remediate the site as a Special Industrial Area. Potential releases of regulated substances to soils and groundwater include volatile organic compounds, semivolatile organic compounds, PCBs, heavy metals and petroleum products. The intended future use of the site is as a multipurpose stadium, to be used primarily for minor league baseball.

Precision Offset Printing Company, Centre Township, **Berks County**. UAI Environmental, Inc., 607 Commerce Drive, Reading, PA, 19607, on behalf of Precision Offset Printing Company, P. O. Box 675, Leesport, PA 19533, submitted a Notice of Intent to Remediate site groundwater contaminated with leaded and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Hamburg Area Item* on May 19, 2004.

6th Avenue Limited Partnership, Spring Garden Township, **York County**. Langan Engineering and Environmental Services, Inc., 30 South 17th Street, Philadelphia, PA 19103, on behalf of 6th Avenue Limited Partnership, 1420 6th Avenue, York, PA 17403, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents and volatile organic compounds. The applicant proposes to remediate the site to meet the Site-specific, Statewide Health and Background standard requirements.

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

Emsource St. Marys LLC, Old Dump Site, City of St. Marys, **Elk County**. Edward B. Burkett, Burkett Env. Svc. Inc., 1218 Brusselles St. P. O. Box 1017, St. Marys PA 15857 on behalf of Richard D. Schatz, 1057 S Michael Rd, St. Marys, PA 15857, has submitted a Notice of Intent to Remediate. The site is a former surface coal mine used by local industries for disposal of waste, mainly Carbon Scrap. The contaminants to be addressed are Trichlorethene, 1,2-dichloroethene and 1,2-dichloroethane and vinyl chloride, Cadmium, Nickel and Lead.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Applications 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 17101-2301.

General Permit Application No. WMGR081D006. TBS Industries Inc., 4211 Van Kirk St., Philadelphia, PA 19135-3925. For the recycling of various uncontaminated and source-separated electronic equipment and components electronics equipment by sorting, disassembling, and mechanical processing (by sizing, shaping, separating and volume reduction only). The application for determination of applicability was deemed administratively complete by Division of Municipal and Residual Waste on May 17, 2004.

Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, General Permits/Beneficial Use Section, 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

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials

are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

40-399-038C: Fairchild Semiconductor Corp. (125 Crestwood Road, Mountaintop, PA 18707) for installation of air cleaning devices to control the atmospheric emissions from the Fab 8 production line at their facility in the Crestwood Industrial Park, Wright Township, **Luzerne County**.

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

32-00377A: General Trade Corp. (4158 Old William Penn Highway, Murraysville, PA) for installation of a coal blending and prep facility Central Processing Plant in West Wheatfield Township, **Indiana County**.

03-00238A: Curran-Shaffer Funeral Home, Inc. (100 Owens View Avenue, Apollo, PA 15613) for installation of crematory at Apollo facility in Kiskiminetas Township, **Armstrong County**.

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

16-094A: IA Construction Corp. (Route 66, Shippenville, PA 16254) for modification of existing plan approval for asphalt plant to allow No. 2 oil, liquid propane, or natural gas fuels for the rotary dryer burner at their Clarion Plant in Paint Township, **Clarion County**.

61-193D: National Fuel Gas Supply Corp. (TR 300, Stoneboro, PA 16153) for minor modification of existing plan approval (61-0193C) to allow revision of minimum thermal oxidizer temperature from 1,400°F to 1,300°F at their Henderson Station in Mineral Township, **Venango 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 Contact: Thomas McGinley, New Source Review Chief (484) 250-5920.

09-0009E: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914) for modification of operation Press No. 18 (heat-set web offset printing press) at their facility in New Britain Township, **Bucks County**. The facility is classified as a major facility for VOCs; however, the proposed modifications will not affect allowable VOC limits. The following are the proposed modifications:

1. Removal of the average and maximum limit on VOC content on ink usage.
2. Changing the fountain solution VOC content limit from 0.69 % by volume to 3.0 % by weight, as applied.
3. Removal of the fountain solution density limit.
4. Removal of the blanket wash VOC density limit.

The aforementioned modifications are consistent current regulation of heat-set web offset printing presses. Press No. 18 will continue to be subject to recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

35-305-003: Northampton Fuel Supply Co., Inc. (7500 Old Georgetown Road, Suite 13, Bethesda, MD 20814) for installation and operation of a portable crushing and screening anthracite coal refuse plant at their facility in Mayfield Borough and Carbondale Township, **Lackawanna County**. The operation involves processing the culm material, disposal of the reject material on-site for final reclamation and revegetation of all disturbed areas. This facility is a non-Title V facility, subject to the requirement of Part 60 Standards of Performance for New Stationary Sources Subpart Y (§ 60.250—§ 60.254) for Coal Preparation Plants. Fugitive dust will be controlled by the water spray system to the extent that the operation will have no fugitive dust. The company will monitor and visually inspect the process daily during operating hours to ensure all wet suppression equipment is working properly. Any defects will be corrected immediately and the equipment will be operated as per vendor's specifications to assure the compliance with Department regulations.

40-305-024: Northampton Fuel Supply Co., Inc. (7500 Old Georgetown Road, Suite 13, Bethesda, MD

20814) for installation and operation of a portable crushing and screening anthracite coal refuse plant at their facility in Hanover Township, **Luzerne County**. The operation involves processing the culm material, disposal of the reject material on-site for final reclamation and revegetation of all disturbed areas. This facility is a non-Title V facility, subject to the requirement of Part 60 Standards of Performance for New Stationary Sources Subpart Y (§ 60.250—§ 60.254) for Coal Preparation Plants. Fugitive dust will be controlled by the water spray system to the extent that the operation will have no fugitive dust. The company will monitor and visually inspect the process daily during operating hours to ensure all wet suppression equipment is working properly. Any defects will be corrected immediately and the equipment will be operated as per vendor's specifications to assure the compliance with Department regulations.

54-313-083: Air Products and Chemicals, Inc. (357 Marian Avenue, Tamaqua, PA 18252) for construction of a new Fluorine (F2) West II Plant at their Hometown facility in Rush Township, **Schuylkill County**. The HF emissions from the plant will be less than 0.7 TPY. Emissions will be controlled by the use of their existing scrubbers. The Department will place a condition for the facility to monitor the scrubber flow rate, temperature and concentrations of KOH. 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.

54-313-084: Air Products and Chemicals, Inc. (357 Marian Avenue, Tamaqua, PA 18252) for increase in production rates from their Nitrogen Tri-Fluoride (NF3) West I plant at their Hometown facility in Rush Twp, **Schuylkill County**. The increase in production rates will increase the NF3 emissions from 11.2 TPY to 16.6 TPY. Emissions will be controlled by the use of their existing scrubbers. The Department will place conditions for the facility to monitor the scrubber flow rate, temperature and concentrations of KOH. 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.

54-313-085: Air Products and Chemicals Inc. (357 Marian Avenue, Tamaqua, PA 18252) for construction of a new Nitrogen Tri-Fluoride (NF3) West II plant at their Hometown facility in Rush Township, **Schuylkill County**. The NF3 emissions from the plant will be 16.6 TPY. Emissions will be controlled by the use of scrubbers. The Department will place conditions for the facility to monitor the scrubber flow rate, temperature and concentrations of KOH. 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.

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

10-00027D: Penreco (138 Petrolia Street Karns City, PA 16041) for replacement of an existing coal fired boiler (No. 6) with a new boiler rated at 91 MMBTU/hr in Karns City, **Butler County**. In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (DEP) intends to issue a plan approval for modification of plan approval No. 10-00027C.

The new boiler will be capable of firing natural gas, distillate oil, residual oil and off specification oil, which is currently fired in the No. 1 boiler. The new boiler will be

equipped with Low NOx Burners (LNB) and Flue Gas Recirculation (FGR). This replacement is intended to be an environmental improvement that will reduce emissions and provide a dependable supply of steam for processing needs. The modifications include removal of 30 day rolling average requirements for NOx and language regarding exemption by the first substantive date of the recent Boiler and Process Heater MACT Rule, (40 CFR Part 63 Subpart DDDDD), signed February 29, 2004. Both boilers will be replaced prior to the substantive date and will be minor status with regards to HAPS for HCL. The replacement is not subject to NSR or PSD. The new boiler will comply with the NSPS requirements, (40 CFR 60 Subpart Dc The facility was issued a Title V permit No.TV-10-00027 on May 4, 2000, which was revised on July 18, 2003. 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.

Any persons wishing to provide the Department of Environmental Protection (Department) with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit [Permit Nos. 10-027C].

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335 or (814)-332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Matthew Williams, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

If a plan approval has not undergone the above public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

10-309B: Multiserv Plant 16 (Route 8 South, Butler, PA 16001) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department intends to issue a plan approval to modify conditions in existing plan approval. All other conditions in referenced plan approvals will remain in effect. This plan approval will be incorporated into a State Only operating permit at a later date. This plan approval modification will add an additional screening module to a scalping

operation at the AK Steel site located on Route 8 in Butler, **Butler County**. The source shall comply with the following conditions:

- A log of performed maintenance on the scalping equipment as recommended by the manufacturer shall be kept.
- Daily visible emissions observations shall be performed with discrepancies noted on a facility log.
- Records shall be maintained for a period of 5 years and shall be made available to the Department upon request.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428 Contact: Edward Jurdones Brown, Facilities Permitting Chief (484) 250-5920.

46-00202: Elan Drug Delivery, Inc. (3000 Horizon Drive, King of Prussia, PA 19406) in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State Only-Natural Minor) facility. The facility's sources include two emergency generators, three boilers, and various process equipment. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

22-03052: Harman Stove Co. (352 Mountain House Road, Halifax, PA 17032) for a stove coating operation in Jackson Township, **Dauphin County**. This permit incorporates two Plan Approvals number 22-03052 and 22-03052A for paint spray booths respectively. The State-only Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

28-05031: Borough of Chambersburg—Orchard Park Generating Center (100 South Second Street, Chambersburg, PA 17201) for a Synthetic Minor Operating Permit at their Sheffler Drive site in the Borough of Chambersburg, **Franklin County**. The facility's major sources of emissions include four dual-fuel internal combustion engine-generators, natural gas and/or No. 2 oil fired, 5.6 megawatt each, which primarily emit NOx. The facility emissions of NOx shall be limited to less than 100 tons per year. The Synthetic Minor operating permit will contain restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

11-00511: Forest Hills School District (P. O. Box 158, Sidman, PA 15955) for operation of a boiler at the Forest Hills Middle School in Croyle Township, **Cambria County**.

65-00914: Preform Specialties, Inc. (R. D. 3 Box 250-I, Blairsville, PA 15717) for operation of a powder processing plant in Derry Township, **Westmoreland County**.

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

24-00025: Alpha Sintered Metals, Inc. (95 Mason Run Road, Ridgway, PA 15853) for a Natural Minor Permit to operate a powdered metal mixing process and associated manufacturing processes for their powder metal sintering facility in Ridgway Township, **Elk County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

Effluent Limits

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

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

* The parameter is applicable at all times.

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

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

54830101R4 and NPDES Permit No. PA0595624. K & K Coal Company (133 Valley Furnace Avenue, Port Carbon, PA 17965). Renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County**, affecting 176.0 acre. Receiving stream(s): un-

named tributary to Schuylkill River. Application received: May 14, 2004.

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

56743704. NPDES Permit No. PA0214931. Robindale Energy Services, Inc. (1001 Broad Street, Suite 130, Johnstown, PA 15906). Transfer the permit the Penn Pocahontas Coal Refuse Site in Brothersvalley Township, **Somerset County**, from Penn Pocahontas Coal Company. No additional discharges. Application received: May 5, 2004.

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

26870107 and NPDES Permit No. PA0589802. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Application received for transfer of permit currently issued to Durant Excavating for continued operation and reclamation of a bituminous surface mining site located in Nicholson Township, **Fayette County**, affecting 82.0 acres. Receiving stream: unnamed tributaries to Jacobs Creek, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is the Masontown Borough Municipal System. Transfer application received: April 30, 2004.

65990103 and NPDES Permit No. PA0202550. Millwood Development, Inc. (1293 Route 217, Derry, PA 15627). Application received for transfer of permit currently issued to Gary Gioia Coal Company for continued

operation and reclamation of a bituminous surface mining site located in Hempfield Township, **Westmoreland County**, affecting 21.5 acres. Receiving streams: unnamed tributaries to Wilson Run to Wilson Run to Sewickley Creek to Youghiogheny River, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the site. Transfer application received: May 20, 2004.

NONCOAL APPLICATIONS RECEIVED

Effluent Limits

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

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

* The parameter is applicable at all times.

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

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

11040301 and NPDES Permit No. PA0249556. Laurel Sand & Stone, Inc. (P. O. Box 556, 210 E. Main Street, Ligonier, PA 15658). Commencement, operation and restoration of a bituminous surface mine in Jackson Township, **Cambria County**, affecting 145 acres. Receiving streams: unnamed tributary to South Branch of Blacklick Creek, unnamed tributaries to Bracken Run, unnamed tributaries to Shuman Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 30, 2004.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-464. Jim Schlier, P. O. Box 471, Tannersville, PA 18372, in Pocono Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To place fill in a de minimus area of PEM wetlands equal to 0.01 acre for the purpose of expanding the usable area of a commercial property. The project is located between SR 0080 and SR 4004 (Camelback Road), approximately 0.4 mile south of Interchange 44 (Mount Pocono, PA Quadrangle N: 8.8 inches; W: 9.2 inches).

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

E22-476: PennDOT District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Upper Paxton Township, **Dauphin County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a new single span bridge of 88.3 feet with a minimum underclearance of 6 feet across Little Wisconsin Creek (WWF) to be located 35 feet downstream of the existing bridge in order to improve roadway alignment and safety of SR 4008, Section 012, Segment 0010, Offset 0843 located 0.3 mile south of Killinger Village (Millersburg, PA Quadrangle N: 10.2 inches; W: 6.53 inches) located in Upper Paxton Township, Dauphin County.

E36-778: Lititz Borough, 7 South Broad Street, Lititz, PA 17543 in Lititz Borough, **Lancaster County**, ACOE Baltimore District.

To restore and maintain 1,200 linear feet of the Santo Domingo Creek and its floodplain to provide for streambank erosion protection, all tributary to Santo Domingo Creek (WWF), located on the Lititz, PA Quadrangle (Latitude—40° 09' 36", Longitude—76° 17' 54") in Lititz Borough, Lancaster County.

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

E17-398. International Custom Products, Inc. (ICP), Okalahoma-Salem Road, Dubois, PA 15801. Sanitary Sewer Line Installation in Sandy Township,

Clearfield County, ACOE Baltimore District (Luthersburg, PA Quadrangle N: 19.25 inches; W: 15.50 inches).

The applicant proposes to construct and maintain an estimated 4,800 feet of 3 inch diameter polyvinyl chloride sanitary sewer line. The sanitary sewer line would extend from the International Custom Products planned facility expansion site to an existing City of Dubois sanitary sewer manhole located on Hillcrest Avenue, approximately 275 feet West of Sixth Street. Placing the sewer line will affect 1426 linear feet of wetland due to boring of the sewer line below the wetlands, 0.21 acres of wetland for manhole connection, and 151 linear feet of stream by crossing an unnamed intermittent tributary of Reisinger Run. No mitigation is proposed because there are no permanent wetland or stream impacts projected.

E49-277. Milton Regional Sewer Authority, P. O. Box 433, Milton, PA 17847. Milton Wastewater Collection Expansion, in West Chillisquaque Township, **Northumberland County**, ACOE Baltimore District, located at centroid (Northumberland, PA Quadrangle N: 19.55 inches; W: 14.92 inches).

To construct, operate and maintain one pump station within the floodway and one pump station within the floodplain and approximately 50,000 linear feet of 8-inch forcemains and approximately 50,000 linear feet of 8-inch gravity sanitary sewer line within the Susquehanna River watershed (WWF) for the treatment of municipal wastewater. Construction of the sanitary sewer lines will require the two stream and four wetland crossings that are as follows:

<i>Stream Name</i>	<i>Number of Crossings</i>	<i>Total Length of Crossings</i>
Unnamed Tributary-Susquehanna River	1	10-foot
Housels Run	1	25-foot
Wetland (adjacent to Sodom Road)	1	500-foot
Wetland (adjacent to Milton Center)	1	800-foot
Wetland (adjacent to Housels Run)	1	20-foot
Wetland (near East Lewisburg)	1	30-foot

All sewer line crossings shall be constructed with a minimum of 3-feet of cover with concrete encasement beneath the waterways. Trench plugs or clay dikes shall be used at every sewer line crossing a waterway or wetland to ensure the hydrology of the streams or wetland is not altered. The project will impact 1,350 linear feet of jurisdictional wetlands and 35-feet of waterway. The project is located along in the Milton Area.

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

E02-1469. O'Hara Township Council, 325 Fox Chapel Road, Pittsburgh, PA 15238. Continental Boulevard Culvert in O'Hara Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh East, PA Quadrangle N: 20.3 inches; W: 0.3 inches) (Latitude: 40° 29' 12" and Longitude: 79° 52' 38"). The applicant proposes to construct and maintain an arch culvert having a span of 20' and underclearance of 15.3' for approximately 50 feet over Squaw Run (HQ-WWF) for a proposed township roadway (Continental Blvd.) to construct and maintain a stormwater outfall to the same stream, to construct and maintain a temporary roadway crossing across the same stream and to place and maintain fill in 0.024 acre of wetlands. The proposed roadway is for providing access to

a new development. The roadway will connect River Front Drive to the proposed Chapel Harbor Drive.

E04-304. Beaver County Corporation for Economic Development, 250 Insurance Street, Suite 300, Beaver, PA 15009. Westgate Business Park wetland fill in Big Beaver Borough, **Beaver County**, Pittsburgh ACOE District. (Beaver Falls, PA Quadrangle N: 12.3 inches; W: 9.7 inches) (Latitude: 40° 49' 4" and Longitude: 80° 19' 12"). The applicant proposes to place and maintain fill in four wetlands: wetland No. 1) 0.48 acre, Wetland No. 2) 0.02 acre and Wetland No. 6) 1.80 acres and Wetland No. 7) 0.40 acres for a total impact of 2.7 acres of wetlands (PEM/PSS) located within the Stockman Run (WWF) and Beaver River (WWF) watersheds for the purpose of developing the BCCED Route 18 Business Park. The applicant also proposes to temporarily impact 0.52 acre of wetlands for the construction of utilities. The project is located on the Northeast side of the Route 18 and the Pennsylvania Turnpike Interchange (SR 76). This replacement includes compensation for 1.04 acres of wetlands previously filled at the site under a different owner. This project will permanently impact 2.7 acres of wetlands and temporarily impact 0.52 acre of wetlands. To meet the wetland replacement requirement the applicant proposed to construct 4.3 acres of wetlands.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<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>
PA0024732 Sewage	Elizabeth Township Sanitary Authority 2420 Greenock Buena Vista Road McKeesport, PA 15135	Allegheny County Elizabeth Township	Youghiogheny River	N
PA0090638 Sewage	White Township Municipal Authority 950 Indian Springs Road Indiana, PA 15701	Indiana County White Township	Unnamed Tributary of Two Lick Creek	Y
PA0091651 Sewage	Unity Township Municipal Authority 1106 Beatty County Road Latrobe PA 15650	Westmoreland County Unity Township	Unnamed Tributary of Fourmile Run	Y

<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>
PA0094790 Sewage	Briko L.L.C. 110 Fremont Avenue Portage, PA 15946	Cambria County Adams Township	Unnamed Tributary of Sandy Run	Y
PA0095478 Sewage	Estate of Herman Uchelvich P. O. Box 24 Perryopolis, PA 15473	Fayette County Jefferson Township	UNT to Little Redstone Creek	Y
PA0218103 Sewage	Worthington West Franklin Jt Muni Auth P. O. Box 0 Worthington, PA 16262	Armstrong County West Franklin Township	Buffalo Creek	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>
PA0100790	Raymond P. DiLoreto 6059 Grubb Road Erie, PA 16506-4608	Millcreek Township Erie County	Unnamed tributary to Thomas Run	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Actions

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

NPDES Permit No. PA0081574, Sewage, Salisbury Township, **Gap Sewage Treatment Plant**, 5581 Old Philadelphia Pike, Gap, PA 17527.

This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of the Pequea Creek in Watershed 7-K.

NPDES Permit No. PA0083933, Sewage, **Georgetown Area Sewer Authority**, 46 Quarry Road, Quarryville, PA 17566.

This proposed facility is located in Bart Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Nickel Mines Run in Watershed 7-K.

NPDES Permit No. PA0010511, Industrial Waste, **Spring Glen Fresh Foods, Inc.**, 314 Spring Glen Drive, Ephrata, PA 17522.

This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to the Conestoga River in Watershed 7-J.

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

NPDES Permit No. PA0001287-A1, Industrial Waste, **Armstrong World Industries**, 1018 11th Street, Beaver Falls, PA 15010.

This facility is located in Beaver Falls, **Beaver County**.

Description of Proposed Action/Activity: Deletion of stormwater monitoring and reporting requirements.

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

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

WQM Permit No. 4504401, Sewerage, **Blue Mountain Lake Associates, LP**, One Blue Mountain Lake, East Stroudsburg, PA 18301.

This proposed facility is located in Stroud Township, **Monroe County**.

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

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

WQM Permit No. 6703411 Sewerage, **Jackson Township Sewer Authority**, 439 Roth's Church Road, Spring Grove, PA 17362.

This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Authorization for the construction and operation of a Pump Station and gravity sewers.

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

WQM Permit No. 6304201, Industrial Waste, **David E. Carlson**, P. E., U. S. Army Corps of Engineers-Pittsburgh District, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4745.

This proposed facility is located in Charleroi Borough, **Washington County**.

Description of Proposed Action/Activity: Construction of sedimentation ponds to treat wastewater and stormwater from concrete manufacturing.

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

WQM Permit No. 2004404, Sewerage, **Emmett E. and Marilyn C. Carr**, 20562 Cole Road, Conneautville, PA 16406.

This proposed facility is located in Conneaut Township, **Crawford County**.

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

IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Permit Actions

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

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

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>
PAI021303004	Pennsylvania Dept. of General Services 18th & Herr Street Tent Bldg. Harrisburg, PA 17120	Carbon	Kidder Township	Hickory Run HQ-CWF
PAI023904002	Parkwood Real Estate Trust, LLC 2451 Parkwood Drive Allentown, PA 18103-9608	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF
PAI023904009	Prime Group Partnership 2930 Fairview Street Allentown, PA 18103-2818	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF
PAI023904005	Konstantinos A. Tantaros & Barbara A. Tantaros 4200 Indian Creek Rd. Emmaus, PA 18049	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10H053-R-1	S & A Custom Built Homes, Inc. 5709 Linglestown Road Harrisburg, PA 17112	Cumberland	South Middleton Township	Letort Spring Run EV

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI090304001	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800	Armstrong	West Franklin Township	Unnamed Tributary to Buffalo Creek (HQ-TSF)

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 Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Scranton Lackawanna Co.	PAG2003504004	Robert Angeloni 1615 E. Elm St. Scranton, PA 18505	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
Whitehall Twp. Lehigh Co.	PAG2003904009	K & M Associates 496 Lone Lane Allentown, PA 18104	Jordan Creek TSF, MF	Lehigh County Conservation District (610) 391-9583
Polk Twp. Monroe Co.	PAG2004504001	William Baumgartner R. R. 4, Box 4290 Kunkletown, PA 18058	Pohopoco Creek CWF	Monroe County Conservation District (570) 629-3060
Lower Nazareth Twp. Northampton Co.	PAG2004803035-1	Higgins Development Partners 1420 Spring Hill Rd. Suite 470 McLean, VA 22102	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Palmer Twp. Northampton Co.	PAG2004804005	Alex Hornstein Hornstein Enterprises 1150 S. Cedar Crest Blvd. Allentown, PA 18103	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Bridgewater Twp. Susquehanna Co.	PAG2005804004	Schuyler Real Estate 596 New London Rd. Latham, NY 12110	Lake Montrose— Snake Creek CWF	Susquehanna County Conservation District (570) 278-4600
Scott Township Columbia County	PAG2001904003	Delmar Zeisloft P. O. Box 338 Bloomsburg, PA 17815	Tributary No. 1 to Kinney Run CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Cambria County Susquehanna Twp.	PAG2001104001	Indiana County Municipal Services Authority 827 Water Street Indiana, PA 15701	West Branch of the Susquehanna River (CWF) Peg Run (CWF) Emeigh Run (CWF)	Cambria County CD (814) 472-2120
Cambria County City of Johnstown	PAG2001104005	David Frank 3271 McCully Road Allison Park, PA 15101	Conemaugh River (WWF)	Cambria County CD (814) 472-2120
Washington County City of Washington	PAG2006304016	Washington East Joint Authority 66 East Beau Street P. O. Box 510 Washington, PA 15301	Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Westmoreland County East Huntingdon Twp.	PAG2006504007	James Solomon R. D. 3 Box 389 A Alverton, PA 15612	Buffalo Run (WWF)	Westmoreland County CD (724) 837-5271

NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County Rostraver Twp.	PAG2006504023	The Peoples Natural Gas Co. 1201 Pitt Street Pittsburgh, PA 15221	Pollock Run Watershed (WWF)	Westmoreland County CD (724) 837-5271
Clarion County Redbank Township	PAG2081604001	EOG Resources, Inc. 400 Southpointe Blvd Suite 300 Canonsburg, PA 15317	Town Run (CWF) Middle Run (CWF) Leisure Run (CWF)	Northwest Region Oil and Gas Mgmt 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6860

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Mifflin County Granville Township	PAR223515	CMH Manufacturing Inc., dba Marlette Homes, Inc. P. O. Box 947 Lewistown, PA 17044	Juniata River/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Bedford Township	PAR113540	JLG Industries, Inc. JLG Bedford Lift Truck Plant 1 JLG Drive McConnellsburg, PA 17233	Raystown Branch Juniata River/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAR233543	MG Industries Reading Plant 3 Great Valley Parkway Malvern, PA 19355	Schuylkill River/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Derry Township	PAR123505	Hershey Foods Corp. West Hershey Plant 1033 Old West Chocolate Avenue Hershey, PA 17033	No Point Discharge/Spring Creek/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR233534	R. R. Donnelley & Sons Company 216 Greenfield Road Lancaster, PA 17601-5885	Unt Conestoga River/WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Conneaut Township Crawford County	PAG048969	Emmett E. and Marilyn C. Carr 20562 Cole Road Conneautville, PA 16406	Unnamed Tributary to Conneaut Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conewango Township Warren County	PAG048611	Rodger B. Taraska 869 Yankee Bush Road Warren, PA 16365	Unnamed Tributary of Irvine Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location and County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name & Location</i>	<i>Contact Office and Phone No.</i>
Blair Township Blair County	PAG083589	Freedom Twp. Water and Sewer Authority P. O. Box 156 East Freedom, PA 16637		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lenox Township Susquehanna County	PAG08-2212	Lackawanna River Basin Sewer Authority	William Belack Farm Lenox Township Susquehanna County	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lynn Township Lehigh County	PAG08-2203 PAG07-0003 PAG08-0008 PAG08-0003 PAG08-3502 PAG08-3522 PAG08-3542 PAG08-3551 PAG08-0006 PAG08-3540 PAG08-9903 PAG08-9905 PAG08-2201 PAG07-0005 PAG08-3515 PAG08-3501 PAG08-3825 PAG08-0002 PAG08-3547 PAG08-3506 PAG08-3518 PAG08-3535 PAG08-9904 PAG08-3517	Synagro Mid-Atlantic	Martin & Glenda Bennicoff	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

General Permit Type—PAG-9

<i>Facility Location and County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name & Location</i>	<i>Contact Office and Phone No.</i>
East Hanover Township Lebanon County	PAG093507	Bauman's Septic Service 1570 Sportsburg Road Grantville, PA 17028		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Perry Township Jefferson County	PAG098303	Clifford Neal Neal Septic Tank Service 1570 Sportsburg Road Punxsutawney, PA 15767-1103	Neal Septic Tank Service 1570 Sportsburg Road Punxsutawney, PA 15767-1103	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Jefferson County	PAG098304	Ramon L. Sterling Sterling Sanitation Service 37021 Tryonville Road Centerville, PA 16404-4547	Sterling Sanitation Service 37021 Tryonville Road Centerville, PA 16404-4547	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

CAFO Notices of Intent Received

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

PAG123585 CAFO, Larry E. Breneman, 774 Bunker Hill Road, Strasburg, PA 17579.

This proposed facility is located in Strasburg Township,
Lancaster County.

Description of Size and Scope of Proposed Operation/
Activity: The Larry Breneman Farm is an existing swine
operation with a total AEU's of 379.0. This operation
consists of 3,200 wean to finish swine with a total annual
manure production of 6,528 tons. The manure storage
system was designed and built by King Construction. The
barn dimensions are 101' x 294' with a 6 foot manure
storage vault beneath the animal living area. The manure
is stored in the structure until it can be properly applied
to agricultural crop fields. Of the 1,566,696 gallons of

manure generated on the farm, 690,000 gallons is used on the farm with 876,696 gallons exported from the farm.

The receiving stream, Little Beaver Creek, is in watershed 7-K and classified for: TSF.

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

PAG123586 CAFO, Joe Sweeney, Rocky Knoll Farm, P. O. Box 634, Harrisburg, PA 17103. This proposed facility is located in West Lampeter Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: The Rocky Knoll Farm is an existing swine operation with a total AEU's of 505.3. This operation consists of 4,400 wean to finish swine with a total annual manure production of 20,834 tons. The manure feeds into a manure digester where it mixes with food processing waste to produce biogas and electricity. All the material is stored in a 134' diameter by 12' deep concrete manure storage (1,200,000 gallon). Of the 5,000,000 gallons of manure generated on the farm, 854,000 gallons are used on the farm with 4,146,000 gallons exported from the farm.

The receiving stream, Big Spring Run, is in watershed 7-J and classified for: CWF.

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

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may

be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Operations Permit issued to: **Winola Water Co., Inc.**, 117 Stor Street., Taylor, PA 18517 (PWS ID 2660004) Overfield Township, **Wyoming County** on May 14, 2004 for the operation of facilities approved under construction permit No. N/A.

Operations Permit issued to: **South Whitehall Township Authority**, 4444 Walbert Avenue, Allentown, PA 18104-1699 (PWS ID 3390065) South Whitehall Township, **Lehigh County** on May 21, 2004 for the operation of facilities approved under construction permit No. 3903502 and No. 3903501.

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

Permit No. 6704508 MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water
Municipality	Fairview Township
County	York
Type of Facility	This permit approves the installation of a pressure reducing valve vault for the entire water distribution system for the Fairfield Development in York County.
Consulting Engineer	James C Elliot, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	June 21, 2004

Permit No. 0603520, Public Water Supply.

Applicant	Reading Area Water Authority
Municipality	Ontelaunee Township
County	Berks

Type of Facility Water main extension to Ontelaunee Township and construction of a chlorine booster pump station.

Consulting Engineer Thomas L. Weld Jr, P. E.
BCM Engineers
920 Germantown Pike
Plymouth, PA 19462

Permit to Construct Issued: June 21, 2004

Northcentral Region: Water Supply Management Program Manager, 203 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. 5504501

Applicant **Penn Township Municipal Authority**

Municipality Penn Township

County **Snyder County**

Type of Facility Public Water Supply—pump station

Consulting Engineer Gannett Fleming Inc.
800 Leonard Street, Suite 1
Clearfield PA 16830

Permit to Construct Issued May 18, 2004

Permit No., Minor Amendment. Public Water Supply.

Applicant **Williamsport Municipal Water Authority**

Municipality City of Williamsport

County **Lycoming County**

Type of Facility Public Water Supply—sandblasting & painting of Youngman tank

Consulting Engineer None

Permit to Construct Issued May 18, 2004

WATER ALLOCATIONS

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

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

WA 28-1020, Water Allocations. Guilford Water Authority, Franklin County. The applicant is requesting the right to purchase 10,000 gpd based on a thirty day average from Franklin County General Authority. Consulting Engineer: Diana Young, P.E., Buchart-Horn, Inc. Permit Issued: February 26, 2004.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Spring Township	1309 Blanchard St. Bellefonte, PA 16823	Centre

Plan Description: The approved plan provides for a gravity sewage collection system with pump station and force main to serve 26 EDU's in the Sunnyside area of Spring Township and a gravity sewage collection system with pump station and force main to serve 77 EDU's in the Green's Valley area of the Township. The plan also proposes the implementation of a sewage management program for the remainder of Spring Township that is served by onlot sewage disposal systems. Sewage from the two proposed sewer service areas will be conveyed to the existing Spring, Benner, Walker Joint Authority sewer system and then to the Bellefonte Sewage Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information con-

cerning 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:

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

Wire-Coe-Dowdy Property, Manheim Township, **Lancaster County**. Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of Elizabeth Wire, 246 West Ridge Road, Dillsburg, PA 17109, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Fuel Oil No. 2. The report is intended to document remediation of the site to meet a combination of the requirements for Statewide Health and Background standards.

Aspens, Inc., City of Lebanon, **Lebanon County**. MACTEC Engineering and Consulting, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA 19462, on behalf of Beneficial Communities, LLC, 3131 Clark Road, Suite 203, Sarasota, FL 34231 and George Christianson, 411 Chestnut Street, Lebanon, PA 17042, submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of site soils contaminated with inorganics. The applicant is seeking to demonstrate attainment of the Site-specific standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Jackson MHP—Lot No. 65, Wysox Township, **Bradford County**. Teeter Environmental Services, Inc. on behalf of its client William Them, Jackson Mobile Home Park, R. R. 2, Wysox, PA 18854, has submitted a Final Report concerning soil and groundwater contaminated with No. 2 fuel oil. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

Defense Distribution Depot Susquehanna PA IRP Site 60, Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The final report demonstrated attainment of the Site-specific standard, and was approved by the Department on April 21, 2004.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

SMS Sutton, Bellefonte Borough, **Centre County**. Chambers Environmental Group, Inc. on behalf of its client SMS Eumuco, Inc. 234 South Potter Street, Bellefonte, PA 16823, has submitted a Final Report concerning groundwater contaminated with lead and inorganics. This Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department on May 13, 2004.

MUNICIPAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGM002E. Magellan EnviroGas Monroeville, LLC., 5160 Parkstone Drive, Chantilly, VA 20151.

This general permit was issued on January 26, 2004 to Allegheny Energy Resources, Inc. for the processing and beneficial use of landfill gas (LFG) to produce medium to high BTU landfill gas, generated by the landfill disposal of municipal or residual waste, for use as a substitute for natural gas or other fuel.

Based on the information provided in the application, the processing and beneficial use of LFG produced at this Monroeville landfill gas facility is now under the ownership and management of Magellan EnviroGas Monroeville, LLC.

Notice is hereby given of the re-issuance of the General Permit Numbered WMGM002E granting Magellan EnviroGas Monroeville, LLC. the processing and beneficial use of LFG to produce medium to high BTU landfill gas, generated by the landfill disposal of municipal or residual waste at Monroeville landfill gas facility as specified in the general permit. Central Office approved the re-issuance of this general permit on May 19, 2004.

Persons interested in reviewing 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, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR082D002. AMSI—US LLC., 897 Perry Hwy, Harmony, PA 16037. The general permit authorizes processing of steel slag, iron slag, and refractory bricks that were co-disposed with slag for removal of metallic residuals and mechanical sizing prior to beneficial use as construction material. The Department issued the determination of applicability on May 21, 2004.

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

AIR QUALITY

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

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

40-310-058GP3: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) on May 13, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their facility at 51 Small Mountain Road, Dorrance Township, **Luzerne County**.

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

20-273: Great Lakes Energy Partners, LLC—Izbicki Station (State Route 1024, Canadota Road, Union City, PA 16438) on May 31, 2004, to operate a natural gas fired compressor engine in Bloomfield Township, **Crawford County**.

20-273: Great Lakes Energy Partners, LLC—Hasbrouck Station (Bethel Road, Titusville, PA 16354) on May 31, 2004, to operate a natural gas fired compressor engine in Rome Township, **Crawford County**.

62-173: Belden & Blake—Kingsly Station (Page Hollow Road, Pittsfield, PA 16340) on May 17, 2004, to operate a natural gas fired compressor engine in Pittsfield Township, **Warren 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.

39-312-049: Gulf Oil LTD Partnership (90 Everett Avenue, P. O. Box 9151, Chelsea MA 02150) on May 11, 2004, to modify storage tank No. 108 to be utilized to store gasoline by installing an internal floating roof in the tank at their facility in Whitehall Township, **Lehigh County**.

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

04-00706C: Beaver Valley Slag, Inc. (6010 Woodlawn Road, Aliquippa, PA 15001) on May 19, 2004, to install a second slag screening system, a 140 HP diesel engine, two 210 HP diesel engines at Black's Run Slag Mine in Center Township, **Beaver County**.

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

25-952E: Bush Industries, Inc.—Erie Plant (2455 Robison Road, Erie, PA 16509) on May 17, 2004, to modify a maintenance schedule associated with permitted baghouses in the City of Erie, **Erie County**.

43-270A: CCL Container (One Llodio Drive, Hermitage, PA 16148-9015) on May 17, 2004, to replace an existing 25,000 cfm incinerator with a new 30,000 cfm regenerative catalytic oxidizer in Hermitage, **Mercer County**. This is a Title V facility.

10-001I: AK Steel Corporation—Butler Works (Standard Avenue, Butler, PA 16003-0832) on May 14, 2004, to revise NOx and CO emission limits at No. 3 Baghouse inlet (Melt Shop) in Butler, **Butler County**. This is a Title V facility.

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.

09-0019A: Miller and Son Paving, Inc. (1371 West Street Road, Warminster, PA 18974) on May 19, 2004, to operate a batch asphalt plant in Wrightstown Township, **Bucks County**.

09-0157: Arawak Paving Co., Inc. (7503 Weymouth Road, Hammonton, PA 08037) on May 18, 2004, to operate a bituminous concrete drum-mix plant in Bristol Township, **Bucks County**.

23-0012: Epsilon Product Company, LLC (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on May 19, 2004, to operate Plant No. 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

23-0094: Steinbeis Packaging LLC (1515 Garnet Mine Road, Boothwyn, PA 19061) on May 19, 2004, to operate a rotogravure printing press in Bethel Township, **Delaware County**.

15-0058: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) on May 20, 2004, to operate a tertiary crusher and sizing screen in West Brandywine Township, **Chester County**.

15-0058A: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) on May 20, 2004, to operate a primary crusher in West Brandywine Township, **Chester County**.

46-0194A: Freedom Alloys, Inc. (155 Railroad Plaza, Royersford, PA 19468) on May 20, 2004, to operate a 4,000 pound inductotherm furnace in Royersford Borough, **Montgomery County**.

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

64-303-009: Leeward Construction, Inc., (R. R. No. 6, Box 6825, Honesdale, PA 18431) on May 3, 2004, to construct a batch asphalt plant and associated air cleaning device at their facility in Palmyra Township, **Wayne County**.

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

53-00004B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222) on May 19, 2004, to operate five 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engines (Engines 2—6) on a temporary basis, until September 16, 2004, at

the Harrison Compressor Station in Harrison Township, **Potter County**. The plan approval has been extended.

14-00014A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 21, 2004, to operate a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, until September 18, 2004, in Spring Township, **Centre County**. The plan approval has been extended.

41-303-009: HRI, Inc. (1750 West College Avenue, State College, PA 16801) on May 21, 2004, to operate a batch asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, until September 18, 2004, in the City of Williamsport, **Lycoming 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.

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

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

61-193C: National Fuel Gas—Henderson Station (Route 965, Henderson, PA 16153) on May 13, 2004, to modify the dehydration still unit in Mineral Township, **Venango County**.

37-023C: Orion Power Midwest, LP—New Castle Plant (Route 168, New Castle, PA 16101) on May 31, 2004, to install SNCR in Taylor Township, **Lawrence County**.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

55-399-005: Professional Building Systems, Inc. (72 East Market Street, Middleburg, PA 17842) on May 12, 2004, a request to amend numerous plan approval conditions pertaining to a modular home manufacturing facility was denied because the resultant net increase in volatile organic compound emissions was significant enough to constitute a "modification" requiring plan approval in Middleburg Borough, **Snyder County**.

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.

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

46-00192: St. Charles Borromeo Seminary (100 East Wynnewood Road, Wynnewood, PA 19096) on May 11, 2004, to operate a natural minor operating permit in Lower Merion Township, **Montgomery County**.

15-0104: Tasty Baking Oxford, Inc. (700 Lincoln Avenue Oxford, PA 19363) on May 12, 2004, to operate their facility VOC/NOx RACT in Oxford Borough, **Chester County**.

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

38-05023: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) on May 20, 2004, to operate an asphalt batch plant controlled by a knockout box and a fabric collector at their Prescott Quarry in South Lebanon Township, **Lebanon County**.

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

25-00946: PSB Industries, Inc. (1202 West 12th Street, Erie, PA 16501) on May 18, 2004, for a Natural Minor operating permit for emissions from abrasive blasting and surface coating in the City of Erie, **Erie 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.

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

22-05024: Milton S. Hershey Medical Center (P. O. Box 850, Hershey, PA 17033) on May 18, 2004, to operate a healthcare facility in Derry Township, **Dauphin County**. The State-only operating permit was modified to remove the 100 hour per year operating limit for the human cremation chamber. This is Revision No. 1 of the operating permit.

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

17-305-042: DTE River Hill, LLC—DTE Synfuel Operations, LLC (414 South Main Street, Ann Arbor, MI 48104) on May 18, 2004, to administratively amend the operating permit to reflect a change in the operator of a coal fines agglomeration ("synfuel") facility from Covol Fuels, A Division of Headwaters, Inc. to DTE Synfuel Operations, LLC in Karthaus Township, **Clearfield 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 Permit Actions

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

13990201R. Rossi Excavating Company (9 West 15th Street, Hazleton, PA 18201). Renewal of an existing coal refuse reprocessing operation in Banks Township, **Carbon County**, affecting 493.0 acres. Receiving stream: none. Application received: December 1, 2003. Renewal issued: May 18, 2004.

54921601R2. Vito J. Rodino, Inc. (138 Haddock Road, McAdoo, PA 18237). Renewal of an existing coal preparation plant operation in Rush Township, **Schuylkill County**, affecting 10.0 acres. Receiving stream: none. Application received: February 17, 2004. Renewal issued: May 18, 2004.

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

30841316. NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to add underground permit area acres and add and delete subsidence control plan area acres. Underground Acres Proposed 15.9, SCP Acres Proposed 1978.5. No additional discharges. Permit issued May 17, 2004.

03981301. NPDES Permit No. PA0214198. Parkwood Resources, Inc. (P. O. Box 552, Somerset, PA 15501-0552), to renew the permit for the Parkwood Mine in Plumcreek and South Bend Townships, **Armstrong County** and **Indiana County** and related NPDES Permit. No additional discharges. Permit issued May 20, 2004.

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

24900102 and NPDES Permit No. PA0207870. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Fox and Horton Townships, **Elk County** affecting 143.0 acres. This renewal is issued for reclamation only. Receiving streams: Brandy Camp Creek and unnamed tributary to Little Toby Creek. Application received: March 18, 2004. Permit issued: May 13, 2004.

33030101 and NPDES Permit No. PA0242292. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801). Commencement, operation and restoration of a bituminous strip operation in Washington Township, **Jefferson County** affecting 103.5 acres. Receiving stream: Horm Run. Application received: February 5, 2003. Permit issued: May 17, 2004.

1229-33030101-E-1. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 2 to Horm Run in Washington Township, **Jefferson County**. Receiving stream: Horm Run. Application received: February 5, 2003. Permit issued: May 17, 2004.

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

56940101 and NPDES Permit No. PA02122768. Future Industries, Inc. (P. O. Box 157, Meyersdale, PA 15552). Surface mining permit renewal in Brothersvalley Township, **Somerset County**, affecting 205.9 acres. Re-

ceiving streams: Unnamed tributaries to Buffalo Creek and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 12, 2004. Permit issued: May 17, 2004.

32880108 and NPDES Permit No. PA0598313. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319). Surface mine renewal for reclamation only in Brushvalley Township, **Indiana County**, affecting 133.2 acres. Receiving streams: unnamed tributary to Brush Creek; unnamed tributary to Yellow Creek classified for the following uses: both CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2004. Permit issued: May 18, 2004.

56803093 and NPDES Permit No. PA124656. Croner, Inc. (P. O. Box 260, Friedens, PA 15541). Surface mine renewal for reclamation only in Brothersvalley Township, **Somerset County**, affecting 79.6 acres. Receiving streams: unnamed tributaries to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 12, 2004. Permit issued: May 18, 2004.

32803053 and NPDES Permit No. PA0124770. A & T Coal Company, Inc., c/o Vapco Engineering (P. O. Box 327, Punxsutawney, PA 15767-0327). Surface mining permit renewal for reclamation only in Banks Township, **Indiana County**, affecting 160.0 acres. Receiving streams: unnamed tributary to South Branch Bear Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 22, 2004. Permit issued: May 18, 2004.

11793025 and NPDES Permit No. PA0089524. E. P. Bender Coal Company (South Main Street, P. O. Box 565-566, Carrolltown, PA 15722). SMP renewal for reclamation only in Dean Township, **Cambria County**, affecting 400 acres. Receiving streams: Unnamed tributary to Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 25, 2004. Permit issued: May 18, 2004.

56930108 and NPDES Permit No. PA0212539. Zubek, Inc. (173 House Coal Road, Berlin, PA 15530). Permit renewal for continued operation of a bituminous surface mine (coal refuse reprocessing) in Stonycreek Township, **Somerset County**, affecting 86.0 acres. Receiving streams: unnamed tributary to Schrock Run and Schrock Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek surface withdrawal. Application received: June 9, 2003.

Noncoal Permit Actions

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

58040814. Michael Fabrizi, Jr. (616 Franklin Avenue, Susquehanna, PA 18847). Commencement, operation and restoration of a Small Industrial Mineral (bluestone, shale and fill) Quarry operation in Harmony Township, **Susquehanna County**, affecting 3.0 acres. Receiving stream: South Branch Canawacta Creek. Application received: March 11, 2004. Permit issued: May 18, 2004.

58040821. Mark H. Sherman (17 Wilson Avenue, Susquehanna, PA 18847). Commencement, operation and restoration of a Small Industrial Mineral (bluestone,

shale and fill) Quarry operation in Jackson Township, **Susquehanna County**, affecting 3.0 acres. Receiving streams: Tributaries to Lewis and East Lake Creeks. Application received: March 30, 2004. Permit issued: May 18, 2004.

58040822. Matthew R. McClain (423 State Route 6 East, Tunkhannock, PA 18657). Commencement, operation and restoration of a Small Industrial Mineral (bluestone) Quarry operation in Brooklyn Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: none. Application received: April 5, 2004. Permit issued: May 18, 2004.

64042803. Kevin Schrader (P. O. Box 262, Lake Como, PA 18437). Commencement, operation and restoration of a quarry operation in Preston and Buckingham Townships, **Wayne County**, affecting 5.0 acres. Receiving stream: none. Application received: March 18, 2004. Permit issued: May 18, 2004.

64042804. Wayco, Inc. (P. O. Box Y, Waymart, PA 18472). Commencement, operation and restoration of a quarry operation in South Canaan Township, **Wayne County**, affecting 5.0 acres. Receiving stream: none. Application received: April 7, 2004. Permit issued: May 20, 2004.

58040813. Tammy Lynn Norton (R. R. 2 Box 135C, New Milford, PA 18834). Commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: none. Application received: March 1, 2004. Permit issued: May 21, 2004.

58040815. James Frystak (R. R. 2, Box 110, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County**, affecting 2.0 acres. Receiving stream: none. Application received: March 8, 2004. Permit issued: May 21, 2004.

ABANDONED MINE RECLAMATION

Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.

Bond Forfeiture	
Contract Awarded	BF 378-101.1
Location	Boggs Township, Clearfield County
Description	Act 181, Bond Forfeiture Reclamation, Hill Coal Company Enterprises
Contractor	Cuomo Contracting and Excavating Altoona, PA
Amount	\$376,710
Date of Award	May 20, 20004

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151-161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

ACTIONS ON BLASTING PERMIT

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

39044007. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Blue Ridge West Estates in Upper Saucon Township, **Lehigh County**, with an expiration date of June 17, 2005. Permit issued: May 18, 2004.

39044008. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Villas at South Mountain Housing in the City of Allentown, **Lehigh County**, with an expiration date of June 17, 2005. Permit issued: May 18, 2004.

36044043. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Donald Musser Dairy Barn in East Earl Township, **Lancaster County**, with an expiration date of September 13, 2004. Permit issued: May 18, 2004.

06044021. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), blasting for water trench line on West Vine Street, Fleetwood Borough, **Berks County**, with an expiration date of June 12, 2005. Permit issued: May 19, 2004.

06044020. Pavex, Inc. (4400 Gettysburg Road, Camp Hill, PA 17011), and **Kesco, Inc.** (127 Oneida Valley Road, Butler PA 16001), blasting for a ditch line on Cabella Road in Tilden Township, **Berks County**, with an expiration date of December 12, 2004. Permit issued: May 19, 2004.

38044006. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville PA 17507), construction blasting in South Annville Township, **Lebanon County**, with an expiration date of June 12, 2005. Permit issued: May 19, 2004.

36044042. Abel Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting for Newport Square in Warwick Township, **Lancaster County**, with an expiration date of December 13, 2004. Permit issued: May 19, 2004.

48044019. Rick Rufe Drilling & Blasting (R. R. 6 Box 63608, Saylorburg, PA 18353) and **Austin Powder Co.** (P. O. Box 289, Northampton, PA 18067), construction blasting in Bethlehem Township, **Northampton County**, with an expiration date of June 20, 2005. Permit issued: May 19, 2004.

06044022. Schlouch, Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Indian Run Housing in Amity Township, **Berks County**, with an expiration date of June 12, 2005. Permit issued: May 19, 2004.

21044032. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Peninsula Development, Silver Spring Township, **Cumberland County**, with an expiration date of July 30, 2004. Permit issued: May 20, 2004.

46044017. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting for Monroe Court in Skippack Township, **Montgomery County**, with an expiration date of June 13, 2005. Permit issued: May 20, 2004.

52044007. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at White Tail Ridge in Greene Township, **Pike County**, with an expiration date of May 10, 2005. Permit issued: May 20, 2004.

48044020. Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting for Horwith Trucking in the Borough of Northampton,

Northampton County, with an expiration date of June 20, 2005. Permit issued: May 20, 2004.

67044026. Abel Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Allyson's Crossing in Windsor Township, **York County**, with an expiration date of December 31, 2004. Permit issued: May 21, 2004.

09044013. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting for Hilltown Reserves in Hilltown Township, **Bucks County**, with an expiration date of June 25, 2005. Permit issued: May 21, 2004.

34044001. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Gingerfield in Fermanagh Township, **Juniata County**, with an expiration date of May 31, 2005. Permit issued: May 21, 2005.

35044007. National Earth Services (245 Butler Avenue, Lancaster, PA 17601), and **D C Guelich Explosives Co.**, (P. O. Box 29, Bloomsburg, PA 17815), excavation blasting for Pad 12 at Alliance Landfill in Taylor Borough and Ransom Township, **Lackawanna County**, with an expiration date of November 30, 2004. Permit issued: May 21, 2004.

15044020. N. Abbonizio Contractors, Inc. (1250 Conshohocken Road, Conshohocken, PA 19428) and **Bernard J. Hasara**, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Phase 1B/Phase 3A Sanitary Sewers in Sadsbury Township, **Chester County**, with an expiration date of December 12, 2004. Permit issued: May 21, 2004.

09044012. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting at Hilltown Ridge in Hilltown Township, **Bucks County**, with an expiration date of June 25, 2005. Permit issued: May 21, 2004.

48044021. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting at Morgan Hill Phase III in Williams Township, **Northampton County**, with an expiration date of June 25, 2005. Permit issued: May 21, 2004.

21044033. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting at Oak Ridge Estates in Dickinson Township, **Cumberland County**, with an expiration date of May 31, 2005. Permit issued: May 21, 2004.

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

61044001. Francis J. Palo, Inc. (P. O. Box 368, 245 South Avenue, Clarion, PA 16214). Blasting activity permit to remove stone from a borrow pit in Cherry Tree Township, **Venango County**, for 60 days. Application received: May 19, 2004. Application issued: May 19, 2004.

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

56044004. Geophysical Applications (113 East Chemung Place, Elmira, New York 14904). Permit issued for seismic exploration project in Jenner and Lincoln Townships, **Somerset County**. Duration of blasting is approximately 90 days. Permit issued May 18, 2004.

56044002. Waste Management (843 Miller Picking Road, Davidsville, PA 15928). Permit issued for landfill expansion in Conemaugh Township, **Somerset County**. Duration of blasting is approximately 2 years. Permit issued May 18, 2004.

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

02044003. Mashuda Corporation (21101 Route 19, Cranberry Township, PA 16066). Blasting activity permit for construction at Findley Township, **Allegheny County**, with an expected duration of 365 days. Permit issued: May 20, 2004.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301-303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the

Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E13-066A. Gnaden Huetten Memorial Hospital, 211 North 12th Street, Lehighton, PA 18235. Lehighton Borough, **Carbon County**, Army Corps of Engineers Philadelphia District, Subbasin 2B.

To amend Permit No. E13-066 to authorize the construction and maintenance of a 240-foot long stream enclosure extension consisting of twin 42-inch diameter smooth-lined corrugated polyethylene pipes in a tributary to Mahoning Creek, a perennial stream classified as a cold water fishery; to authorize the placement of fill in 0.08 acre of PEM wetlands adjacent to the tributary; and to authorize the construction and maintenance of a temporary road crossing consisting of a 36-inch diameter smooth-lined corrugated polyethylene pipe across the tributary. The purpose of the project is to expand the Gnaden Huetten Memorial Hospital's parking facilities.

The project proposes to directly affect 240 linear foot of stream and 0.08 acre of wetland for the enclosure and parking lot, and temporarily affect 30 linear foot of stream and 0.01 acre of wetland for a temporary road crossing. Wetland creation of 0.12 acre of PEM wetlands is proposed to compensate for wetland and stream impacts.

Permit No. E13-066 was issued to construct and maintain 110 feet of twin 42-inch diameter pipes and to place and maintain fill in 0.1 acre of wetlands.

The project is located approximately 1.0 mile west of the intersection of SR 0209 and SR 0902 (Lehighton PA Quadrangle N: 15.3 inches; W: 14.2 inches) in Lehighton Borough, Carbon County.

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

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

To fill 0.07 acre of Paulstrine Emergent Wetland and to maintain two road crossings consisting of 36-inch HDPE within an UNT to Stony Run (WWF) for the purpose of

expanding a storage yard located at a point approximately 400 feet northwest of the intersection of Kurtz Road and SR 272 (Terre Hill, PA Quadrangle N: 17.1 inches; W: 16.5 inches) in East Cocalico Township, Lancaster County. The permittee is required to provide a minimum of 0.07 acre of replacement wetlands.

E07-373: Cindy D. Bigelow, R. D. 1 Box 188, Williamsburg, PA 16693 in Catherine Township, **Blair County**, ACOE Baltimore District.

To maintain approximately 10 cubic yards of fill along the left floodway of Roaring Run (WWF) for the purpose of constructing a 40-foot by 100-foot equipment shed, located at a point (Spruce Creek, PA Quadrangle N: 4.75 inches; W: 10.3 inches) along Etna Furnace Road in Catherine Township, Blair County.

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

E17-398. International Custom Products, Inc (ICP), Okalahoma-Salem Road, Dubois, PA 15801. Sanitary Sewer Line Installation in Sandy Township, **Clearfield County**, ACOE Baltimore District (Luthersburg, PA Quadrangle N: 19.25 inches; W: 15.50 inches).

The applicant proposes to construct and maintain an estimated 4,800 feet of 3 inch diameter polyvinyl chloride sanitary sewer line. The sanitary sewer line would extend from the International Custom Products planned facility expansion site to an existing City of Dubois sanitary sewer manhole located on Hillcrest Avenue, approximately 275 feet West of Sixth Street. Placing the sewer line will affect 1426 linear feet of wetland due to boring of the sewer line below the wetlands, 0.21 acre of wetland for manhole connection, and 151 linear feet of stream by crossing an unnamed intermittent tributary of Reisinger Run. No mitigation is proposed because there are no permanent wetland or stream impacts projected.

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for UNT 09655 to Bow Creek in Dauphin County

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

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for an unnamed tributary (UNT 09655) to Bow Creek in Dauphin County. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. Pennsylvania's 1996 and 1998 section 303(d) lists included stream segments in the watershed. The listings of these segments were due to use impairments caused by nutrients.

There currently are no State or Federal in-stream numerical water quality criteria for nutrients. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of phosphorus UNT 09655 Watershed. Total phosphorus was chosen as the TMDL endpoint for nutrient impairments due to it being the limiting nutrient in the watershed. The total phosphorus loading was allocated among all land use categories present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current total phosphorus loading for the UNT 09655 watershed. Overall load reductions necessary in order to meet the TMDL are also identified.

Summary of TMDL-Based Load Reductions in the UNT 09655 Watershed

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>TMDL (lbs/yr)</i>	<i>Reduction</i>
UNT 09655	Total Phosphorus	106.02	81.27	23%

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL, contact: Travis Stoe at Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467 or tstoe@state.pa.us.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be received close of business on July 6, 2004. A public meeting to discuss the technical merits of the TMDL will be held on June 24, 2004, at 7 p.m. in the East Hanover Township building in Grantville, PA.

Request for Comment and Notice of Public Meeting for Proposed TMDLs for Buffalo Creek in Union County

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

The Department will accept comments on the proposed TMDL developed for Buffalo Creek in Union County. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. Pennsylvania's 1996, 1998 and 2004 section 303(d) lists included Buffalo Creek as impaired by low pH due to acid deposition.

Pennsylvania's water quality criteria, as described in 25 Pa. Code § 93.7, require the pH to be between 6.0 and 9.0. This TMDL will address pH by analyzing the balance between acidity and alkalinity. A two-step approach is used for the analysis of atmospheric deposition impaired waterbodies. The first step is a statistical method for determining the allowable instream concentration at the point of interest (sample location) necessary to meet water quality standards. The second step is a mass balance of the loads as they pass through the watershed.

The following table shows the estimated current acidity loading for the sample locations within the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified:

Summary of TMDL-Based Load Reductions in the Buffalo Creek Watershed

<i>Sample Location</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>TMDL (lbs/day)</i>	<i>% Reduction</i>
River Mile Index 27.0	Acidity	111.4	3.7	97
River Mile Index 25.5	Acidity	174.9	14.8	78
River Mile Index 22.5	Acidity	342.5	35.8	80
River Mile Index 21.5	Acidity	273.9	46.7	0
River Mile Index 20.5	Acidity	112.1	85.5	0

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL or to submit written comments, contact Jeff Gocek (Department of Environmental Protection, Water Management Program, Permit Section, 208 West Third Street, Suite 101, Williamsport, PA 17701).

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be received close of business on July 6, 2004. A public meeting to discuss the technical merits of the TMDL will be held June 7, 2004, at 7 p.m. at the PSU Extension Office in Mifflinburg, PA.

**Request for Comment and Notice of Public Meeting for the TMDLs for
Canonsburg Lake in Washington County**

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

The Department will accept comments on the proposed TMDL developed for the Canonsburg Lake in Washington County. The TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. Canonsburg Lake is included on Pennsylvania's 1996 and 1998 Section 303(d) lists.

There currently are no State or Federal numerical water quality criteria for nutrients. Therefore, the Department utilized a chlorophyll-a endpoint to address the lake eutrophication problem. The proposed TMDL sets allowable loadings of phosphorus to the lake such that the chlorophyll-a endpoint is met in the lake. Phosphorus was chosen as the TMDL endpoint for nutrient impairments due to it being the limiting nutrient in the lake. The phosphorus loading were allocated among all land use categories present in the watershed. Data used in establishing these TMDLs were generated using a watershed loading model (AVGWLF) designed by the Pennsylvania State University and a lake model (BATHTUB) developed by the United States Army Corps of Engineers.

The following table shows the estimated current phosphorus loading to Canonsburg Lake. Overall load reductions necessary in order to meet the TMDLs are also identified.

Summary of TMDL-Based Load Reductions in the [Watershed Name] Watershed

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (kgs/yr)</i>	<i>TMDL (lbs/yr)</i>	<i>% Reduction</i>
Canonsburg Lake	Phosphorus	7,424	3,884	48

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL, contact: Lee McDonnell at P. O. Box 8467, Harrisburg, PA 17105-8467.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be received close of business on July 6, 2004. A public meeting to discuss the technical merits of the TMDL will be held on June 22, 2004, at 6:30 p.m. at the Peter's Township Municipal Building.

**Request for Comment and Notice of Public Meeting for the Proposed Total TMDLs for
Lake Jean in Luzerne and Sullivan Counties**

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

The Department of Environmental Protection will accept comments on the proposed TMDL developed for the Lake Jean in Sullivan and Luzerne Counties. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. Pennsylvania's 1996, 1998 and 2004 section 303(d) lists included Lake Jean as impaired by low pH due to acid deposition.

Pennsylvania's water quality criteria, as described in 25 Pa. Code § 93.7, require the pH to be between 6.0 and 9.0. This TMDL will address pH by analyzing the balance between acidity and alkalinity. A two-step approach is used for the analysis of atmospheric deposition impaired waterbodies. The first step is a statistical method for determining the allowable instream concentration at the point of interest (sample location) necessary to meet water quality standards. The second step is a mass balance of the loads as they pass through the watershed.

The following table shows the estimated current acidity loading for the sample locations within the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified:

Summary of TMDL-Based Load Reductions in the Lake Jean Watershed

<i>Sample Location</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>TMDL (lbs/day)</i>	<i>% Reduction</i>
Ganoga Lake Tributary	Acidity	140.6	4.1	97
Beaver Dam Tributary	Acidity	33.5	4.3	87
Direct Drainage to Lake	Acidity	184.0	10.9	94
Lake Outlet	Acidity	194.0	34.2	0

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL or to submit written comments, contact Jeff Gock (Department of Environmental Protection, Water Management Program, Permit Section, 208 West Third Street, Suite 101, Williamsport, PA 17701).

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by July 5, 2004. A public meeting to discuss the technical merits of the TMDL will be held on June 24, 2004, at 7 p.m. at the Ricketts Glen State Park office.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Little Cedar Creek Watershed in Lehigh County

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

The Department of Environmental Protection will accept comments on the proposed TMDL developed for the Little Cedar Creek in Lehigh County. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. Pennsylvania's 1996 and 1998 section 303(d) lists included stream segments in the watershed. The listings of these segments were due to use impairments caused by urban runoff and storm sewers.

There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the Little Cedar Creek Watershed. The sediment loading was allocated among all land use categories present in the watershed. Data used in establishing this TMDL was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading within the watershed. Overall load reductions necessary in order to meet the TMDL is also identified.

Summary of TMDL-Based Load Reductions in the Little Cedar Creek Watershed

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>TMDL (lbs/yr)</i>	<i>% Reduction</i>
Little Cedar Creek	Sediment	857	335	63

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL, contact: Raymond Kempa (570) 826-2310 at the PA DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA, 18711-0790 or email rkempa@state.pa.us.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be received close of business on July 6, 2004. A public meeting to discuss the technical merits of the TMDL will be held on June 22, 2004, at 7 p.m. in the Wildland Conservancy Environmental Education Center in Emmaus, PA.

Request for Comment and Notice of Public Meeting for the Proposed TMDLs for the Watershed of Stonycreek River (Segment 5112) in Somerset County

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

The Department of Environmental Protection will accept comments on the proposed TMDL developed for the Stonycreek River (Segment ID 5112) Watershed in Somerset County. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. Pennsylvania's 1996 and 1998 section 303(d) lists included stream segments in the watershed. The listings of these segments were due to use impairments caused by suspended solids and nutrients.

There currently are no State or Federal in-stream numerical water quality criteria for nutrients and sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of phosphorus and sediment in the Stonycreek River Watershed. Phosphorus was chosen as the TMDL endpoint for nutrient impairments due to it's being the limiting nutrient in the watershed. The phosphorous and sediment loading(s) were allocated among all land use categories present in the watershed. Data used in establishing these TMDLs were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current phosphorus and sediment loadings of the watershed that surrounds the targeted portion of Stonycreek River, that is, from the origin of its headwaters to its union with Reitz Creek. Overall load reductions necessary in order to meet the TMDLs are also identified.

Summary of TMDL-Based Load Reductions in the Stonycreek River Watershed

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>TMDL (lbs/yr)</i>	<i>% Reduction</i>
18-E (Seg. 5512)	Phosphorus	1208.26	809.58	40
18-E (Seg. 5512)	Sediment	747400	472256	43

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL, contact: Joe Boylan at joboylan@state.pa.us, or by mail at 400 Waterfront Drive; Pittsburgh, PA 15222.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be received close of business on July 6, 2004. A public meeting to discuss the technical merits of the TMDL will be held on June 23, 2004 at 6:30 p.m. at the Somerset Township Municipal Building.

[Pa.B. Doc. No. 04-976. Filed for public inspection June 4, 2004, 9:00 a.m.]

Laboratory Accreditation and Advisory Committee; Cancellation of Meeting

The Laboratory Accreditation Advisory Committee (Committee) meeting scheduled for Tuesday, June 8, 2004, has been cancelled. The next meeting of the committee is scheduled for Thursday, August 12, 2004.

Questions concerning this meeting can be directed to Richard Sheibley at (717) 705-2425 or rsheibley@state.pa.us. The agenda and meeting materials for the August 12, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us> (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the August 12, 2004, meeting should contact the Department at the above telephone number or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-977. Filed for public inspection June 4, 2004, 9:00 a.m.]

Public Notice of Availability of General NPDES Permit for Discharges Associated with Industrial Activities (PAG-03)

The Department of Environmental Protection (Department) by this notice announces the availability of the renewed National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Associated with Industrial Activities (PAG-03). This General Permit is issued under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20). The renewed General Permit will be effective beginning June 5, 2004, and will expire 5 years from the date of its issuance.

The final General Permit package, including the comment and response document, is available on the Department's website at www.dep.state.pa.us (DEP Keyword: "DEP NPDES Permits;" choose General Permits).

The General Permit package is also available upon request by contacting the Department of Environmental

Protection, Bureau of Watershed Management, Division of Water Use Planning, Rachel Carson State Office Building, P. O. Box 8465, 10th Floor, Harrisburg, PA 17105-8465, (717) 772-4048, wgast@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-978. Filed for public inspection June 4, 2004, 9:00 a.m.]

Small Business Advantage Program

The Department of Environmental Protection (Department) announces the availability of a new program, the Small Business Advantage Program (Program), which provides up to 50% matching grants, up to a maximum of \$7,500, to enable a small business in this Commonwealth to adopt or acquire energy efficient or pollution prevention equipment or processes. Well-designed energy efficient or pollution prevention projects can help small businesses cut costs and reduce the risk of potential regulatory problems, while simultaneously protecting the environment. The Department will begin accepting applications for this program on July 1, 2004. The Program is authorized by section 204(h) of the Small Business and Household Pollution Prevention Program Act (35 P. S. § 6029.204(h)).

Program Guidelines

Eligible Applicants

An eligible applicant must be a small business owner whose business or facility is located within this Commonwealth. Small businesses in this Commonwealth are eligible, including, but not limited to, manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's Commonwealth facility. An eligible applicant must be a for-profit business enterprise that is a corporation, limited liability company, partnership, sole proprietorship or other legal business entity that has no more than 100 full-time or full-time equivalent employees and is a separate legal business entity at the time of submission of the application.

Eligible Projects

Program financing is available to eligible small businesses that install energy efficient or pollution prevention equipment or adopt processes that reduce energy con-

sumption, reduce or reuse raw materials on-site or reduce the production of waste. Proposed projects not related to the manufacturing process or to the service provided by the applicant's facility are not eligible. To review some examples of the types of projects that would be eligible, refer to the Small Business Advantage website at <http://www.dep.state.pa.us> (DEP Keyword: "SBAdvantage")

Projects do not require a pollution prevention or energy efficiency audit to be eligible. However, the Department strongly encourages applicants to undertake projects developed through a pollution prevention or energy efficiency audit performed by a professional consultant, the Department's Pollution Prevention staff, PENNTAP, the Small Business Development Centers or through the Department's Site Assessment Grant Program. Applicants should include any audit recommendations in the project description section of the application.

For questions or concerns regarding the eligibility of your project, please contact Dave Barnes, Office of Energy and Technology Development, Small Business Ombudsman's Office, at (717) 783-8411 or at epadventuregrant@state.pa.us before submitting an application.

Grant Amounts and Limitations

The maximum amount of this grant is \$7,500, or 50% of total eligible project costs, whichever is less. Applicants may use their own funds or funds borrowed or granted through other Commonwealth programs, Federal programs or private lenders to finance the 50% match requirement.

A small business may submit more than one application within a 12-month period; however, it may not receive more than \$7,500 from the program in any 12-month period.

The Department charges no application fee.

Restrictions

1. No Delinquencies

Neither the small business nor its principals may be delinquent on or in default of any taxes, loans or other obligations to the Commonwealth. For purposes of this program, a "principal" is a person who possesses an ownership interest of at least 20 percent in the small business.

2. Conflicts of Interest

The small business and its principals and managerial officers must disclose any potential conflicts of interest with any Commonwealth of Pennsylvania officials or employees.

3. Ineligible Activities

Projects and project costs are not eligible if they relate to any of the following activities:

- Equipment and processes that focus solely on pollution control, such as scrubbers, dust collectors or filters;
- Equipment or processes that have already been installed or used before the date of application;
- Routine maintenance or repair of existing equipment or processes; and
- Labor costs of the applicant's own employees, even if such costs are incurred in the acquisition and installation of the project.

4. Project Implementation

The applicant may begin to incur project costs after the application is submitted to the Department; however,

doing so is at the risk of the applicant. The Department may at its discretion reimburse costs incurred from the date of grant application submittal through the grant agreement execution date. The Department is not obligated to reimburse eligible project costs until a grant agreement is fully executed. The project must be completed not later than 180 days after a grant agreement is fully executed.

The Department may revoke a project approval upon the request of the applicant or if the applicant makes a material misrepresentation in the project application.

The Department may require the applicant to repay the grant if:

- (i) the grant is used for any purpose other than the approved project;
- (ii) the applicant makes a material misrepresentation in the project application; or
- (iii) the applicant fails to comply with the follow-up reporting requirement.

Step-by-Step-Guide to Applying

1. Identify the Project. Identify one or more pollution prevention (P2) and/or energy efficiency (E2) opportunities that will enhance your company's efficiency and productivity and develop a plan for a project to implement those opportunities. Ascertain the cost of the proposed project and determine the cost savings and potential environmental benefits that should result from the project's implementation.

2. Application. Complete the Advantage Grant Application, which is available electronically and can be downloaded at <http://www.dep.state.pa.us> (DEP Keyword: "SBAdvantage") or by contacting the Department at (717) 783-8411. The applicant's original signature is required in Section IX of the application. Submit the completed application to:

Department of Environmental Protection
Office of Energy and Technology Development
ATTN: Small Business Advantage
P. O. Box 8772
Harrisburg, PA 17105-8772

3. Application Criteria. The Department will review the application and proposed project using the criteria below. The Department will notify the applicant in writing of its determination within 60 days of receipt of the application.

- The applicable information is complete and legible. An original signature is required on the application form.
- The project is technically feasible, and the applicant has demonstrated its feasibility in the application.
- The applicant is not in violation of any Commonwealth, Federal or local environmental law, regulation, permit or other legal requirement relating to environmental protection. The Department, at its sole discretion, may waive this requirement if it determines that the proposed project is likely to bring the applicant into compliance with any such legal requirements.
- The project scope/benefits summary clearly describes the project to be implemented.
- The application is accompanied by a good faith estimate of the proposed energy savings or pollution prevention benefits of the project.

- The application includes an estimate of the yearly cost savings and simple payback in years that should result from implementation of the project.

- The application includes sufficient background and baseline information/data to make the monitoring, measuring and reporting of project results possible (such as, cost savings, simple payback and environmental benefits).

4. *Project Selection.* Project selection is made at the discretion of the Department, and is further subject to the availability of funding.

5. *Project Implementation.* The applicant may begin to incur project costs after the application is submitted to the Department; however, doing so is at the risk of the applicant. The Department may at its discretion reimburse costs incurred from the date of grant application submittal through the grant agreement execution date. The Department is not obligated to reimburse eligible project costs until a grant agreement is fully executed. The project must be completed not later than 180 days after a grant agreement is fully executed.

6. *Project Completion Report.* Upon completion of the project, the applicant must submit a report containing the following information:

- The project completion date;
- A summary of the work completed;
- A report of the project's total cost, including an itemization of expenses, including copies of the original invoices for equipment or services to implement the project; and
- A summary of the original application's estimated project information included in sections VII. POLLUTION PREVENTION AND ENERGY CONSERVATION QUANTIFICATIONS and VIII. RESULTS-SIMPLE PAYBACK, including any new estimates of savings or environmental benefits.

7. *Payment.* The grantee will be reimbursed for up to 50% of its total eligible project costs up to \$7,500 after the grantee has implemented the project and a grant agreement is fully executed. The grant is paid in the form of a check that is mailed to the applicant within 45 days of the Department's approval of the project completion report, which must include itemized invoices for costs incurred for the project.

8. *The One-Year Follow-up Report.* The grantee must submit a follow-up report 12 months after the project completion date. The completed report must detail the environmental benefits and financial costs and savings of the project. The follow-up report is used to enable the Department to assess the program's effectiveness.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-979. Filed for public inspection June 4, 2004, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers; Cancellation of Meeting

The State Board for Certification of Sewage Enforcement Officers (Board) meeting scheduled for Friday, June 18, 2004, at 10 a.m. has been canceled. The next meeting is scheduled for September 17, 2004, in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market St., Harrisburg, PA.

Questions concerning the meeting can be directed to Renee Nease at (717) 705-8024 or Mnease@state.pa.us. The agenda and meeting materials for the September 17, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us> (DEP Keyword: Participate)

Persons with a disability who require accommodations to attend the September 17, 2004, meeting should contact the Department at (717) 787-6045 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-980. Filed for public inspection June 4, 2004, 9:00 a.m.]

State Water Plan; Water Resources Regional Committee Meetings Schedule for June 2004

The following is a list of June 2004 meetings of the six Water Resources Regional Committees (regional Committees) associated with the Department of Environmental Protection (Department). The six regional Committees listed were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for the Commonwealth. The purpose of the regional Committees is to develop the regional component of the overall plan, and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate). The June 2004 meeting dates of the six Committees are as follows:

Lower Susquehanna Water Resources Regional Committee

The June meeting of the Lower Susquehanna Water Resources Regional Committee will be held at 9:30 a.m. at the following location:

June 7, 2004 PA DEP Southcentral Regional Office
909 Elmerton Ave.
Harrisburg, PA 17110

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

Great Lakes Water Resources Regional Committee

The June meeting of the Great Lakes Water Resources Regional Committee will be held at 10 a.m. at the following location:

June 8, 2004 Erie Conservation District
1927 Wager Road
Erie, PA 16509

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Delaware Water Resources Regional Committee

The June meeting of the Delaware Water Resources Regional committee will be held at 9:30 a.m. at the following location:

June 11, 2004 Green Valleys Association
 Welkinweir
 1368 Prizer Road
 Pottstown, PA 19465

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

Ohio Water Resources Regional Committee

The June meeting of the Ohio Water Resources Regional committee will be held at 10 a.m. at the following location:

June 14, 2004 DEP Knox District Mining Office
 White Memorial Building
 P. O. Box 669
 Knox, PA 16232-0669

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Upper/Middle Susquehanna Water Resources Regional Committee

The June meeting of the Upper/Middle Susquehanna Water Resources Regional committee will be held at 10 a.m. at the following location

June 17, 2004 DEP Northcentral Regional Office
 208 W. Third Street, Suite 101
 Williamsport, PA 17701-6448

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

Potomac Water Resources Regional Committee

The June meeting of the Potomac Water Resources Regional committee will be held at 10 a.m. at the following location:

June 18, 2004 Bedford Springs Golf Course
 Business Rt. 220, South
 P. O. Box 108
 Bedford, PA 15522

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend any of the meetings previously listed should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-981. Filed for public inspection June 4, 2004, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property

The Department of General Services is selling a Marlette 12-foot by 60-foot mobile home obtained by the Department of Transportation due to a highway expansion project. The mobile home is at the Yetter Mobile Home Park, Lot 15. The mobile home must be removed from this site by July 31, 2004. The open house is May 7, 2004, from 10 a.m. to 12 p.m. The bid opening will be June 18, 2004. For more information, call (717) 787-4085.

DONALD T. CUNNINGHAM, Jr.,
Secretary

[Pa.B. Doc. No. 04-982. Filed for public inspection June 4, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Draft Maternal and Child Health Services Block Grant Application

The Draft Maternal and Child Health Services Block Grant Application for Federal Fiscal Year 2005, under 42 U.S.C.A. § 705 is available for review and comment on the Department of Health's (Department) website. This application is the Commonwealth's request to the United States Department of Health and Human Services for block grant funding.

The block grant application describing proposed services, program goals and objectives and activities can be obtained at <http://www.dsf.health.state.pa.us/health/cwp/view.asp?a=179&Q=237569>

The draft block grant application can also be obtained by contacting the Department of Health, Bureau of Family Health at (717) 787-7192. Persons with a disability who require an alternative format of the application (such as, large print, audio tape or Braille) should also contact the Bureau of Family Health at the above telephone number [V/TT: (717) 783-6514 or Pennsylvania AT&T Relay Service at (800) 654-5584 [TT]].

Comments may be submitted to Frank C. Maisano, Acting Director, Bureau of Family Health, Room 733 Health & Welfare Building, Department of Health, P. O. Box 90, Harrisburg, PA, 17108. Comments are due by July 6, 2004. Persons with a disability who desire to comment in alternative format should notify the Bureau of Family Health at (717) 787-7192 [TDD: (717) 783-6514].

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

[Pa.B. Doc. No. 04-983. Filed for public inspection June 4, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-215	Insurance Department Standards for Safeguarding Customer Information	5/21/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-984. Filed for public inspection June 4, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Coal Mine Compensation Rating Bureau; Workers Compensation Federal Occupational Disease Fil- ing

On May 17, 2004, the Insurance Department (Department) received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing to amend the current CMCRB manual. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The CMCRB requests this change to be effective July 1, 2004, on a new and renewal basis.

The current CMCRB manual excludes partners of a partnership, individual proprietors and certain executive officers, which is consistent with the Pennsylvania Workers Compensation Act. The amendments will provide Federal Black Lung coverage to those individuals in order to ensure conformance with the Federal Coal Mine Health and Safety Act, as amended.

The filing is available for review on the Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" choose "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harris-

burg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-985. Filed for public inspection June 4, 2004, 9:00 a.m.]

Hawk Oil Co., Inc.; Prehearing

Appeal of Hawk Oil Co., Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 03-081(F); Doc. No. UT04-05-021

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 June 30, 2004, at 10 a.m. 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, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102, on or before June 23, 2004. Answers to petitions to intervene, if any, shall be filed on or before June 28, 2004.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-986. Filed for public inspection June 4, 2004, 9:00 a.m.]

HUB Tire Company; Pennsylvania Compensation Rating Bureau; Hearing

Appeal of HUB Tire Company; Pennsylvania Compensation Rating Bureau; Doc. No. CL04-05-024

Under section 654 of The Insurance Company Law of 1921 (40 P. S. § 814), notice is hereby given that the previously captioned appellant has requested a hearing regarding premium distribution.

The proceeding 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 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for June 29, 2004, at 2 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 28, 2004. A hearing shall occur on July 13, 2004, at 1:30 p.m. in Room 200, Administrative Hearings

Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

On or before June 15, 2004, 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 June 23, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 28, 2004.

Persons with a disability, who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-987. Filed for public inspection June 4, 2004, 9:00 a.m.]

Kathleen M. Weed; Hearing

Appeal of Kathleen M. Weed under 40 P. S. §§ 991.2101—991.2193; Doc. No. HC04-01-014

A hearing is scheduled in the previously referenced appeal for July 16, 2004, at 10 a.m. in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

On or before June 25, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which must contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) 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 the 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.

Persons with a disability, who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-988. Filed for public inspection June 4, 2004, 9:00 a.m.]

Renee Bender, D.O. and Scott Epstein, D.O.; Prehearing

Appeal of Renee Bender, D.O. and Scott Epstein, D.O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-05-022

On or before June 16, 2004, the appellants shall file a concise statement setting forth the factual and/or legal basis for their disagreement with MCARE's January 26, 2004, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 7, 2004, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 2, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 28, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 2, 2004.

Persons with a disability, who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-989. Filed for public inspection June 4, 2004, 9:00 a.m.]

The Travelers Insurance Company; Rate Increase Filing for Several Long Term Care Policies; Rate Filing

The Travelers Insurance Company is requesting approval to increase the premium for six long term care policy forms. The company is seeking a 39% increase on 97 Commonwealth residents with policy form H-LTC3J-2. The company is seeking a 20% increase on 55 Commonwealth residents with policy form H-LTC4JFQ15. The company is seeking a 39% increase on 194 Commonwealth residents with policy form H-LTC3JFO26. The company is seeking a 16% increase on 649 Commonwealth residents with policy form H-LTC3JQ3. The company is seeking a 39% increase on 973 Commonwealth residents with policy form H-LTC2J-5. The company is

seeking a 20% increase on 1,213 Commonwealth residents with policy form H-LTC4JQ7.

Unless formal administrative action is taken prior to August 19, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Scroll down the home page and choose "Consumer Information," "General Information" and "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-990. Filed for public inspection June 4, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Luzerne County, Wine & Spirits Shoppe #4031, 46 East Broad Street, Hazleton, PA 18201.

Lease Expiration Date: November 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,500 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of State Route 924 and West Broad Street, Hazleton.

Proposals due: June 25, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-991. Filed for public inspection June 4, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Generic Investigation Regarding Virtual NXX Codes; Doc. No. I-00020093

Public Meeting held
March 4, 2004

Commissioners Present: Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

Generic Investigation Regarding Virtual NXX Codes; Doc. No. I-00020093

Order

By the Commission:

Before us is an Investigation Report submitted by Presiding Administrative Law Judge Debra Paist regarding the issue of Virtual NXX Codes.¹ The use of Virtual NXX code arrangements is a relatively recent phenomenon that has impacted states across the country. The purpose of the Investigation Report was to gather information regarding the impact that this numbering practice may have on numbering conservation measures across the Commonwealth.

Background

Traditionally, customers are assigned telephone numbers based on their physical location. When a telephone company receives a group of telephone numbers (NXX codes) to operate, those numbers are associated with a particular switch residing in a rate center². Consequently, when the telephone company assigns a telephone number to its customer, it assigns the customer a telephone number associated with the particular switch serving the rate center where the customer is physically located. The purpose of this historical assignment procedure by telephone companies was to ensure the integrity of the rating structure so that calls between customers located in different rate centers may be properly billed by the telephone company as local flat rate, local measured rate or toll.

Virtual NXX codes allow a customer to obtain a telephone number in a local calling area in which the customer is not physically located. As far as the person calling the number is concerned, the call is a local call if the caller resides in the same area, but the party answering the call is actually located outside of the local calling area of the caller. This type of arrangement is referred to as "virtual" because the customer assigned to the telephone number has a virtual presence in the associated local calling area, not a physical one.³

In August 2002, during another proceeding⁴, the issue of Virtual NXX codes was raised. Recognizing that the use of Virtual NXX codes throughout the country was

¹ A NXX code represents the three digits following the area code in a 10-digit telephone, i.e., NPA-NXX-XXXX. A NXX code contains 10,000 individual telephone numbers. Traditionally, telecommunication carriers received fill NXX codes (or 10,000 individual numbers) in order to provide telecommunications service. In those areas in which thousand-block number pooling has been implemented, carriers receive telephone numbers in blocks of a thousand (or 1K portions of the fill NXX code).

² A rate center is a telephone-company designated geographic area which is assigned a vertical and horizontal coordinate within an area code for the determination of toll rates.

³ Virtual NXX codes are primarily used by competitive local exchange carriers (CLECs) to give their customers a wider local calling area.

⁴ *Level 3 Communications, L.L.C. v. Marianna Scenery Hill Telephone Co.* at Docket No. C-20028114.

highly controversial⁵ and might have an impact on numbering conservation efforts, we initiated a generic on-the-record proceeding to further investigate Virtual NXX codes. See Generic Investigation Regarding Virtual NXX Codes, I-00020093 (Order entered October 8, 2002) (Investigation Order). The Investigation Order was published on October 19, 2002, at 32 Pa.B. 5240.

As set forth in the Investigation Order, we directed all interested parties to file comments that addressed the following issues related to Virtual NXX codes:

1. How many carriers in the Commonwealth are actively utilizing Virtual NXX arrangements?
2. In what exchanges in Pennsylvania are Virtual NXX codes being utilized?
3. What are the benefits of these arrangements to customers and the telephone companies using them?
4. Are there any detriments to customers and telephone companies in using Virtual NXX code arrangements?
5. What is the impact, if any, that Virtual NXX code arrangements have on number conservation?
6. How many customers utilize this service to provide in-coming local calling from exchanges outside of the customers' local calling areas?
7. What is the impact that Virtual NXX code arrangements have on the deployment of local number portability in Pennsylvania?
8. What are the compensation arrangements among carriers for the use of Virtual NXX codes?
9. What are the billing and technical issues that are present when attempting to rate calls by their geographical starting and ending points; and
10. Any other issues that are deemed necessary and relevant to the investigation.

Further, we directed the Office of Administrative Law Judge (OALJ) to conduct the investigation and ordered that the investigation culminate with an Investigative Report regarding the use of Virtual NXX codes in the Commonwealth. The proceeding was assigned to ALJ Debra Paist. By Secretarial Letter dated October 8, 2002, the following three questions were added into the investigation proceeding:

1. Is the current use of Virtual NXX codes contrary to, or authorized by existing statutes or regulations?
2. If the current use of Virtual NXX codes is not contrary to, or authorized by existing statutes or regulations, what policy should the Commission establish?
3. How does the current utilization of Virtual NXX codes compare—legally and from a policy standpoint—to the utilization of foreign exchange service offered by the Incumbent Local Exchange Carriers?

⁵ Some telecommunications carriers, mostly incumbent local exchange carriers (ILECS), asserted that use of Virtual NXX codes amounts to the improper use of finite numbering resources and they noted that the Maine Public Utility Commission recently addressed the issue of Virtual NXX codes when it directed the North American Numbering Plan Administrator (NANPA) to reclaim the codes that Brooks Fiber used to provide "unauthorized interexchange service" as opposed to "facilities-based local exchange service." See *In Re: Investigation into Use of Central Office Codes (NXXs) by New England Fiber Communications, LLC d/b/a Brooks Fiber*, Docket No. 98-758, Maine PUC Order dated June 20, 2000. Additionally, it was noted that the Federal Communications Commission initiated a Notice of Proposed Rulemaking proceeding which requested comments on the use of Virtual NXX codes by telecommunications carriers. See *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket 01-92, Notice of Proposed Rulemaking, 16 FCC Rcd 9610 (2001).

Discussion

On February 9, 2004, ALJ Paist issued the Investigation Report to us. The Investigation Report delineates the parties' positions and will be a valuable educational tool for the Commission as we continue to focus on the use of Virtual NXX Codes. As noted by the Investigation Report, Virtual NXX Codes are currently being utilized in the Commonwealth, yet no direction regarding their use has been provided by the Commission. The parties themselves sought such direction when addressing the Commission's questions such as the compensation arrangements and related technical and billing issues.

Conclusion

We wish to thank the OALJ and all parties who participated in this proceeding. The use of Virtual NXX Codes in Pennsylvania could have significant ramifications for the public as well as the telecommunications industry. Consequently, it is not only appropriate but necessary for the Commission to determine whether any regulatory or policy changes are warranted. *Therefore, It Is Ordered That:*

1. The Commission shall accept and make public the February 9, 2004 Investigation Report of Administrative Law Judge Paist regarding the use of Virtual NXX code arrangements in Pennsylvania.
2. The Law Bureau, in conjunction with the Bureau of Fixed Utility Services, shall submit a recommendation to the Commission indicating whether any regulatory or policy changes should be implemented regarding the use of Virtual NXX Codes.
3. A copy of this Order shall be served upon all parties who filed comments in the proceeding.
4. A copy of this Order shall be published in the *Pennsylvania Bulletin* and published on our website.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-992. Filed for public inspection June 4, 2004, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 28, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00119919, Folder 2. Autocab, Inc. (625 East Orange Street, Lancaster, Lancaster County, PA 17602), a corporation of the Commonwealth—persons upon call or

demand, in the County of Lancaster. *Attorney:* Thomas T. Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500.

A-00116741, Folder 3. Maiysha Johnson (976 South 3rd Street, City and County of Philadelphia, PA 19147)—persons in paratransit service, from points in the City and County of Philadelphia, and the Counties of Delaware and Montgomery, to all State and Federal Correctional Institutions, located in this Commonwealth, and return.

A-00120771. Harold and Anna Marie Groff (211 Miller Street, Strasburg, Lancaster County, PA 17579)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in this Commonwealth, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00119993, Folder 3. Dave's Airport Shuttle, LLC (5915 Harbison Avenue, City and County of Philadelphia, PA 19135), a limited liability company of the Commonwealth—persons, in airport transfer service: (1) to and from points in the City and County of Philadelphia bounded on the south by Washington Avenue, on the north by Girard Avenue, on the west by the Schuylkill River and on the east by the Delaware River, to the Philadelphia International Airport, located in City and County of Philadelphia and the Township of Tinicum, Delaware County, and vice versa; (2) to and from points in the City and County of Philadelphia bounded on the west by Broad Street, on the south and east by Roosevelt Boulevard, and on the north and east by Cottman Avenue, to the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County, and vice versa; and (3) to and from points in the Counties of Bucks and Montgomery, to the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County, and vice versa; with right No. 3 subject to the following conditions: (a) that no right, power or privilege is granted to provide service to or from the Boroughs of Pottstown and Collegeville and the Townships of Upper Dublin, Whitemarsh, Montgomery, Upper Merion, Lower Merion, Plymouth, Upper Moreland, Lower Gwynedd, all located in Montgomery County; and (b) that no right, power or privilege is granted to provide service to or from Kenny's News Agency in the Borough of Doylestown, Holiday Inn in the Borough of New Hope, Holiday Inn in the Borough of Quakertown, Warrington Motor Lodge in the Township of Warrington, all located in Bucks County; which is to be transfer of all the rights authorized under the certificate issued at A-00109093 to Penn Express Transportation,

Inc., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

Application of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under the application.

A-00120765. Medical Transport Systems, LLC (15 Ardrossan Avenue, West Chester, Chester County, PA 19382), a corporation of the Commonwealth—brokerage license—to arrange for the transportation of persons, between points in this Commonwealth.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-993. Filed for public inspection June 4, 2004, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated accounts.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 21, 2004 George K. Summy 1 p.m.
(Purchase of Nonintervening
Military Service)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (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.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 04-994. Filed for public inspection June 4, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services	③ Contract Information
Location:	Harrisburg, Pa.	④ Department
Duration:	12/1/93-12/30/93	⑤ Location
Contact:	Procurement Division 787-0000	⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

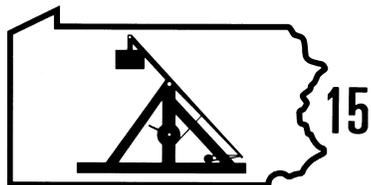
The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room 201 Finance Building
Harrisburg, PA 17120
717-787-4586
1-800-252-4700
BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer

SERVICES



Environmental Maintenance Service

OSM 40(2128)101.1 Abandoned Mine Reclamation, Warrior Gap. The principal items of work and approximate quantities include 121,170 cubic yards of grading, 1,335 cubic yards of drainage excavation, 1,745 square yards of rock lining and 19.8 acres of seeding. This project issues on June 4, 2004 and bids will be opened on June 29, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project through the \$37.8 million for Pennsylvania's AML Grant.

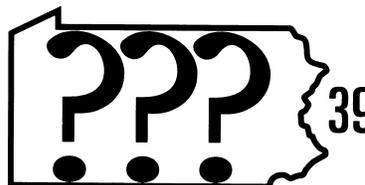
Department: Environmental Protection
Location: Warrior Run and Sugar Notch Borough, Luzerne County, PA
Duration: 200 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

OSM 02(0796)101.1 Abandoned Mine Reclamation Project, West Smithfield Road. The principal items of work and approximate quantities include 92,100 cubic yards of grading, 16.3 acres of seeding and planting 4,800 trees. This project issues on June 4, 2004 and bids will be opened on July 1, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from Pennsylvania's 2001 AML Grant.

Department: Environmental Protection
Location: Lincoln Borough, Allegheny County, PA
Duration: 150 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

BF 485-101.1 Abandoned Mine Land Reclamation Project, AD Coal Company, Mining Permit No. 22850203. The principal items of work and approximate quantities include the removal and disposal of underground storage tanks, the removal and disposal of asbestos, the removal and disposal of abandoned buildings, structures and equipment, 9,100 cubic yards of grading and 4.5 acres of seeding. This project issues on June 4, 2004 and bids will be opened on June 29, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Funding for this project is made available through the \$24.7 million for Pennsylvania's 2002 AML Grant.

Department: Environmental Protection
Location: Washington Township, Dauphin County, PA
Duration: 300 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



Miscellaneous

KURFP-0074 Kutztown University is seeking proposals from qualified firms to provide monographs and other library materials for its academic library collection. The University library currently houses more than 400,000 books in support of faculty and students. Interested firms must submit a written request to receive the RFP packet to: Kutztown University, Purchasing Department, Attn: Craig Kleinsmith, P O Box 730, Kutztown, PA 19530; fax: (610) 683-4674; or e-mail to kleinsmi@kutztown.edu. RFP packets are available from June 7 through June 30, 2004. Questions prior to proposal submission must be submitted in writing no later than 12 noon on July 6, 2004. Proposals must be received by 2 PM on July 19, 2004. Late submissions will not be accepted.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 5 Years
Contact: Craig Kleinsmith, (610) 683-4774

104-R-1936001000 The Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, is seeking interested contractors to conduct a statewide quality assurance assessment of all county elections systems infrastructure and preparedness. The Bureau requires the services of a contractor with knowledge and expertise in conducting comprehensive assessments of the business practices and procedures of large organizations or enterprises charged with the implementation of statutory or business requirements. Knowledge of election law or voting systems is beneficial but not required.

Department: State
Location: In Harrisburg and all 67 counties
Duration: This contract will expire on December 31, 2004 with options to extend for two separate six-month periods.
Contact: Judith L. Holjes, (717) 783-3945

KURFP-0076 Kutztown University is seeking proposals from qualified firms to provide specialty monographs and other library materials for its academic collection. The University library currently houses more than 400,000 books in support of faculty and students. Interested firms must submit a written request to receive the RFP packet to: Kutztown University, Purchasing Department, Attn: Craig Kleinsmith, P O Box 730, Kutztown, PA 19530; fax: (610) 683-4674; or e-mail kleinsmi@kutztown.edu. RFP packets are available from June 7 through June 30, 2004. Questions prior to proposals submission must be submitted in writing no later than 12 noon on July 8, 2004. Proposals must be received by 2 PM on July 21, 2004. Late submissions will not be accepted.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 5 Years
Contact: Craig Kleinsmith, (610) 683-4774

KURFP-0075 Kutztown University is seeking proposals from qualified firms to provide continuations/standing order service for its academic library collection. The University library currently houses more than 400,000 books in support of faculty and students. Interested firms must submit a written request to receive the RFP packet to: Kutztown University, Purchasing Department, Attn: Craig Kleinsmith, P O Box 730, Kutztown, PA 19530; fax: (610) 683-4674; or e-mail kleinsmi@kutztown.edu. RFP packets are available from June 7 through June 30, 2004. Questions prior to proposal submission must be submitted in writing no later than 12 noon on July 7, 2004. Proposals must be received by 2 PM July 20, 2004. Late submissions will not be accepted.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 5 Years
Contact: Craig Kleinsmith, (610) 683-4774

[Pa.B. Doc. No. 04-995. Filed for public inspection June 4, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 403]

Compliance with the No Child Left Behind Act of 2001

The Department of Education (Department) amends Chapter 403 (relating to compliance with the No Child Left Behind Act of 2001) to read as set forth in Annex A.

Contact Person

Questions regarding these standards should be directed to Ethan R. Cancell, Office of the Secretary, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 346-3291.

Effective Date

The standards were effective on June 14, 2003, upon publication in the *Pennsylvania Bulletin* of the State Board of Education's (State Board) resolution approving these amendments as provided by section 2603-B(d)(10)(i) of the Public School Code of 1949 (code) (24 P.S. § 26-2603-B(d)(10)(i)).

Statutory Authority

The Department acts under the authority of section 2603-B(d)(10)(i) of the code (24 P.S. § 26-2603-B(d)(10)(i)), which was added by section 31 of the act of June 29, 2002 (P.L. 524, No. 88) (Act 88). Section 2603-B(d)(10)(i) of the code empowers the Department, with the approval of the State Board, to adopt standards to comply with the provisions of the No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107-110, 115 Stat. 1425) to maintain the eligibility of the Commonwealth to receive Federal funding for education programs. Under 2603-B(d)(10)(i) of the code, the State Board approved these amended standards at its meeting of May 22, 2003.

Standards promulgated by the Department under section 2603-B(d)(10)(i) of the code must be deposited with the *Pennsylvania Bulletin* for publication. (See 24 P.S. § 26-2603-B(d)(10)(i).) Standards adopted under section 2603-B(d)(10)(i) of the code on or before June 30, 2003, are exempt from the following laws:

(a) Sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240).

(b) Section 204(b) of the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

(c) The Regulatory Review Act (71 P.S. §§ 745.1—745.15).

24 P.S. § 26-2603-B(d)(10)(i) (prior to amendment by the act of December 23, 2003 (P.L. 304, No. 48) for standards adopted thereafter, which are subject to review by the Attorney General).

In light of these exemptions and the express approval of the State Board, the Department is depositing these standards for publication in final-form.

Description of Process

On September 18, 2002, the Department presented to the State Board two sets of proposed standards necessary to comply with the NCLB. Included in the proposed standards were elements of the State Plan required for compliance with the NCLB. At its September 19, 2002,

meeting, the State Board publicly voted to approve the proposed standards presented by the Department. On September 26, 2002, the chairperson of the State Board signed the two resolutions approved by the State Board. They were published at 32 Pa.B. 5151 (October 12, 2002). As required by section 2603-B(d)(10)(i) of the code, the Department deposited the standards for publication in the *Pennsylvania Bulletin*, see 32 Pa.B. 6096 (December 14, 2002); and the standards now appear in 22 Pa. Code Chapter 403.

On May 21, 2003, the Department presented to the State Board proposed amendments to the State Plan. At its meeting held May 22, 2003, the State Board adopted a resolution approving the changes to the State Plan proposed by the Department and other amendments to the standards proposed by the Department. The resolution of the State Board reflecting its approval of the amendments to the Workbook and the Department standards is published at 33 Pa.B. 2841 (June 14, 2003).

Background and Need for Standards

The President signed the NCLB into law on January 8, 2002. The NCLB, inter alia, amends Titles I and III of the Elementary and Secondary Education Act of 1965 (ESEA) (Pub. L. No. 89-10, 79 Stat. 27) (Improving the Academic Achievement of the Disadvantaged) (20 U.S.C.A. §§ 6301—6578 and 6801—7014). The purpose of Title I of the ESEA is to ensure that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State achievement standards and academic assessments. In furtherance of this purpose, Title I of the ESEA provides grants to state education agencies and subgrants to local educational agencies. To remain eligible for funding under Title I of the ESEA, state and local educational agencies must comply with the requirements of the NCLB.

Section 1111(b)(2)(A) of Title I of the ESEA, as added by the NCLB, (20 U.S.C.A. § 6311(b)(2)(A)), requires each state to demonstrate that it has developed and is implementing a single, statewide accountability system that will be of high quality, technically valid and reliable, aligned with the state's academic content and student achievement standards, and based upon the same content expectations for all children. It is further required, by section 1111 of Title I of the ESEA, that the single, statewide accountability system be effective in ensuring that all local education agencies (LEAs), public elementary schools and public secondary schools make adequate yearly progress (AYP), as defined in section 1111(b)(2)(C) of Title I of the ESEA.

In addition, section 1111(b)(3)(A) of Title I of the ESEA requires that, beginning no later than the 2005-06 school year, states assess all students in grades three through eight against the challenging state academic content standards in, at a minimum, math and reading or language arts, or both, and, beginning in the 2007-08 school year, in science for students in grades four, seven and ten.

Section 3121 of Title III of the ESEA, added by the NCLB, (20 U.S.C.A. § 6841), requires that each state approve evaluation measures that are designed to assess the progress of children in attaining English proficiency, including a child's level of comprehension, listening, speaking, reading and writing skills.

Description of Standards

The standards in Chapter 403 provide for a single, Statewide accountability system. More specifically, the standards provide for the fulfillment of the NCLB's assessment requirements and the calculation of an AYP. The standards, as amended by the Department with the approval of the State Board, reflect changes in the State Plan relative to these requirements. Specifically, the amended standard in § 403.3(d)(1)(ii) and (iii) (relating to single accountability system) reduces the number of assessments that will be used for compliance with the NCLB in grades four, six and seven to one Statewide reading and math assessment—the cost of which will be paid by the Department. The amendment to § 403.3(c)(5) decreases the required number of students tested (per building) for purposes of measuring the AYP of the subgroups listed in section 1111(b)(2)(C) of Title I of the ESEA, as amended by the NCLB, from 75 to 40.

Fiscal Impact

The standards in Chapter 403 are necessary to ensure that the State and its LEAs remain eligible to receive Federal funding under Titles I and III of the ESEA. The amended standards may result in additional costs to the State and LEAs, but these costs will be offset, at least partially, by Federal funds. For example, the Department will continue to utilize Title I funds to meet some of these costs, as well as the \$11.6 million in implementation funding provided under Title VI of the ESEA (Flexibility and Accountability), as amended by the NCLB. Moreover, the amended standards eliminate the augmentation costs that would have been required to ensure that the several assessments permitted under the existing standards all satisfied the NCLB.

Paperwork Requirements

These amended standards do not impose additional paper work requirements.

Regulatory Review

Under section 2603-B(d)(10)(iii) of the code, these standards are exempt from the Regulatory Review Act.

Findings

The Department finds that:

(1) Proposed rulemaking in advance of the promulgation of standards is not required under section 2603-B(d)(10)(iii)(A) of the code, added by section 31 of Act 88, which expressly provides that the standards are exempt from the requirements of sections 201–205 of the act of July 31, 1968 (P. L. 769, No. 240).

(2) The State Board approved the amendments to the proposed standards by public vote at its May 22, 2003, meeting.

(3) The promulgation of these standards is necessary for compliance with the NCLB.

Order

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

(a) The standards of the Department, 22 Pa. Code Chapter 403, are amended by amending § 403.3 to read as set forth in Annex A.

(b) The Secretary of Education will certify this order and Annex and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective retroactively to June 14, 2003, in accordance with the resolution of the State Board published at 33 Pa.B. 2841.

VICKI L. PHILLIPS, Ed.D.,
Secretary

Fiscal Note: 6-290. (1) General Fund; (2) Implementing Year 2003-04 is \$1.8 million; (3) 1st Succeeding Year 2004-05 is \$4.4 million; 2nd Succeeding Year 2005-06 is \$8.3 million; 3rd Succeeding Year 2006-07 is \$8.4 million; 4th Succeeding Year 2007-08 is \$8.6 million; 5th Succeeding Year 2008-09 is \$8.6 million; (4) 2002-03 Program—SN/A; 2001-02 Program—SN/A; 2000-01 Program—SN/A; the testing requirements addressed in the regulation are not required until the 2004-2005 school year; therefore, there is no history of funding this program; (7) Title IV Federal Assessment; (8) recommends adoption.

Annex A**TITLE 22. EDUCATION****PART XVI. STANDARDS****CHAPTER 403. COMPLIANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001****§ 403.3. Single accountability system.**

(a) *Requirement of NCLB.* Section 1111 of Title I, added by NCLB (20 U.S.C.A. § 6311), requires each state to develop and implement a single, statewide state accountability system that will be effective in ensuring that all LEAs, public elementary schools and public secondary schools make AYP as defined in section 1111(b)(2)(C) of Title I.

(b) *Proficiency as a measure of student progress.*

(1) As the starting point for calculating the AYP, the Department will use the proficient level of student performance, as adopted by the State Board on May 10, 2001. See 31 Pa.B. 2763 (May 26, 2001).

(2) Using data from the 2001-02 school year as the baseline, the Department will determine the number of students meeting or exceeding the proficient level of achievement on State assessments.

(c) *Adequate yearly progress.*

(1) The Department will calculate the AYP by using the "intermediate method" of calculation, involving "stepped goals."

(2) The Department will provide yearly targets to assist the LEAs in measuring progress within the intermediate method.

(3) The Department will use graduation rates as an additional indicator of the AYP for secondary schools and students.

(4) The Department will use child attendance rates as an additional indicator of the AYP for elementary schools and students.

(5) The Department will use 40 as the required number of students tested per building to form a group for the purposes of measuring the AYP of students with disabilities, limited English proficient students and students who are members of economically disadvantaged, major racial and ethnic groups.

(d) *Assessments.*

(1) Section 1111(b)(3)(A) of Title I specifically requires that, beginning no later than the 2005-06 school year, states must assess all students in grades three through eight against the challenging state academic content

standards in, at a minimum, math and reading or language arts, or both. In addition, beginning in the 2007-08 school year, states must assess all students in grades four, seven and ten against the challenging state academic content standards for science.

(i) To accomplish the mandates described in paragraph (1), the LEAs shall continue to use the PSSA to assess students in grades three, five, eight and eleven in reading and mathematics and to assess students in grades six, nine and eleven in writing.

(ii) The Department will supplement the PSSA with a single assessment for reading and mathematics that will be administered to students in each of grades four, six and seven.

(iii) The Value Added Assessment System shall be implemented as a component of the Commonwealth's assessment system to provide the LEAs with analyses and reports to offer valuable information for focused program improvement to increase performance.

(2) Section 3121 of Title III of the ESEA, added by the NCLB (20 U.S.C.A. § 6841), requires that each state approve evaluation measures that are designed to assess

the progress of children in attaining English proficiency, including a child's level of comprehension, listening, speaking, reading and writing skills in English.

(i) To accomplish the mandates described in paragraph (2), the Commonwealth will serve as the leader in a consortium of states seeking to develop a language proficiency assessment that will meet the needs of the NCLB.

(ii) The Department will use the consortium's assessment to evaluate the progress of students in attaining English proficiency, including a child's level of comprehension, listening, reading and writing skills in English.

(iii) The Department will identify one or more commercially developed language proficiency assessments that the LEAs shall administer until the assessment developed by the consortium is available.

[Pa.B. Doc. No. 04-996. Filed for public inspection June 4, 2004, 9:00 a.m.]

